CSEA Clarifies Issues In PST Election

BY MARV BAXLEY

The campaign to win the state’s professional, scientific and technical employees is heating up now that the Public Employment Relations Board has set a March 17 to April 12 mail-ballot election for the PST Unit, which has been represented by the Civil Service Employees Association ever since the first representation election in 1966.

Although PST employees have a reputation for being the most critical in the CSEA, they have repeatedly reaffirmed their willingness to work within the system by repudiating outside challengers. The most recent instance of this was in 1975 when PST employees voted down the Public Employees Federation.

It is this same reason that is being used in the challenge to CSEA again this time by the combination of the Service Employees International Union (which represents private sector as well as some public sector workers) and the New York State United Teachers. Three other private-sector unions included in the 1975 combination.

BULLETIN

CSEA won a resounding victory over SEIU last Friday, in a contest for representation of Yonkers Non-Instructional Employees. The vote: CSEA 586 SEIU 194 No union 13

have dropped out.

Through the years, PST employees have provided much of the leadership for the CSEA. This was especially true before several thousand management and confidential employees were forbidden by the state to participate in their union. An example of this loss occurred last month when Victor Pesch had to resign his seat on the CSEA Board of Directors after a promotion put him in the management classification.

Nevertheless, PST employees continue to provide much of the union’s current leadership. In fact, two of the union’s six regions are headed by PST employees and a third region’s president is a recent retiree from the PST Unit.

At this stage, the election is being opposed in court by the CSEA on two grounds: one is that the PERB cannot be sued concerning election procedures until after the election has been held and the other is that the petitioners’ signatures have not been properly verified.

In fact, in the previous challenge election, only half as many votes were cast for PEF as had been claimed on the petitions.

Notwithstanding the possibility that the election might be disposed of by the court, a propaganda campaign on behalf of PEF has begun.

The Leader, therefore, has arranged for Paul Burch, a five-year CSEA veteran of PEF negotiations with the state, to respond to some of the allegations being made in PEF literature. Mr. Burch has been named by CSEA president William L. McGowan as coordinator of CSEA efforts in the potential representation election in the PST Bargaining Unit.

Mr. Burch branded the latest “propaganda piece by PEF as an outrageous concoction of obfuscations, distortions and outright lies that are an insult to the intelligence of every PST professional.”

Here he tells why:

LONGEVITY INCREMENTS

“The PEF accusation that the CSEA sold out state employees on longevity increments is an outright lie. The actual fact of the matter is that any employee entitled to a longevity increment under the present contract will receive that increment. No one lost a single dollar as a result of our agreement to negotiate the increment for persons eligible for the increment after April 1 of this year. Those increments would be part of the next contract and we have already included extension of those increments as a negotiation demand.

“The accusation reflects total ignorance on PEF’s part of state law regulating public sector negotiations. All increments are a mandatory part of negotiation for nearly five years.

Let’s also point out that when PEF accuses us of giving up increments for any employees with 10 and then 15 years of service, they are

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An independent poll by the Lou Harris organization of a cross section of state employees is being concluded this week. The survey covers worker views on several areas of employment, and will be reviewed by the Legislature's Temporary State Commission on Management and Productivity in the State Civil Service Employees Association.

The project came about because of the failure to get any movement at all last year on civil service reform legislation. Action was stalled because of the vagueness of several proposals and by stiff opposition from the CSEA, which viewed the 1971 approach as a study in circumventing the Merit System rather than any genuine reform.

Polluted employee opinion is expected to carry considerable weight on pending legislation and according to a spokesman from the office of Assembly Speaker Stanley Bilout, whose aides are moving the project.

Here are some of the areas covered in the poll:

- Promotion and appointments.
- Performance ratings.
- The new senior management service.
- Present status of the State Civil Service Commission.
- Testing methods.

No date has been set to release data gathered as a result of the poll.

Theodore Spatis, longtime counsel to the State Department of Audit and Control, has retired after 40 years of state service. Plans are in the works to pay proper tribute to the diminutive "Teddy."

Spring Valley Public Workers Pick CSEA

SPRING VALLEY—In an election held Jan. 24 in the Village Hall of Spring Valley, employees of the Village's department of public works joined forces with their white-collar counterparts by choosing the Civil Service Employees Association as their bargaining agent.

Joanne Gangelot, president of the Spring Valley unit of Rockland County's Audit and Control, has retired after 40 years of state service. Plans are in the works to pay proper tribute to the diminutive "Teddy."

One of the most popular figures on the state scene.

Peppery Arthur Levitt is mighty irritated over rumors that he may not seek another term as State Comptroller; rumors that appear to emanate from a few fellow Democrats who also are mighty irritated that Mr. Levitt will not hand them the key to dip into state pension funds in order to help solve the fiscal mess of New York City and some trouble spots in state financing.

Mr. Levitt has always taken his role as guardian of state pajinda funds very seriously, and just last week announced he was standing for office next year; putting an end to reports that he would look toward the White House.

As for seeking re-election, one only has to remember that Democrat Levitt polls more votes than many GOP candidates running for office in such a staunchly Republican area as Syracuse, to cite one instance. General opinion is that if Mr. Levitt wants to be State Comptroller for another four years, he is going to be.

When Nelson A. Rockefelder left the office of the Vice President of the United States last year, the state was put on quietly but firmly that the Governor (as Vice President) will him) was through with politics once and for all. For nearly a year, Mr. Rockefelder has refused to appear at practically any public function that smacked even remotely of political overtones.

