Coalition wage talks begin

ALBANY — Contract negotiations between CSEA and the State of New York on behalf of 107,000 state employees in three bargaining units entered another phase last week with the start of coalition bargaining. Since the start of the important negotiations late last Fall, talks had been on a unit basis with discussions concerning contract items particular to each unit individually.

With that phase complete, all three union negotiating teams are now meeting together with state representatives to discuss contract items applicable to all units, including salary and benefits, as well as universal working rules and conditions, etc.

Meanwhile, CSEA President William L. McGowan labeled as "pure press speculation," media reports in the Albany area that the final salary settlement would be 7% in keeping with President Carter's wage and price guidelines. Those stories appeared even before the teams had sat down to discuss salary proposals, so obviously they were mere speculation. Our position is that we're determined to get the best salary settlement we can win, and frankly we're after a settlement in excess of the guidelines, especially for our lower paid workers who are being eaten alive by inflation," McGowan said. The negotiations cover state workers in the Administrative Services Unit, Operational Services Unit, and Institutional Services Unit. Contracts for all three units expire March 31, 1979.

Unions put fast end to CETA scheme

ALBANY — Fast action by CSEA and AFSCME has brought a quick end to what likely would have become a major abuse of the federal Comprehensive Employment and Training Act (CETA) program, the latest dramatic demonstration of what the two unions can achieve.

Robert Lattimer, CSEA Region 6 President and Statewide President William McGowan's appointed coordinator of CETA, said CSEA and AFSCME pooled forces to put an end to the scheme that would have allowed local governments to hire CETA personnel who technically would be private, rather than public, employees.

The unions stopped plans by Nassau County to form a CETA 'consortium' as a non-profit, private corporation. Under the federal program, local governments are allowed to create 'consortia' — loose confederations of the local governments — to share the administrative burdens involved in CETA.

CSEA Counsel Marge Karowe, of the union's law firm of Roemer and Featherstonhaugh, learned that Nassau County had plans to incorporate a consortium and make it the legal employer, rather than administrator, for the CETA personnel.

What's more, according to Nicholas Abbatiello, President of CSEA Nassau Local 830, the 'private' employees of the consortium could not be touched by the county in the event of layoffs.

Ms. Karowe, Mr. Lattimer and CSEA Collective Bargaining Specialist Paul Burch met in Washington with Wendy L. Kahn of AFSCME's Office of General Counsel. A meeting with officials of the U.S. Labor Department was quickly arranged.

Within days, the Labor Department — which administers CETA — issued orders to its Regional Administrators that private consortia are violations of CETA regulations and the law.

"We caught them with their pants down," Mr. Abbatiello said. "Now we're staying on top of the situation to make sure this scheme stays dead."

CSEA gets milestone agreement

ALBANY — An unprecedented agreement has been reached between the Civil Service Employees Assn. and the State of New York to use 'Last Offer Binding Arbitration' (LOBA) to resolve any deadlocks in current contract talks affecting about 107,000 state workers.

Under the milestone agreement announced jointly last week by CSEA President William L. McGowan and Governor Hugh L. Carey, any items that cannot be resolved at the table will be submitted to an impartial panel of three arbitrators for a decision binding upon both parties.

Thus, LOBA has replaced, on an experimental one-year basis, the legislative hearing process which, under the Taylor Law, is the final step in resolving a bargaining dispute. Union members would still vote on ratification of any agreement reached through normal negotiations. The only difference, and it's a major and positive one, under LOBA would be that instead of having management mandate a forced contract under the guise of a legislative hearing, the final determination would now be decided on a fair and equitable basis with equal input from the union.

"LOBA is the fairest way to balance the restriction on the rights of public employees to strike against their rights to a fair settlement of contract disputes," President McGowan said. "This agreement could serve as a model for labor relations in the public sector across this country."

Mr. McGowan, an Executive Vice President of AFSCME, the AFL-CIO's largest union, said the agreement could lead the way to legislated improvements in the Taylor Law to lessen the threat of public employee strikes across the state. It could also lead the way nationally in this area.

"This step by CSEA and Governor Carey," the union leader said, "could mark a milestone in public sector labor relations."

CHIEF NEGOTIATORS in current bargaining between CSEA and the State on behalf of 107,000 state workers listen intently as they field questions from news reporters during an Albany press conference to announce the LOBA agreement. Atty. James W. Roemer, left, is CSEA's chief negotiator, while Meyer Frucher, as Director of the Office of Employee Relations, is the top negotiator for the State.
REPORT CARD

Unemployment Insurance problems

As you now, Section 500.11 of the Unemployment Insurance law has caused numerous problems for non-instructional employees. Although articles dealing with the law have appeared on several occasions it has become apparent that there are still some questions regarding the appeal procedure. First of all, anyone may apply for benefits. This is a right guaranteed by law. However, application for benefits does not mean you will automatically receive them.

If, after you have applied for benefits, you receive notification you are ineligible, the appeal procedure takes effect.

The first step of the appeal procedure involves notifying your local unemployment office of your desire. This can be done either in person or writing but must be done within 30 days from the date of the decision. The date of the decision is on the form you receive from the unemployment office, not the date you receive the decision.

The first appeal hearing is before an Administrative Law Judge (ALJ). The ALJ will preside at the hearing allowing all sides to present their cases. Since it is a legal procedure, you are under oath to tell the truth. It is suggested you answer questions concisely and to the point, and answer only questions that are asked.

If you receive an unfavorable decision from the ALJ you may appeal to the Unemployment Appeals Board. You have 20 days from the date of decision to file an appeal. The appeals Board will review your records before rendering a decision. Although you do not appear before the Board, you may submit documents or other information you feel is pertinent.