Well, it won't come as any surprise to learn that the energetic former governor is getting aroused by the sharp smell of election year activity in the state, and is sorely tempted to become part of the action again.

As has been noted, politics in his profession, it's an addiction.

one of the most popular figures on the state scene.

In Preferred List Ranking Fight:

Three applicants on the preferred list for appointment to State Civil Service jobs have won the right to appeal to a State Civil Service Department ruling to the State Civil Service Commission.

They say higher ratings were illegally given drug rehabilitation counselors on the list.

Manhattan Supreme Court Judge Philip Schwartz ruled that the matter should be heard by the commission, even though the 30-day period for appeals had expired.

The judge said she is waiving the statute of limitations because there are more than 40 Department of Correctional Services counselors, and that the State Civil Service Department "does not state that all 40 positions will be posted in the future."

She said there was a valid claim based on an examination of position on a preferred list and

this claim should be considered on appeal.

Judge Schwartz, however, pointed out that while the applicants are in a weak position because there are more than 40 Department of Correctional Services counselors, the State Civil Service Department "does not state that all 40 positions will be posted in the future."

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this claim should be considered on appeal.
Criticize Broome MH Facilities On Short Staffing & Dumping

BINGHAMTON—When William P. Kryvyan, a Civil Service Employee Association leader at the Broome Developmental Center in Binghamton, stood up and confronted Gov. Hugh Carey with a charge that the "Community Mental Health Center" was "dumping" mental health clients in the state hospitals, he said he thought dumping had become "standard policy" that hurts state mental health clients. He further said that the center had recorded a 25 percent decrease in the number of mental health clients even if they were not sent to a prepared community.

Mr. Kryvyan said, "New York State no longer wants to care for (mental health patients)." He said, "That's not true," the Governor responded, "We are trying to give better care to the mentally retarded." The Governor was referring to his "Five-Year Mental Health Plan," for which he has asked legislators to approve a first-year appropriation of almost $85 million.

The Governor also offered an oblique defense of his position by stating, "It's illegal to dump mental health patients. It's illegal to hold them." Robert Spoor, public relations director for the Department of Mental Hygiene, clarified this double bind in which the Governor is caught. "The law does not say it's illegal for us to stop discharging patients," Mr. Spoor explained, noting that the Mental Health Law mandates that patients must be released on request unless there is no appropriate order to reverse that request.

Mr. Kryvyan said Local officers are claiming that fines will be paid from the yearly rebate expected soon from the state's Taylor Law which says the rest of the money will be raised, except to promote fairness there would be no fines due.

The County officials, however, alleged that Mr. Koening went into hiding, but that the orders were mailed and later physically attached to the homes of the six officers.

The fines and pleas were a part of a compromise agreement. Mr. Koening said the county earlier had sought a $50,000 fine against both the county Local and the statewide CSEA Inc.

Mr. Koening said that under the agreement, a contempt charge against the statewide CSEA would be dropped. Under the agreement, $5,000 in fines must be paid within 80 days, another $7,500 by August 1, and $7,500 by August 1, 1979.

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CSEA calendar

Information for the Calendar may be submitted directly to THE LEADER. It should include the date, time, place, address and city for the function. The CSEA Calendar Leader, 230 Broadway, New York, N.Y. 10007.

February

10—Long Island (State Parks) Local 102 Valentine Dance: Narragansett Inn.

15—Nassau Local 810 board of directors meeting: 5:30 p.m., Sills & East Meadow.

15—Buffalo Local 603 monthly delegates meeting: 5:30 p.m., Plaza Suite, One M and T Plaza, Buffalo.

21—Loudonville Retires Local 910 meeting: 1 p.m., 2 World Trade Center, room 5890, Manhattan.

21—Livingston County unit of Rochester Area Retires Local 912 meeting: 2 p.m., Youth Center, Main St., Mt. Morris.

March

1—Long Island (State Parks) Local 352 general membership meeting: 2 p.m., Holiday Inn, Newburgh.

3—Central Region V delegates meeting: Radisson Inn, Binghamton.

3—Blackstone School executive committee meeting: Charter House, Transit Rd., Route 78, Williamson.

4—Binghamton School unit dinner-dance: 6 p.m., St. Mary's Orthodox Church, Binghamton.

6—Statewide Executive Committee meeting: Binghamton.

15—Nassau Local 830 board of directors meeting: 5:30 p.m., Salisbury Club, Eisenhower Park, East Meadow, L.I.

15—Buffalo Local 603 monthly delegates meeting: Charter Oak Room, Holiday Inn, Newburgh.

20—Capital Region IV delegates meeting.

21—Livingston County unit of Rochester Area Retires Local 912 meeting: 2 p.m., Youth Center, Main St., Mt. Morris.

23—Long Island region executive committee meeting: 7 p.m., Region office, 740 Broadway, No. Amityville, L.I.

April

9—Statewide State Executive Committee meeting.

10—New York Local 609 executive committee meeting.

10—Central Region IV delegates meeting.

11—Nassau Local 830 board of directors meeting: 5:30 p.m., Salisbury Club, Eisenhower Park, East Meadow, L.I.

12—Central Region V delegates meeting: Charter Oak Room, Holiday Inn, Newburgh.

14—Capital Region IV delegates meeting.

14—Livingston County unit of Rochester Area Retires Local 912 meeting: 2 p.m., Youth Center, Main St., Mt. Morris.

16—Long Island region executive committee meeting: 7 p.m., Region office, 740 Broadway, No. Amityville, L.I.

Answers To P&S T issues

(Continued from Page 1)

again telling a lie. The increment applies to eligible employees with 10 and 15 years of service. The effect of the ceiling on the new increments is upgraded in any way—which obviously increases their salary—they would not be eligible for the increment until another 10 or 15 years in that new grade.

"The amount of the sell-out is flatly inaccurate and simply asinine."

LAYOFFS AND BUMPING

"A certain PST employee, who apparently has just entered state service, is quoted by PEF as saying that the major grievance with the CSEA is the Taylor Law which says, 'Taylor language, no proper bumping language.' To check the inaccuracy of that statement, employees might try reading their contract—which the CSEA's staffed PT & PST staffs goes to—is worth the particular attention to Article 19 on 'Layoff Units'; Article 20 on 'Layoffs in Non-Competitive and Labor Grade'; Article 21 on 'Continuity of Employment Committee'; and Article 22 on 'Protection of Employees.'

"When the employee gets done reading that layoff and bumping language, I think he should try reading the CSEA Local's constitution and by-laws, parts of Sections 80, 81 and 76. I doubt if there is another union in this country that has done more to protect its employees than has the CSEA. We don't abandon our people. Compare that to the thousands of teachers still out of work. I'll stack our layoff and bumping language against NYSUT, SEIU or anybody else."
1st Labor School Graduates

VALHALLA—A Civil Service Employees Association staff member from Port Chester was among the first graduates of the Westchester Labor Studies Program, which held commencement ceremonies two weeks ago. Marilyn Matthews, who works at CSEA’s Westchester headquarters in White Plains, was one of 10 graduates receiving certificates in the program sponsored by Cornell University’s School of Industrial and Labor Relations, one of six such programs in the state. The ceremonies were held at Westchester Community College.

The two-year, 13-credit program included classes in collective bargaining, labor history, labor law, public speaking and written communications, among others. Classes were held one night a week at the community college.

Richard Logan, an Instructor in the program, was the keynote speaker at the ceremonies. Other speakers were Lois Gray, associate dean of Cornell’s extension and public service division; and Elaine Klein, a Westchester Community College associate dean.

The graduates ranged in age from 26 to the early sixties. They were school teachers, union officials, high school graduates, college graduates and master’s degree holders. Several graduates who do not have degrees said they planned to enroll in college soon to obtain either bachelor’s or associate degrees.

The other graduates were John B. McCabe of Yonkers, Sheetmetal Union Local 38; Anastasie Barts of Congers, Clarkstown High School District; Thomas D’Andrea of Ossining, Putnam Valley; and Robert Bello of Yonkers, Presbyterian Community College.

The Association of New York State Civil Service Attorneys, Inc., has elected its officers for 1978.

The officers elected at the recent annual meeting are: Rosanna Passero, president; Howard Furtado, first vice-president; Donald H. Holley, second vice-president; Jeffrey Schilt, secretary; Marvin Goldblatt, treasurer; and Harry Starr, financial secretary.

Elected to the board of directors for the term ending December 31, 1980, are Martin S. Pinesker, Mildred Roth and Martin Shlufman. Sheila Deemo was elected to fill a vacancy in the board for the term ending December 31, 1979. She will serve the term with Ronald Cohen and Herbert J. Herakowitz. The remaining member of the board of directors for the term ending December 31, 1978 are Alan J. Raka, Elieff Savage and Jerome P. Vannors.

Nine state employees received certificates of merit and a total of $875 in cash awards last week, in recognition of money-saving ideas submitted to the Civil Service Department’s Employee Suggestion Program. Estimated first-year savings from these suggestions total more than $8,000.

Award recipients are:
- $650—James J. Galloway, Mechanic, Department of Audit and Control, Albany. He developed a more efficient system for the filing of certain tax records from computerized files, saving nearly $7,000 a year in labor costs.
- $50—Frank Vigliotti, Avanti Park, Division of Criminal Justice Services.
- $45—shared jointly by Edward Benton, Gowanda, and Robert Rohrhir, Pennysburg, both of the Department of Mental Hygiene.
- $35—Trooper Joseph Blegg, Mount Vision, Division of State Police; and Richard Richards, Albany, Department of Motor Vehicles; Lonnie Seaburg, Albany, Motor Vehicles Department; and a joint award to Kathy Fritts, Watervliet, and Leonard Kain, Colonie, both of the Department of Agriculture and Markets.

Certificates of Merit also went to Sylvia Bruch, Schechter College of Social Work; Nebal Iskandar, State Education Department; and Susan Grapes, of Cornell.

CS Attorneys Pick Execs

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W'chester, Putnam Jobless Aided

Fifteen Westchester and Putnam municipalities will participate in a $3,501,721 federal youth employment program designed to provide employment and training for 460 disadvantaged youths, County Executive Malcolm F. DelBello announced last week.

The program is funded under Title III of the Comprehensive Employment and Training Act (CETA). The 15 communities were selected because they have a heavy concentration of unemployed youths between the ages of 16 and 21. This program also falls under newly defined eligibility income limits that define "disadvantaged" as a member of a family earning less than $9,200 annually.

"A significant problem is unemployment in our region, as well as in the state as a whole," Mr. DelBello said. "This program is designed not only to obtain employment for these youths, but also to give them meaningful training for future employment."

The communities are, in Westchester: White Plains, New Rochelle, Mount Vernon, Purchase, Mamaroneck, Port Chester, Mount Kisco, Peekskill, Ossining, Harrison and Scarsdale; and in Putnam: the Carmel, Mahopac, Brewster and Haldane school districts.