Directions on how to file an appeal can be found on the letters you receive from the unemployment office. It is imperative you carefully read all the letters you receive. If you have any questions regarding your decision or any communication you receive, call your local unemployment office.

As stated in an earlier article in The Public Sector, CSEA is taking the recent precedent setting cases from the Appeals Board to the Appellate Division. CSEA legal staff will continue to fight this battle until a decision is reached.

Cost runs high for Legal Assistance Program

ALBANY - CSEA's Legal Assistance Program provides an invaluable service to the union's membership, just as the Dues Increase Study Committee appointed by President McGowan has learned, this service is not without its costs.

Year last year the union spent more than $1 million, nearly 11 cents of every dues dollar paid to the union.

The program's goal is simple. It provides a direct service to CSEA represented public employees who are faced with disciplinary charges, bring grievances against their employers, or who must resort to court action to protect their contractual and legal rights. In just the state division alone, there were 2,600 disciplinary charges brought against CSEA represented employees.

While the Program's protections mean the difference between justice and abuse to the employee directly involved in legal actions, the Program plays an even more important role for those who are fortunate enough not to need legal assistance themselves. The Program serves as a deterrent to management abuses of employees' rights. A strong and effective Legal Assistance Program makes management think twice before taking action against an employee. Particularly with a Program as effective as CSEA's. Despite the 2,600 proposed disciplinary actions commenced against state employees last year, only 37 individuals were actually terminated due in great measure to the Legal Assistance Program.

But such protections against management abuses are not without costs. General Counsel retainer fees, Regional Attorney retainer fees and the enormous costs of proceedings in disciplinary, grievances, lawsuits, appeals and PERB matters add up. While CSEA Locals pay some costs under the program, nearly 90 percent of the total program costs are carried by the Statewide organization.

The value of a Legal Assistance Program is a great benefit to the membership, but as advisory committee on dues learned, it also carries financial obligations.

For another look at the program, see story on page 12.

MS. LOWE JOINS CSEA BOARD

ALBANY - Jo Ann Lowe of Albany, a member of Local 688, has been elected to the CSEA Statewide Board of Directors representing Public Corporation employees.

The election was ordered to fill the vacancy left by the departure of Richard Helmes, of the same local.

Ms. Lowe, a State Teachers' Retirement System employee, received all but five of the votes cast in the election, which was conducted by the union's Election Procedures Committee.
OFFICE OF GENERAL SERVICES CSEA LOCAL 660 recently contributed $1110 to the State Employees Federated Appeal (SEFA) 1979 campaign. Local 660 President Earl H. Kilmartin and Angie Polimerou, left, treasurer of the Local, beam as the union check is accepted by Pat Hennessy and Kathy McNamara, (KiS members of the SEFA technical staff. SEFA conducts a once-a-year fund drive among state employees to provide contributions to 68 human services and health agencies in the greater Albany area.

Ms. Dixon, 44 loss to CSEA
ALBANY — G. Geraldine Dickson, a long-time CSEA member and Board of Directors representative from the Education Department, has died after a long illness.

Ms. Dickson, 44, of 254 2nd St., Troy, was elected to the Statewide Board of Directors as the representative of the State Department of Education in July, 1977. She had been president of CSEA Education Local 657 from April to July, 1977.

She also served as a CSEA delegate from her local for several years.

In addition to her job as research assistant with the Education Department, Ms. Dickson had also been a counselor with the Troy Neighborhood Youth Corps.

She was also elected to the Directors' Budget Committee in 1977.

Memorial contributions may be made to the Catholic High School of Troy Scholarship Fund.

PUBLIC EMPLOYEES... Where Would You Be Without Them?

Larry Jackson - Medicaid Claims Examiner

Something is wrong. Very, very wrong. The payments being made by Medicaid to a certain laboratory are escalating far too fast. Larry Jackson swings into action, analysing reams of claims forms, computer printouts and statements. A pattern of fraud is developing and he notifies the Attorney General's office. The work, more analysis with the end result that an indictment is handed down. A conviction is obtained. Public funds are recovered.

Medicaid fraud has been uncovered and prosecuted because of the tireless work of the Larry Jacksons. Unscrupulous doctors and others now think twice before they try to bilk the public.

Larry Jackson, a public employee. Protecting your tax dollars from those who would rip them off.

Public Employees... where would you be without them?

the union that works for you
**Calendar of EVENTS**

**JANUARY**

23 — Madison County Local 827 Executive Board Meeting, 7:30 p.m., Wamps-ville Highway Garage.

26 — Oneida County Local 833 Party to Honor 1978 Retirees, 7 p.m. Lewis House, Route 233, Westmoreland.

29 — Region V CETA Committee Meeting, 6:30 p.m. Sheraton Motor Inn, Thruway Exit 37 at Electronics Parkway, Syracuse.

**REGION 1 — Long Island Region Region**

(516) 691-1170
Irving Flaumenbaum, President
Ed Cleary, Regional Director

**REGION 2 — Metro Region**

(212) 962-3090
Solomon Bendet, President
George Bispham, Regional Director

**REGION 3 — Southern Region**

(914) 896-8180
James Lennon, President
Thomas Luposello, Regional Director

**REGION 4 — Capital Region**

(518) 489-5424
Joseph McDermott, President
John Corcoran, Regional Director

**REGION 5 — Central Region**

(315) 422-2319
James Moore, President
Frank Martello, Regional Director

**REGION 6 — Western Region**

(716) 634-3540
Robert Lattimer, President
Lee Frank, Regional Director

---

_Everybody knows “14” follows “13”, but that fact doesn’t always take into account the “gremlin” that occasionally creeps in to disrupt a process. It must have been that gremlin that’s responsible for the sequential numbering of The Public Sector going from No. 13 to No. 15. In any event, there is no issue No. 14. Blame it on the gremlin, we are._

**KEEP CSEA INFORMED ON MAILING ADDRESS**

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

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

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

**Change of Address for ‘The Public Sector’**

*My present label reads exactly as shown here*

<table>
<thead>
<tr>
<th>Name</th>
<th>Local Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>City</td>
</tr>
</tbody>
</table>

*MY NEW ADDRESS IS:*

| Street | City | State | Zip |
|-----------------|---------------|
| Agency where employed | Agency No. |

*My social security no. . . .