The program’s major emphasis will be on providing (1) coordination of services among schools and community-based organizations trained effectively in training and youth placement; (2) educational and life skills; (3) vocational counseling and guidance and career information; (3) subsidized part-time jobs (10 hours weekly) for in-school youths (at 20 for out-of-school youths); and (4) training and employment for future employment.

Most jobs will be non-profit agencies, municipalities and school districts. Wages will start at the state minimum of $2.65 an hour. Academic credit may be earned for skills acquired in job training and for training completed in school.
Suffolk Nursing Business Animal Care Jobs Open

HAUPPAUGE - Suffolk County Civil Service officials are seeking to hire for county jobs including nursing, animal care and business management.

The officials also announced radio operators, nursing aides and different program supervisor openings. All the jobs are open competitively.

The nursing and public health jobs are part-time or full-time, paying $409 bi-weekly, nurse practitioner I, $413 bi-weekly, and clinic medical director, $1,044 bi-weekly.

To qualify for public health educator, candidates must hold a bachelor's degree in public health and a year's public health experience. Public health nurse II applicants must hold a bachelor's degree in public health nursing or a related field and have three years' public health nursing experience.

Nurse practitioner I hopefuls need a bachelor's degree in nursing and a year's nursing experience. The candidate is expected to have a nurse practitioner course in family planning, or must be nursing school graduates with at least three years' experience. Clinic medical director candidates must be medical school graduates and have practiced medicine for at least four years and hold a state medical license.

Public health educator candidates must file applications by Feb. 15 to qualify to take the March 18 written examination for the job. Those who file applications must be nursing school graduates with at least three years' experience. Clinic medical director candidates must have medical school graduates and have practiced medicine for at least four years and hold a state medical license.

Don't miss this opportunity to work in a challenging environment serving the community of Suffolk County!

PUBLIC HEALTH EDUCATOR

Requirements:
- Bachelor's degree in Public Health
- Two years' experience in Public Health Education
- Good written and verbal communication skills
- Ability to work independently and as part of a team

Salary: Commensurate with experience

Send your resume in confidence to:
Suffolk County Civil Service
Department of Human Resources
1000 Memorial Drive, Room 122
Hauppauge, NY 11788

Deadline: February 15, 2023

Suffolk Aide Wins Promotion Fight

PIGMENTATION OF AIDA— Suffolk Aide Betty Duff is seeking promotion to the position of Public Works, CSEA Suffolk County Local.

The aide, a member of CSEA, has been working for the county for 20 years and joined the union 10 years ago.

Duff, who is in the early stages of the promotion process, is seeking a promotion to the position of public works aide.

Duff joined the county's Civil Service Employees Association (CSEA) in 1993 and has been a member of the union ever since.

CSEA Regional Attorney

Lowth's qualifications were equal to those of the other candidates seeking the position, but he was not appointed because of a technical error in the selection process.

The union, however, maintained that no formal disciplinary action had ever been taken against him in 16 years. The union also argued his heavy equipment training in his present position qualified him for advancement.

Arbitrator Edward Levin, agreed with CSEA's argument and filed a grievance when county officials gave him the job.

The grievance was filed after the county employed Mr. Lowth, a county employee for 16 years, had been an automotive equipment operator for five years and was appointed for the heavy equipment operator position. Mr. Lowth was represented by the CSEA, a CSEA regional attorney.

The county argued that Mr. Lowth's poor attendance record made him unsuitable for promotion.

The CSEA, however, maintained that formal disciplinary action had never been taken against him in 16 years. The union also argued his heavy equipment training in his present position qualified him for advancement.

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ELECTION Campaigns are seldom clean. Unfair spending during representation election for the right to represent the 45,000 workers in the statewide Professional-Scientific-Technical-Bargaining Unit is shaping up as one of immense and distortion.

PST has offered, at a price to be sought. Its members are, generally speaking, the best educated and the highest paid of the state's civil servants. They include people with prestige titles like doctor, engineer, accountant, examiner, research, nurse, investigator, analyst, etc.

Because PSTers are often more vocal and critical of their union, outsiders sometimes mistakenly believe they will be easy pickings for a challenge.

Not so. Increasingly, PST employees have three times, since the Bargaining Units came into existence in 1969, voted to work within the Civil Service Employees Association. In 1969 they turned down Council 50 of the American Federation of State, County and Municipal Employees, in 1973 they refused the Service Employees International Union and in 1975 they rejected the Public Employees Federation.

It is this same Public Employees Federation, a name given to a joint venture of the Service Employees International Union and the New York State United Teachers, that again is challenging the Civil Service Employees Association for the right to represent PST employees.

To begin with, PEF is merely a name. It has no members, no staff, no officers—not even a checking account. More important, it has no record. If PST employees should choose to become members of PEF, they will be starting from scratch. Obviously, members' problems will have to be set aside while an organizational structure is hastily put together. Since it has nothing to defend, it is simple for PEF to attack a weaker union. Its members hope might confuse PST employees. It has nothing to lose.

It is always possible to find some malcontent to complain about something. In this country, Nazis, Ku Klux Klanners, Communist and such others all have the right to free speech, but nothing says that we have to believe them or even listen. PEF's organizers, too, have the right to propagate through innuendo and distortion and to use the name of their people when their own. It is not nice; it's not clean, but if the people decide the campaign is one of "right lies," as the CSEA's PST coordinator has charged, the tactic will surely fail.

The CSEA, on the other hand, Assembly Member Minority Leader Perry B. Dur-ry, Jr. (Buffalo), who has almost always been in the CSEA since his days in Albany, is less concerned with legislative responsibilities. The Demo- crats in his district, (his electorate encompasses about 60 percent of the Democrats to 21 Republicans) and, consequently, are in a position to pass any bills they wish. Mr. Gaba is a member of the New York Bar and Chairman of the Nassau County Bar Association Labor Law Committee.

Unbecoming An Officer

An Article 78 proceeding was recently brought to review a determination of the Nassau County Police Commission, who had dismissed the petitioner, a county police officer, after a hearing on specific violations.

The Supreme Court, Appellate Division, Second Department, held that the evidence in support of Specification No. 7, "failure to promptly notify the Police Department of a change of status," was entirely inconclusive and therefore insufficient to support the determination sustaining the charge. However, the petitioner was still dismissed, confirming the determination of the commissioner.

The court reasoned that substantial evidence was presented to support a more serious charge, "conduct unbecoming an officer." The court also held that the petitioner was not denied a fair hearing by the admission, over objection, of legally incompetent evidence. Since the penalty of dismissal was based on the charge of misconduct, which was upheld, the court found it unnecessary to remand the matter to reconsideration of the penalty. In addition, the punishment of dismissal, although harsh, was not "shocking to one's sense of fairness" and therefore should be upheld.

Different Political Needs

While Duryea and Anderson are well known in the City to give him a fighting chance in the primary against former Mayor Abraham Beame, Bella Abueg, who appeared to be the Democratic primary front runner, is challenging the Civil Service Employees Association. The Governor is also convinced that Cuomo needed additional time to become better known in the state, its local subdivisions or in the private sector.

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THE PLACE: Civil Service Employees Association Region East Inn, Buffalo

QUESTION: What is the most important service that the CSEA provides for its members?

Joanne Giordano, senior clerk, Buffalo Department of Labor: "It does so much that is single out thing. I know the organization does it, I'm sorry to hear it, that's enough of the truth. But if those who knock would get involved, they might better realize what we do. Some people speak of the insurance, they never have the opportunity to voice them and to get answers and help."

Rae M. Consolly, toll collector, Thruway West Division: "It's an important service that the union provides to us if we have questions or problems with supervisors. The union answers our questions and tells us that they can, If the problems cannot be resolved, we have labor-management conferences, so we can resolve our problems at that level, and if that is not satisfactory, we can continue to pursue the problem through the grievance procedure. Our present president of the CSEA seems to be getting quite a bit done for us as far as any grievances or work problems before we actually have to go into the advanced stages."

Ruth Betcha, maintenance man, Board of Education, Niagara Falls: "It provides good working conditions and a secure job. We would sink into the gutter before a line is drawn between decency and decadence. Homosexuals are the end product of their own gratification. They are biological freaks. They cannot reproduce or enhance mankind in any way. They depend primarily on educating others to their own brand of perversion. As a law enforcement officer of 30 years standing, I look forward to the day when the State Pension Fund will be able to retire."

E. L. WASSERBACH

R. C. VANBOSCHERTON

Zene Sergeant, State Police

Henderson

Editor: The Leader: "Our U.S. Civil Service Commission bases discrimination on the sexual orientation of the employees as stated on federal applications. The applications also request, however, that the applicant furnish the sex, race, age, and color—with a small-print explanation that the questionnaire is voluntary."

Such a questionnaire is deconstructive for test takers because state police officers are not members of any one group. Their experiences are used as ethnic or sex preference by some groups to gain access into civil service for the people of their choice.

An example is coming up in June when many federal agencies will be encouraged to set aside up to 20 percent of their vacancies for women and minorities. This will be exempt from the civil service exam and will receive permanent civil service status after a two-year probation period. Such practice undermines the purpose of civil service exams and raise many questions about fair treatment.

GARY ANDERSON

New York City

People's Victory

Editor: The Leader: "The intentions of your cartoonist (p.6 Jan. 27) in showing a battered, broken-down Civil Service Employees Association as having knocked out a future marked by its success are honorable. However, there should be a rebalancing. The CSEA has also been the victory of people of the County. What the slagger had succeeded in giving a body blow to was the Taylor Law, which needs a few more knockdowns."

HOWARD N. MEYER

CIVIL SERVICE LAW & YOU

John Sunshine, AMACOM, New York, 1974 ($7.95).

If you are widowed and over 60, you have one major benefit from the new social security law. There is no penalty if you remarry. If you have been divorced after 1965, you may be eligible for social security under your ex-husband's earnings. Up to Jan. 1, the remarrying requirement is 20 years.

As a public service, The Leader continues to publish the names of individuals who are beneficiaries of unpublished checks from the New York State Employees Retirement System and the State Teachers Retirement System. The Leader or the New York State Employees' Retirement System may be contacted for information as to how to obtain the funds.

The Leader is a daily newspaper of individuals whose beneficiary remains unclaimed persons, is their purpose. The Leader is published, paragraph 1 of the Retirement and Social Security. AS of August 31, 1974.

CIVIL SERVICE LAW & YOU

(Continued from Page 6)

The effect prior to employment. The PERRD determined, after a hearing, that the requirement was not a term or condition of employment, but a qualification for employment and, as such, was a factor for the County's managerial prerogative.

Subsequently, the CSEA sought review of the PERB determination under Article 7 of the CPLR. The Supreme Court, Appellate Division, Fourth NYD, affirmed the determination, and the County was enjoined from practicing the discriminatory policy unilaterally promulgated by the County. This decision was then affirmed by the Court of Appeals. Naima Naima, Civil Service Employees Association, Inc. v. Hobbs, N.Y. Court of Ap-
A recently implemented one-year probationary period, expected to include intensive training, should result in an improvement in the quality of care offered at the state's Mental Hygiene centers and in a decrease in assaults against staff.