---

**Historical event**

The agreement between CSEA and Governor Carey to institute Last Offer Binding Arbitration if an impasse develops in current negotiations over new contracts covering some 107,000 state workers is most significant, and may yet prove to be nothing short of historical in terms of public employee negotiations.

The Associated Press enthusiastically said "The decision appeared to be a coup for the CSEA..."

Even though LOBA is experimental in nature under the agreement, there was plenty of expectation noted in a press conference called to announce the agreement, which if met will certainly elevate the agreement to historical status. CSEA president Bill McGowan saw the LOBA agreement as paving the way for legislative changes in the Taylor Law to lessen the threat of public employee strikes, and went on to say the agreement could set a national trend. State Director of the Office of Employee Relations Meyer Frucher said he expects the LOBA agreement "will have far reaching implications in public sector labor relations in New York and throughout the country." From such things are historical moments made. (R.A.C.)

---

_The Public Sector (445010) is published every Wednesday except January 3, July 4, August 8 and November 28, 1979, for $5 by the Civil Service Employees Association, 33 Elk Street, Albany, New York, 1224.

Second Class Postage paid at Post Office, Albany, New York. Send address changes to The Public Sector, 33 Elk Street, Albany, New York, 1224.

Publication office, 75 Champlain Street, Albany, New York. 12224. Single copy Price $5._
22 bills receive union's support

By Dr. Gerald Aperstein

The CSEA Legislative and Political Action Committee has approved the bills the union will back in this session of the State Legislature. The approval came at the Jan. 12 meeting of the committee in Albany.

Those bills under consideration by the legislature which CSEA is supporting and bills which CSEA will work to be proposed follow:

Right to strike. This bill would redefine strike and other job actions to permit public employees to strike unless the actions would cause an injury to health, safety and welfare.

Agency shop. This bill would make the agency shop permanent and mandatory for all public employees in New York State.

Two for one. This bill would remove the penalty of the loss of the second day's pay for each day of a strike. Strikes would still be illegal under this law.

Payment of strike fines. This bill would require public employers to give credit for normal withholding taxes in computing strike fines.

OSHA. This bill would (1) apply the federal safety and health standards to government in New York State; (2) allow a union or an employee to make complaints about the safety or health conditions on the job which would require an OSHA inspection; (3) permit a union to have its representative accompany the OSHA inspector; (4) provide criminal penalties for OSHA violations; and (5) all the tagging of dangerous or unsafe equipment which could then not be used while the tag was in place.

Strike liability. This bill would exempt a union from strike penalties if the strike was provoked by an improper employer practice.

Restraining order notice. This bill would require a union to be notified of a public employer's application for a preliminary injunction or temporary restraining order and would give the union the opportunity to be heard.

Contract grievances. This bill would state the policy of the State Legislature to be in favor of public employers and unions settling contract grievances with final binding arbitration.

Employee indemnification. This bill would provide expanded financial protection to some public employees from lawsuits resulting from the performance of their jobs.

Negotiating disciplinary procedures. This bill would prevent the public employer other than the State, when imposing a contract at impasse, from changing disciplinary procedures from those specified in the Civil Service Law and would reaffirm the right of those public employers and unions to negotiate disciplinary procedures.

Title classification. This bill would restore to the Civil Service Commission the power to determine which titles should be placed in unclassified service in the State University.

Pension fund investments. This bill would allow public employee unions to veto the investment of pension fund moneys to particular investments.

Institutional teachers. This bill would create the profession of sanitary science and would require professional certification for persons working in certain public health jobs in State and local governments.

THE JANUARY MEETING OF THE CSEA Legislative and Political Action Committee in Albany were (from left) John Lucas, retiree; Stanley Polanski, Region IV; chairman Martin Langer, Region III; and secretary Eileen Carroll.

CSEA LEGISLATIVE AND POLITICAL ACTION DIRECTOR Bernard Ryan (left) introduces AFSCME lobbyist William Holtzman to the CSEA Legislative and Political Action Committee at its January meeting. Holtzman works with the new AFSCME Legislative Office in Albany, which Ryan heads.

CSEA ATTORNEY STEPHEN WILEY (left) explains the finer points of legislative positions as Ruth Braverman and William Lewis, both of Region I, listen at the January meeting of the CSEA Legislative and Political Action Committee.

School bus expenses. This bill would allow school districts to receive state funds for bus service based on the same criteria whether the district runs the buses or contracts out. The present law gives the districts a better break with contracting out.

Pension buy-backs. Three bills would permit State pension buy-backs as follows:

— World War II veterans who were New York State residents at the time of enlistment for their time in service during the war.
— Korean War veterans who were New York State residents at the time of enlistment for their time in service during the war.
— University of Buffalo employees, who were employed by the university at the time of it becoming part of the State University.

Sullivan County retirement. This bill would permit some Sullivan County deputy sheriffs to retire after 20 years.

Suffolk County retirement. This bill would implement the retirement plan for Suffolk County district attorney investigators.

Sanitary science. This bill would create the profession of sanitary science and would require professional certification for persons working in certain public health jobs in State and local governments.