Such improvement depends on the new people being trained. If they are assigned immediately to ward service, with no correlative training because of staff shortages, then the extension of the probation period to one year will have been a wasted innovation.

Even if the one-year probationary period is accomplished by training and does produce exemplary workers, there is still another problem: Most directors and many workers admit that some employees in the Mental Hygiene Institutions, a minority certainly, are either incompetent or emotionally unsuited for ward service work. These people will still be in the state system. Because they interrupt the effective functioning of the hospital and detract from the therapeutic atmosphere, their presence contributes to the level of assaults against staff. What should be done with this group?

Russell Barton, director of Rochester Psychiatric Center, said that he was satisfied with the level of competence of about 40 percent of his staff. "Ten percent I'd like to get out; 30 percent we could do something for, but we need the programs."

Most of the directors agreed that, although the focus of the Mental Hygiene system was changing from custodial care to an emphasis on staff involvement in the therapeutic process, most employees who had worked in the former system could be retained. Some said that they made the best workers, having such a wealth of experience.

Manhattan Psychiatric Center director Gabriel Koz said that working within the state system makes it more difficult to motivate the group of employees working at that hospital than if it were a privately run institution.

"It's very difficult for managers to manage in the state system," he said. "It's almost impossible to get rid of bad people on any level."

He said there are workers, as well as managers, who are incompetent, but that "the weight is on me to show that these people are incompetent, and that can take a year."

"The civil service system allows for prima donnas; it allows for defiance; it allows for passive aggressiveness," Dr. Koz said.

Louis Rusella, director of West Seneca Developmental Center, said, "We have a very large number of very excellent, outstanding employees, absolutely no question about it; I would think that we have at least as many undesirable as any other institution.

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"It's just a self-inflicted wound if we have a system which forces management and union to include among their employees or members people who obviously are not fitted for the kind of work they're in."

ROGER HEATH
Acting Director, Utica and Marcy Psychiatric Centers

"Obviously there's a great difference between the private sector and the state," he said. "There is no way for us to move out an undesirable employee without going through a proper disciplinary procedure."

Lawrence Kolb, former Commissioner of Mental Hygiene, said that disposition of cases involving questionable employ­ees should be resolved by the directors rather than by going to arbitration.

"The mechanisms for removing unsuitable workers are there, but it's not easy. And it shouldn't be," assistant com­missioner John Lagatt said.

"I don't think it should be easy to remove a public em­ployee from his public job . . . I subscribe very strongly to the concept that, in disciplinary matters, the burden of proof is on the employer," Mr. Lagatt said.

"We fail down in perhaps not preparing our proof ef­fectively. There are those few directors who say this guy is no good, and that's enough. You say he's no good; show me."

Mr. Lagatt said that he was "saddened by the union's blind attitude" in defending all cases. He indicated that there are unions that first screen which cases will be defended.

Roger Heath, director of Utica and Marcy Psychiatric Centers, made the point that, "It's no more in the union's best interest to have employees who abuse patients than it is in management's . . . If some way or another we can't deliver decent services to people using the system in which we work, which includes CSUSA members, some one's going to find out another way of doing it better."

"We need to select out those people who are incompetent, and that can take a year."

Mr. Heath explained that over well-documented patient abuse cases do not always result in discharge of the employee. He estimated that problems such as assaults against staff could be reduced by as much as 50 percent, if the disciplinary process worked effectively.

Part of the built-in inadequacy of the disciplinary sys­tem, he felt, was that arbitrators are prone to compromise because of the way in which they are selected for a case. Either side may reject them. To be picked regularly they must demonstrate a balanced record which favors neither management nor labor, he said.

Alvin Mesnikof, New York City regional director, also complained about the arbitration procedure as one which "compromised the issues." He approached the problem of inept staff by saying, "This isn't a job for everyone. It's really not an issue about being discriminatory or prejudicial toward people. We need to select out those people who temperamentally can handle this kind of thing."

Mr. Heath, who began as a ward attendant 30 years ago and worked his way up to the directorship, suggested, based on his long and varied experience, that another problem in weeding out the problem worker is determining who he is.

Although staff, according to Mr. Heath, knows who the bad workers are, there are basically two ways the name of a questionable employee will reach management, he said: first, if another employee has a grudge against him; or when a new employee, who has not yet learned the ropes, passes the information on.

Once management is alerted about an employee who is alleged to have abused a patient, it would, in some cases, be better if the union "lost a few," Mr. Heath said.

"It's just a self-inflicted wound if we have a system that forces management and the union to include among their employees or members people who obviously are not fitted for the kind of work they're in."

Mr. Heath said that if he and Roger Piersall, for ex­
ample, the CSEA Utica Psychiatric Center Local president, were to independently establish lists containing the names of those employees who should not be working on the wards, the lists would have 18 names in common.

Finding those people, "would eliminate more than half our problems, just by doing something simple like that: having the ability to get rid of deadwood," Mr. Heath said.

"We have an apparently intransigent female employee, who on three occasions has managed to miss her chair when sitting. That's good for 18 months of compensation."

"We have an apparently intransigent male, who gets the same treatment from both men and women."

Mr. Heath said that management's desire for support, goodwill between union and management on this—a mutual trust that what you're doing makes sense for everybody," Mr. Heath said.

Dr. Menziloff also called for cooperation between union and management, saying: "The strength of the union in representing its employees—which is understandable, after all that's it's there for—has not been well balanced against the management of the facility and the interests of the patient."

He said that if management is to have greater discretion in dealing with unsatisfactory employees, then management must be trusted to be fair.

Former Commissioner Kolb said that a recent study showed that there has been a change in the view of the arbitrators, who are more willing to "detach from the service," unsuitable employees.

"We think that the present tendency to bring all the cases of alleged assault (against patients) to arbitration, thus reducing the authority of the directors of the institution, is indeed one which allows the continuance of some few people who would better be detached from the service."

Robert Guild, an independent bargaining specialist, felt that, as stated in the CSEA contract, it is the union's responsibility to defend all its members, and that within that purview there is no room for compromise.

A similar view was expressed by William Blom, CSEA director of research. An exception, he thought, might be a clear-cut case involving an extreme criminal action, such as the taking of a life.

The attitude that a union automatically defends all members accused by management of incompetence or misconduct apparently is shared by most labor organizations. Mike Grace, who heads public relations for the AFL-CIO public employee division in Washington, D.C., said that union routinely defends all members.

"I don't think it should be easy to remove a public worker from his public job. I subscribe strongly to the concept that, in disciplinary matters, the burden of proof is on the employer."

JOHN J. LAGAZZ, assistant commissioner, Department of Mental Hygiene, employee relations

The view of the Brotherhood of Teamsters was expressed by its national public relations director, Alan Bigs, who did not feel that greater discretion in discharging allegedly intransigent employees should be extended to management: "Government is always looking for greater prerogatives," he said.

"That's why we've got unions."

James Featherstonhaugh, attorney for the CSEA, said that all members charged are defended, as a matter of course, because it is too difficult to make an independent determination of guilt or innocence. If an employee who felt entitled to representation did not get it, he could sue.

Mr. Featherstonhaugh acknowledged that the actions of certain employees could be a contributing factor to the problem of assaults against staff, along with such other influences as understaffing. But he was reluctant to arrogate any authority to defend employees, because he felt that management could not always be trusted to be fair; that in some cases, management would cave in to the demands of pressure groups and decide an employee's fate based on the needs of those groups, rather than on what was fair for the worker and best for the institution.

There is a minority of workers who are unsuited for ward service who should not be employed in the Mental Hygiene centers. Permitting management greater authority in discharging such people would risk the dangers that such power might be misused or not handled with skill and courage.

That risk must be evaluated while keeping in mind this fact: Those who ultimately suffer most from retaining such workers in the state system are fellow workers and patients, who must interact daily in an atmosphere, which can quickly deteriorate when influenced by poor quality employees.

As stated by Dr. Menziloff, such a process would de-
### Federal Job Calendar

These jobs are open in New York City or surrounding counties until further notice. Applicants should contact U.S. Civil Service Commission's New York City area office. Requirements vary.

#### GENERAL SCHEDULE POSITIONS

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<tr>
<td>Data Transcriber</td>
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<td>Electronic Accounting Machine Operator</td>
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<td>Engineering Draftsman</td>
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<td>Boiler Plant Operator</td>
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<td>Hearing Aid</td>
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<td>Window Cleaner</td>
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#### Trades and Crafts

- **No Written Test**
- **No Oral Interview**

For further information, contact a federal job information center at either 26 Federal Plaza, New York, 10007 or 590 Grand Concourse, Bronx, 10451.

#### State Open Competitive Job Calendar

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

#### State Open Competitive Job Calendar

- **5% salary increase anticipated April 1, 1978**

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**State Open Competitive Job Calendar**

- **5% salary increase anticipated April 1, 1978**

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Prison Conditions To Be Investigated

ALBANY—The State Senate Committee on Crime and Corrections will hold hearings on alleged deplorable safety conditions and a lack of discipline at Coxsackie and other state prisons.

Assemblyman Larry Lane (R-Windham) said Senator Ralph J. Marino, committee chairman, has approved the request for hearings made by Mr. Lane and seven other Republican assemblymen whose districts have state prisons. The other assemblymen are Robert A. D'Andrea (Garfield), R. Stephen Hawley (Dobbs), Neil W. Kelcher (Troy), L. Stephen Rifford (As- burn), Andrew W. Ryan (Plattsburgh), Gerald R. Solomon.

More U.S. Aides
The Civil Service Commission has reported that the federal government employed 2,842,481 civilians as of Nov. 30, 1977. Employment showed a net increase of 5,000 from October 1977.

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GO TO HEALTH

By WILLIAM R. WILLOUGHBY

Daily Routines

Unfortunately, people do not realize how much their own behavior affects their health and lives.

It's the little things that we do or neglect to do everyday that can make a tremendous difference in the course of a year.

Those small, daily decisions that we make can affect how a person feels and how he or she looks. So give yourself a break when presented with a choice and select that behavior which is best, not easiest for you.

• Like taking the steps instead of the elevator. In the beginning get off a floor below your destination and then two or three. If you burn up 50 calories a day climbing stairs, the yearly weight loss would be five pounds.

• Like taking a 15-20 minute walk each day after dinner. This little activity, done daily, would result in the expenditure of 100 calories per day and a yearly weight loss of 10 pounds. Also, a great way to get to know your kids and spouse.

• Like snacking on pretzels instead of potato chips. Eating five pretzels instead of 15 potato chips would be a savings of approximately 160 calories. You guessed it—every day, another 10 pounds of fat you won't have to worry about.