THE PUBLIC SECTOR, Wednesday, January 24, 1979 Page 5

CSEA backing three retiree bills

ALBANY — CSEA will support three pieces of retiree legislation during this session of the State Legislature, the union's Legislative and Political Action Committee voted at its December meeting in Albany.

One bill would provide a $2,000 death benefit for State employees who retired before 1966. The benefit already exists for State employees who retired since 1966.

The other two bills concern additional supplementation for those public employees and retirees covered by the State Retirement System or the Police and Firemen's Retirement System.

One bill would increase the present supplementation by one percent and extend it to those who retired between April 1, 1969 and Dec. 31, 1971. The other bill would provide permanent cost-of-living adjustments to supplementation for Tier I and II retirees covered by the two retirement systems.
An employee organization certified or recognized ** shall be entitled to unchallenged representation status until seven months prior to the expiration of a written agreement between the public employer and said organization determining terms and conditions of employment. For the purposes of the appropriate bargaining unit. For a term of three years and (c) extensions of any such agreement shall not extend the period of unchallenged representation status.

CSEA submits that the correct interpretation of this subdivision requires that the total three-year period from April 1, 1976 through March 31, 1979 constitutes the measuring period for determining the length of unchallenged representation status provided for in the statute. The protected status should continue until seven months prior to the expiration of the three-year period covered by contract. i.e., until August 31, 1978. This construction would make the instant PERB petition filed on August 31, 1977, untimely and require an amendment of PERB's certification of PEF as the representative of the PS&T unit.

It is CSEA's argument, in which the State joins, that paragraphs (b) and (c) of subdivision 2 of section 208 of the Civil Service Law must be read together. The bar to continuing exclusive representation status would, therefore, be applicable only when a contract extension continued the three-year limit.

PERB, on the other hand, characterizes this interpretation of the statute as too narrow and argues that the statute, in effect, adopted the position of the National Labor Relations Board (NLRB) on similar questions in the private sector wherein it has held that a premature extension of an employment agreement does not extend the period of unchallenged status beyond that which resulted from the duration of the original contract (Deluxe Metal Furniture Co., 47 N L R B 601).

While the intent behind subdivision 2 of section 208 of the Civil Service Law is unclear and both sides present what may be considered reasonable interpretations thereof, we adhere to the basic rules that the construction given a statute by the agency responsible for its administration shall not be lightly set aside (Matter of Ward v. Nyquist, 43 N Y 2d 57; Matter of Mazette v. Board of Educ., 35 N Y 2d 272), and should be upheld if not irrational or unreasonable (Matter of Howard v. Wyman, 28 N Y 2d 434; Matter of Elsoms Transp. Corp. v. Schubert and Ass'ns, 34 N Y 2d 1268). Accordingly, we sustain PERB's finding that the petition was timely filed.

The charge of favoritism on the part of the State towards PEF is founded upon the prolonged retention on the State payroll of one John Kraemer as a 'no-show employee'. For at least six years prior to March 30, 1978, this individual enjoyed a special status at the Department of Labor whereby he devoted his energies to union affairs on behalf of Service Employees International Union (SEIU) and later PEF while being paid by the State. Efforts to cure this inequity were met with unfulfilled promises or open defiance until March 30, 1976 when steps were taken to eliminate the special treatment being given to Kraemer, then a prominent PEF official. Thereafter, he used accumulated leave credits to purchase clothing, thereby indicating his desire to leave the State payroll. His presence, which had been confirmed by the office of the Industrial Commissioner because, as he explained at the director's hearing, he felt the disciplining of a prominent PEF official would be inappropriate during a contested election campaign. PERB accepted this decision of the Industrial Commissioner as a reasonable one under all the circumstances, and while we do not pass upon the wisdom of this choice, we cannot say it was unreasonable.

While the record contains hundreds of pages of testimony relative to the status and activities of Kraemer and his various confrontations with his superiors, the director excluded from consideration all activities prior to August 31, 1977, the date on which PERB filed its certification petition. PERB has adopted this position and in our view it is a sound one. Otherwise, investigations of election interference could become history lessons. Moreover, we conclude that there is substantial evidence to suggest that PERB's finding that CSEA has failed to establish any impact on the election arising from the conduct of State officials during the campaign, and John Kraemer in particular. We recognize that his mere presence on the campaign trail may not have sufficiently influenced others, but this alone is not enough to overturn the results of an election. However, this pattern of shameless conduct over a period of years strikes at the very heart of the governmental process and mandates close scrutiny by the appropriate prosecutorial authority. We note that the record contains a copy of a letter, dated May 31, 1978, from the District Attorney of Albany County to the counsel for CSEA requesting any information concerning these matters. Accordingly, we direct that the original record herein be made available to the Office of the District Attorney of Albany County for his examination and such action as he may deem appropriate.

Subdivision 2 of section 208 of the Civil Service Law states:
In determining the alleged defects in the showing of interest, we are called on to examine a multitude of particularized charges both substantive and procedural in nature. Some of these objections to PERB’s determination that F’s showing of interest was sufficient raise troublesome questions. At the outset is CSEA’s contention that the 30% showing of interest requirement is constitutional (cf. Board of Regents of State Universities v. Roth, 408 U.S. 564). CSEA also challenges the constitutionality of section 213 of the Civil Service Law which prohibits the use of any orders made by PERB or its agents until the order of certification has been rendered. The issue was raised preliminarily, but CSEA’s request for PERB’s finding of a showing of interest, in the PEF campaign was not a party to the hearing. The right to organize and bargain collectively belongs to the public employees (Civil Service Law, § 201, subd. 5). CSEA makes a strong argument that PERB’s finding of a showing of interest, in the PEF campaign was not a party, the wisdom of withholding review of questions which may be finally determined by this court and the Public Employment Relations Board for further proceedings not inconsistent herewith and the stay of certification to be continued.

Finally, we reach the issue of PERB’s status as an “employee organization”, which is defined as an organization of any kind having as its primary purpose the improvement of terms and conditions of employment of public employees (Civil Service Law, § 201, subd. 5). CSEA makes a strong argument that PERB does not meet this definition because it is not an organization at all since it has no membership, no employees, no bank accounts, no officers, nor any indicia of an organization. It further argues that PERB’s only purpose to supplant CSEA. While PERB has found that PEF was created as a vehicle through which NYSEU and SEIU could jointly supplant CSEA as the representative of State employees, this is not inconsistent with its primary purpose of improving the terms and conditions of employment for public employees. PERB also found that since a substantial number of public employees indicated their desire to become members of PERB, current membership is not controlling. While this reasoning may seem circular, it is reasonable and supports a more liberal construction of the term “employee organization”: one that is preferred by PERB and followed by the NLRB in the private sector (Indiana Metal Products Corp. v. NLRB, 202 F 2d 613). We therefore sustain PERB’s finding on this issue.

Accordingly, and for the reasons stated, the judgment of Special Term should be affirmed, and the determination of PERB that the procedure used to determine the question of forgery in the showing of interest was reasonable and justified, and that there was no reason to consider CSEA’s objections to that procedure is annulled.

In Proceeding No. 1, the judgment should be affirmed, without costs.

In Proceeding No. 2, the determination should be annulled, without costs, and the matter remitted to the Public Employment Relations Board for further proceedings not inconsistent herewith and the stay of certification to be continued.
Local reports staffing ‘dangerously low’

UTICA — In a report compiled and submitted by the President of CSEA Local 414 at Marcy Psychiatric Center to union headquarters in Albany, the staffing at Marcy Psychiatric Center and Utica Psychiatric Center is reportedly at a “dangerous low” and, at times caused a “denial of adequacy of patient care.” The report released by Charles Noll, Local 414 President, also called attention to the additional sixty job items which are expected to be lost between the two state facilities. Richard Heath, Director of both facilities, replied to the Noll report by saying those job items were unfilled job slots.

ALBANY — A CSEA member has won three and a half months of full back pay and benefits as a result of a legal action taken by the union. Helen Winslow, a psychiatric social worker at Dunlop Manhattan Psychiatric Center, was placed on leave without pay even though her doctor judged her fit to return to work due to the state’s failure to schedule its own medical examination for her. When CSEA took her case to arbitration, union attorney Major E. Karowe pointed out that CSEA’s current Professional, Scientific and Technical Services bargaining unit contract with the state protects employees from being kept away from their jobs unnecessarily while the state schedules examinations to see if the employee is fit to return to work.

The contract says: “When the State requires that an employee who has been absent on sick leave be examined by a doctor selected by the appointing authority before such employee is allowed to return to work, the appointing authority shall make a reasonable effort to schedule such examination by an appropriate medical officer within five working days of the date upon which notice is received that the employee has the approval of his own physician to return to work.” Ms. Winslow produced a note from her own doctor pronouncing her fit on Oct. 5, 1977. The Department of Mental Hygiene, under state Civil Service rules, then had the right to require her to be examined by a state doctor – at state expense – before allowing her to return to work, but the Employee Health Service (EHS) refused to schedule this examination, relying instead on an EHS doctor’s earlier judgment that she would not be ready to return to work until January, 1978. She was placed on leave without pay until then.

Ms. Karowe argued before arbitrator Rodney E. Dennis that the EHS is an agent of the appointing authority and, as such obligated to adhere to contract requirements. She also noted that the contract requires that if the state chooses to examine employees to determine their fitness to return to work, it must make a reasonable effort to schedule such examination within five days of the date the employee supplies medical data that he or she is able to return.

“The state refused to schedule an examination for this grievant when she properly requested it,” Ms. Karowe said.

In his written decision on the matter, the arbitrator said of the EHS, “Clearly, it is required to live by the contract.” He added, “The grievant did produce a statement from a recognized professional in her field that she was capable of resuming her duties. The state should have erred on the side of providing too many examinations, rather than too few. The state should have given the grievant an opportunity to be re-examined in October, 1977.”

Mr. Dennis ordered Ms. Winslow to be reimbursed for all lost wages and benefits from Oct. 10, 1977 to Jan. 31, 1978.

Seminar deadline February 2

ALBANY — February 2 is the deadline for returning the accompanying coupon in order to attend a CSEA Legislative Seminar from 9 a.m. to 4 p.m. on February 10 at the Convention Center of the Rockefeller Mall complex here. The union’s 1979 legislative program and strategy will be spelled out in detail during the seminar.

CSEA Legislative Seminar

FEBRUARY 10, 1979

Return to: Bernard Ryan, CSEA Room 2020
99 Washington Avenue
Albany, N. Y. 12210

NAME

ADDRESS

CITY

STATE

ZIP

POSITION IN UNION

LOCAL NO.

LOCAL PRESIDENT’S SIGNATURE

Return by February 2, 1979

PRESIDENTS AND REPRESENTATIVES FROM CSEA Region V Mental Hygiene facilities gathered recently in Syracuse to review progress made in 1978 and to discuss plans and objections for 1979. Shown left to right are: Roger Pier- sall, President, Utica Psychiatric Center; Audrey Snyder, President, Hutchings Psychiatric Center; Hugh McDonald, President, Willard Psychiatric Center; Eric Leustsen, Syracuse Developmental Center; Andy Ellis, Vice President, Broome Developmental Center; Ray Pritchard, President, Rome Developmental Center.

Dunlop worker wins reinstatement

ALBANY — A CSEA member has won three and a half months of full back pay and benefits as a result of a legal action taken by the union.

Helen Winslow, a psychiatric social worker at Dunlop Manhattan Psychiatric Center, was placed on leave without pay even though her doctor judged her fit to return to work due to the state’s failure to schedule its own medical examination for her.

When CSEA took her case to arbitration, union attorney Major E. Karowe pointed out that CSEA’s current Professional, Scientific and Technical Services bargaining unit contract with the state protects employees from being kept away from their jobs unnecessarily while the state schedules examinations to see if the employee is fit to return to work.

The contract says: “When the State requires that an employee who has been absent on sick leave be examined by a doctor selected by the appointing authority before such employee is allowed to return to work, the appointing authority shall make a reasonable effort to schedule such examination by an appropriate medical officer within five working days of the date upon which notice is received that the employee has the approval of his own physician to return to work.”

Ms. Winslow produced a note from her own doctor pronouncing her fit on Oct. 5, 1977. The Department of Mental Hygiene, under state Civil Service rules, then had the right to require her to be examined by a state doctor — at state expense — before allowing her to return to work, but the Employee Health Service (EHS) refused to schedule this examination, relying instead on an EHS doctor’s earlier judgment that she would not be ready to return to work until January, 1978. She was placed on leave without pay until then.

Ms. Karowe argued before arbitrator Rodney E. Dennis that the EHS is an agent of the appointing authority and, as such obligated to adhere to contract requirements. She also noted that the contract requires that if the state chooses to examine employees to determine their fitness to return to work, it must make a reasonable effort to schedule such examination within five days of the date the employee supplies medical data that he or she is able to return.

“The state refused to schedule an examination for this grievant when she properly requested it,” Ms. Karowe said.

In his written decision on the matter, the arbitrator said of the EHS, “Clearly, it is required to live by the contract.” He added, “The grievant did produce a statement from a recognized professional in her field that she was capable of resuming her duties. The state should have erred on the side of providing too many examinations, rather than too few. The state should have given the grievant an opportunity to be re-examined in October, 1977.”

Mr. Dennis ordered Ms. Winslow to be reimbursed for all lost wages and benefits from Oct. 10, 1977 to Jan. 31, 1978.
Retroactive pay won in Region III

FISHKILL — Three different groups of court employees are getting retroactive paychecks shortly, thanks to the efforts of their union, CSEA. The employees of the courts of the city of Middletown and Rockland County, who became state employees, the state Office of Court Administration (OCA) refused to accept those new contracts, and thus refused to give the employees the benefits of those contracts.

After months of discussions with the union, the OCA has finally agreed to accept the new contracts, specifically giving the employees raises retroactive to April 1, 1977. The OCA target date for payment is Feb. 14.

In addition, the Middletown group will receive the benefits of the recently ratified CSEA coalition contract covering themselves and seven other court jurisdictions in Judicial District Nine. That contract, which is retroactive from April 1, 1977 and extends through April 1, 1980, will be implemented shortly by action of the state legislature.

The other District-Nine court employees group to be affected by a CSEA-contract recently is the City of Mt. Vernon employees, who will shortly be ratifying a contract identical to the District-Nine coalition contract, except that the Mt. Vernon employees will receive a flat location-pay differential of $950 per year, per employee. The union negotiators are strongly recommending ratification of the tentative agreement, which was reached Jan. 9 with the OCA. The Mt. Vernon group could not be included in the coalition bargaining because incumbent union CSEA was being challenged by the Service Employees International Union for the right to represent those employees. As soon as CSEA beat SEIU in the representation election, negotiations began.
EAST HUDSON PARKWAY AUTHORITY employees again contributed to Hopetown over the recent holidays. Mike Blasie, former president of the East Hudson Parkway Authority CSERA Local, presents a check to a representative of the children's home, representing the employees' contribution plus receipts from the Blasie Golf Classic program.

COMPETITIVE PROMOTIONAL EXAMS
(State Employees Only)

FILING ENDS FEBRUARY 5, 1979

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Calculating Machine Operator</td>
<td>$ 7,563</td>
<td>No. 36-637</td>
</tr>
<tr>
<td>Senior Office Machine Operator</td>
<td>$ 7,563</td>
<td>No. 36-638</td>
</tr>
<tr>
<td>Junior Administrative Estimator</td>
<td>$11,304</td>
<td>No. 36-641</td>
</tr>
<tr>
<td>Assistant Architectural Estimator</td>
<td>$14,850</td>
<td>No. 36-642</td>
</tr>
<tr>
<td>Senior Architectural Estimator</td>
<td>$18,301</td>
<td>No. 36-643</td>
</tr>
<tr>
<td>Associate Architectural Estimator</td>
<td>$22,823</td>
<td>No. 36-644</td>
</tr>
<tr>
<td>Assistant Building Electrical Engineer</td>
<td>$14,850</td>
<td>No. 36-645</td>
</tr>
<tr>
<td>Junior Mechanical Estimator</td>
<td>$11,904</td>
<td>No. 36-646</td>
</tr>
<tr>
<td>Assistant Mechanical Estimator</td>
<td>$14,850</td>
<td>No. 36-647</td>
</tr>
<tr>
<td>Senior Mechanical Estimator</td>
<td>$18,301</td>
<td>No. 36-648</td>
</tr>
</tbody>
</table>

FILING ENDS FEBRUARY 9, 1979

<table>
<thead>
<tr>
<th>Services</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of Engineering Materials</td>
<td>$22,623</td>
<td>No. 36-653</td>
</tr>
<tr>
<td>Assistant Director of Engineering Materials</td>
<td>$25,095</td>
<td>No. 39-318</td>
</tr>
</tbody>
</table>

STATE OPEN COMPETITIVE JOB CALENDAR

FILING ENDS JANUARY 29, 1979

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Social Services Program Specialist</td>
<td>$18,301</td>
<td>No. 24-892</td>
</tr>
<tr>
<td>Assistant Director of Public Employment</td>
<td>$77,842</td>
<td>No. 88-031</td>
</tr>
</tbody>
</table>

FILING ENDS FEBRUARY 1, 1979

<table>
<thead>
<tr>
<th>Services</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Worker I</td>
<td>$13,304</td>
<td>No. 27-652</td>
</tr>
<tr>
<td>Social Worker II</td>
<td>$14,850</td>
<td>No. 27-653</td>
</tr>
<tr>
<td>Psychiatric Social Worker I</td>
<td>$13,304</td>
<td>No. 27-654</td>
</tr>
<tr>
<td>Psychiatric Social Worker II</td>
<td>$14,850</td>
<td>No. 27-655</td>
</tr>
<tr>
<td>Director of Engineering Materials</td>
<td>$30,945</td>
<td>No. 39-319</td>
</tr>
</tbody>
</table>

FILING ENDS FEBRUARY 12, 1979

<table>
<thead>
<tr>
<th>Services</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Psychologist I</td>
<td>$16,469</td>
<td>No. 27-654</td>
</tr>
<tr>
<td>Psychologist II</td>
<td>$18,301</td>
<td>No. 27-654</td>
</tr>
<tr>
<td>Associate Psychologist</td>
<td>$18,301</td>
<td>No. 27-654</td>
</tr>
</tbody>
</table>

Mental Hygiene Staff Development Specialists

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialist II</td>
<td>$11,250</td>
<td>No. 24-892</td>
</tr>
<tr>
<td>Specialist III</td>
<td>$14,875</td>
<td>No. 24-893</td>
</tr>
<tr>
<td>Specialist IV</td>
<td>$14,875</td>
<td>No. 24-894</td>
</tr>
<tr>
<td>Assistant Building Electrical Engineer</td>
<td>$14,850</td>
<td>No. 24-895</td>
</tr>
<tr>
<td>Junior Architectural Estimator</td>
<td>$11,904</td>
<td>No. 24-896</td>
</tr>
<tr>
<td>Architectural Estimators</td>
<td>$14,850</td>
<td>No. 24-897</td>
</tr>
<tr>
<td>Junior</td>
<td>$18,301</td>
<td>No. 24-898</td>
</tr>
<tr>
<td>Associate</td>
<td>$22,623</td>
<td>No. 24-899</td>
</tr>
<tr>
<td>Mechanical Estimators</td>
<td>$11,904</td>
<td>No. 24-900</td>
</tr>
<tr>
<td>Senior</td>
<td>$18,301</td>
<td>No. 24-901</td>
</tr>
</tbody>
</table>

Correction Officer Trainee

<table>
<thead>
<tr>
<th>Services</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correction Officer Trainee (Spanish Speaking)</td>
<td>$10,605</td>
<td>No. 14-912</td>
</tr>
</tbody>
</table>

OPEN CONTINUOUS STATE JOB CALENDAR

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmacist (salary varies with location)</td>
<td>$14,388-$15,562</td>
</tr>
<tr>
<td>Assistant Sanitary Engineer</td>
<td>$11,000</td>
</tr>
<tr>
<td>Senior Sanitary Engineer</td>
<td>$18,301</td>
</tr>
<tr>
<td>Medical Clerk</td>
<td>$12,967</td>
</tr>
<tr>
<td>Clinical Physician I</td>
<td>$27,945</td>
</tr>
<tr>
<td>Clinical Physician II</td>
<td>$31,065</td>
</tr>
<tr>
<td>Assistant Clinical Physician</td>
<td>$25,161</td>
</tr>
<tr>
<td>Attorney</td>
<td>$14,850</td>
</tr>
<tr>
<td>Assistant Attorney</td>
<td>$12,397</td>
</tr>
<tr>
<td>Assistant Accountant</td>
<td>$11,904</td>
</tr>
<tr>
<td>Junior Engineer (Bachelor's Degree)</td>
<td>$13,976</td>
</tr>
<tr>
<td>Junior Engineer (Master's Degree)</td>
<td>$13,976</td>
</tr>
<tr>
<td>Dental Hygienian</td>
<td>$8,900</td>
</tr>
<tr>
<td>Licensed Practical Nurse</td>
<td>$8,903</td>
</tr>
<tr>
<td>Nutrition Services Consultant</td>
<td>$13,450</td>
</tr>
<tr>
<td>Stationary Engineer</td>
<td>$10,042</td>
</tr>
<tr>
<td>Senior Sanitary Engineer (Design)</td>
<td>$11,800</td>
</tr>
<tr>
<td>Occupational Therapy Assistant I</td>
<td>$8,029</td>
</tr>
<tr>
<td>Occupational Therapy Assistant I</td>
<td>$8,029</td>
</tr>
</tbody>
</table>

STATE JOB CALENDAR

You may contact the following offices of the New York State Department of Civil Service for announcements, applications, and other details concerning examinations for the positions listed above.

State Office Building Campus, First Floor, Building I, Albany, New York 12239 (518) 457-6216.

Suite 80, Kenessey Building, West Genesee Street, Buffalo, New York 14202 (716) 842-8290.

PROMOTIONAL EXAMS

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary</th>
<th>Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correction Officer Trainee (Spanish Speaking)</td>
<td>$10,605</td>
<td>No. 14-912</td>
</tr>
</tbody>
</table>

STATE OFFICE BUILDING Campus, First Floor, Building I, Albany, New York 12239 (518) 457-6216.
Radio commercials kicked off January 15 and newspaper advertisements on January 17 as CSEA launched its most extensive advertising campaign in history, designed to help improve the image of public employees.

Radio commercials may be heard over stations WOR and WRFM in New York City, WGY and WROW in the Albany area, WHEN and WKPM in Syracuse, WHAM and WEZO in Rochester, and WKBW and WBNY in Buffalo.


A television commercial schedule is expected to be ready to begin sometime in early February.

New song highlighting union's ads

Beginning last week, a new song was heard throughout New York State. It's the new CSEA "theme" or jingle produced for the union as part of its institutional advertising campaign to improve the image of public employees.

The song, being aired on radio stations in the state’s five major media markets beginning January 15 and running through the end of March. Later it will be aired during other advertising periods or “flights” in the summer and fall.

While it’s hard to appreciate the song without actually hearing it, here is what it says:

Someone's keeping the air and water clean;
Someone's keeping up country roads and workin' on city streets;
Someone's keepin' justice, from the Great Lakes to the sea;
These are people meeting many people's needs;
Someone's making plans for tomorrow's great demands,
Building bridges and highways, buildings and by-ways,
Gardens and parks for New York to enjoy...

Somebody's doin' a good job and it's good when people notice;
Somebody's doin' a good job of keepin' New York goin';
Somebody's doin' a good job, come on let's sing about them;
Somebody's doin' a good job, where would you be without them;
Public employees, where would you be without them?
Legal Assistance saves many jobs

Recently The Public Sector highlighted the massive Legal Assistance Program of the Civil Service Employees Assn., pointing out the program is successful better than 80% of the time in thwarting efforts by the State of New York to terminate CSEA members involved in disciplinary actions. In the following article, the basics of its highly successful program are explained in greater detail.

Albany - The CSEA Legal Assistance Program may one day save your job! It saves hundreds of jobs every year.

"Public employers throughout the state (local government and New York State) have become tough with employees because of their own mismanagement. "CSEA has pulled out all stops and has met the challenge at every turn," Tony Campione, Legal Assistance Program administrator, says.

The better than 90 percent success rate in defending employees under disciplinary charges is proof of the program's success and of the actions by public employers.

Campione pointed out that from the 1966-67 fiscal year to the last fiscal year, the cost of the program has grown from approximately $150,000 a year to more than $1.5 million a year.

One day you could be brought up on disciplinary charges and your employer may seek your termination, suspension or demotion, or attempt to fine you or reprimand you. What should you do?

If you are notified of disciplinary charges against you, immediately contact the president of your local or unit, or the person designated by the president to handle legal assistance, Campione said.

The new CSEA Legal Assistance Application will have to be filled in your behalf. If your local needs additional copies of the form, contact your regional office, Campione said.

The form, along with a copy of the charges and specifications against the employee are forwarded to the Office of Legal Services at CSEA headquarters in Albany.

The application is reviewed by Campione and Administrative Assistant Irene Cummings to determine the merit of the application. This usually involves researching the charges.

While legal assistance is not automatic, merit is found in almost all disciplinary applications, Campione said.

Once the determination is made to grant assistance, the employee, the local president, the regional director and the field representative are notified and an attorney usually is assigned to the case. Sometimes a Field Rep is assigned the case.

In almost all cases, the attorney assigned is from CSEA's law firm of Roemer & Featherstonhaugh or is one of the 19 other regional attorneys.

Many disciplinary procedures involve formal, adversary hearings, Campione said.

Disciplinary problems are not the only things the Legal Assistance Program gets involved with, however.

When an employee, a Local or other CSEA unit has a grievance (contract or non-contract) with a public employer, and when that grievance has reached the final appeals or arbitration stage, the Legal Assistance Program can be requested.

The same application form as used in a disciplinary and copies of the original grievance, the applicable contract provisions, prior decisions by the employer at earlier steps of the grievance procedure and supporting documents are sent to Campione's office.

In a State contract grievance, a Third Step Grievance Report also must be sent.

The same procedures for evaluating the application and assignment of the case are followed for grievances as for disciplines.

A third area the Legal Assistance Program becomes involved is in law suits against public employers for alleged violations of Civil Service law when all administrative remedies of the situation have failed.

The same application form is sent to Campione's office along with an outline of the facts of the problem, copies of supporting documents and an estimate of legal costs from a CSEA attorney.

If the estimate is not more than $750, Campione rules on the merit of the application and the same procedures are followed.

If the estimate is above $750, Campione's office does the preliminary research and submits the application to the CSEA Standing Legal Committee. The committee reviews the application and makes its recommendation to the union's Board of Directors. If the Board approves, the case follows the same procedures as disciplinaries and grievances.

Members of the committee are

Joseph Conway, chairman; Michael Morella, vice chairman; Sid Grossman; Ernst Stroebel; Robert Green; Sara Sievert; Alfred Jeune and Grace Neshit.

Other union business requiring the Legal Assistance Program (e.g. some PERB proceedings) requires the sending of the application, a statement of the facts and copies of supporting documents to Campione's office, and the same procedures of evaluation and assignment are followed.

The Legal Assistance Application, which is used in all requests to the program, went into use in 1978. Previously, different forms were used by the County and State Divisions.

The program was merged and unified under Campione after CSEA President William L. McGowan mandated it on Dec. 1, 1977, Campione said.

The Office of Legal Services is in the CSEA Office of Member Services, Jack Carey, administrative director. In addition to Campione and Ms. Cummings, other employees in the office are

Joseph Conway, chairman; Michael Morella, vice chairman; Sid Grossman; Ernst Stroebel; Robert Green; Sara Sievert; Alfred Jeune and Grace Neshit.

Legal Assistance Program Administrator Tony Campione (left) reports to Jack Carey, administrative director, CSEA office of member services.