If your diet remains exactly the same as it did the previous year and your weight remained constant, and you include the above three suggestions in your daily life style, the result would be a 25-pound weight loss at the end of a year. This is based on the fact that an excess of 100 calories a day equals a 10-pound weight gain in a year. Create a 100-calorie deficit per day and you can expect a 10-pound annual weight loss.

The cumulative effect of daily decisions can get us more active and in better shape. The real benefit will be that you will feel better physically, will have a better mental attitude about yourself, and will be cooler in the summer because you won't have to wear bulky clothing to hide your bulging waistline.

SHORT TAKES

ERIE'S INVESTMENT RATING DROPS

New York City is not the only community having trouble with investment rating firms. The Buffalo Evening News reports that Moody's Investor Service, which has given New York City low investment ratings several times, has done the same thing to Erie County. Erie's rating dropped from "A-1" to "A." The change came after the huge Bethlehem Steel Company in Lackawanna announced it will lay off 3,500 workers. Milford county officials say the ratings should improve rather than drop since the county has improved its financial situation. County officials also say the layoffs should not affect the county finances.

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DEPOT STREET
LYNDONVILLE, VT
Retiree Leader Defends The 10 Percent Dues

The following letter, written by Civil Service Employees Association Region IV president Joseph McDermott, appeared in the Leader of Jan. 27, 1978, issue of the Civil Service Leader which was written by New York Metropolitan Retirees Local president Alfred Robinson.

Editor, The Leader:

I enjoyed your article on the makeup of regions, etc., and I feel it was very timely in acquainting our many newly acquired members with the broad background information on our union's structure. We, also, tend to forget that not everyone gets the structure explained when they become involved.

It was interesting that you noted the fact that Local 999 (Capital Area Retirees) was the largest in membership of Region IV. A study of our latest membership report vividly points out that the retiree membership at one tenth our standard dues paying members, earns almost 10 percent of our rolls. This pressure group within CSEA has become increasingly more vocal and demanding of attention.

I do not know how and in what manner CSEA as a public employee union will be reacting of interest to all our membership. The topic of our retiree role in our organization and becoming more aware of the need of it. We are dependent on our members to exist. The cost of living since April 1969 has gone up conservatively 60 percent. How many raises has the working membership received since April 1969, as well as other strata of the population?

The last supplemental increase we got was up to April 1969. I get letters from my membership indicating they and their families have cancer, strokes, heart conditions as well as other physical ailments.

How much does dental and medical care cost? We do not have dental plans and medicare only covers basic costs. The balance of medical costs can bankrupt us. The fee for a woman 76 years. The average pensioner who retired since 1969, as well as all other strata of the population? The last cost-of-living increase brought an unexpected batch of mail to the retirees' office at the week's end.

Mr. McDermott's letter makes the point that CSEA's retiree organization "has become more vocal and demanding of attention." We hope that he is right, since it is still "the squeaky wheel that gets the grease." Work people everywhere are becoming more retiree conscious, even years before they approach retirement age. And working members of the Civil Service Employees Association (CSEA) are beginning to realize that when they enter retirement, they stand to gain from whatever improved benefits today's retirees are able to pick up.

Authors, both public and private, are learning the value of taking good care of their retirees. Until recent years, CSEA has moved slowly in that direction, seemingly impressed by the fact that if you pay only 10 percent of regular CSEA dues, forgetting that most retirees had paid full dues for many years, long before there was an agency shop law.

Members not yet retired know that time flies and that sooner than they think they also will be retirees. By that time I think that members like our friend, Joe McDermott, will be among our most "vocal" champions for retirees' benefits.

As for other unions, AFSCME has begun organizing retired public employees and has opened another office for that purpose. "Grapesvine," the new office, is a "vocal" promoter of the CSEA retirees' point of view after the wave of the future; it is here. The time has come when elected government officials count the strength of a union's retiree members as a political factor to be considered.

In the General Electric Company continue to grant their retirees cost-of-living increases, responding to pressures from the union, OEB locals, and GE retiree clubs. Effective last October, 1978, some retirees pay 10 percent increase; those who retired on or before July 1, 1975, received 8.23 percent; before Jan. 1, 1976, 6.3 percent; June 1, 1976, 5 percent, and Jan. 1, 1977, 4.3 percent. The CSEA need not be apprehensive about the growth of its retiree branch but should nurture that growth. Retirees are not bound by the restrictive and punitive measures of the Taylor Law and, with a little encouragement, can become more helpful to the union in meeting future crises.

The little encouragement sought by the retirees simply means a little more acceptance. Retired members who pay full dues already are the most "vocal" champions for the wave of the future; it is here. The time has come when elected government officials count the strength of a union's retiree members as a political factor to be considered.

The pressure is being applied again and again to Comptroller Arthur Levitt bail New York City out of its financial mess. We support him all the way. So, the issue is monetary, not age and not whether they are working or retired. Those who oppose retirees gaining the right to vote in Association elections are, in effect, saying, "Pay full dues, but we won't let you have the vote. If you can no longer afford it, that is too bad."
The Federal Employee
By PETER ALISON
Quota by States

In an effort to apportion jobs equitably among the states, an 1893 law required that each state, with the exception of Washington D.C., get proportionate representation in federal jobs. The laws in Washington D.C. and the District of Columbia were not proportionally enforceable, resulting in many well-qualified candidates not getting jobs because they happened to come from the wrong place. Veterans, top career jobs, the FHL, the CIA, were relieved from quota restrictions, but the law says the quota groups have the quota, or they hit the hardest because few have veteran status.

Women’s groups are fighting to change quota laws in civil service as “a major barrier to bringing women into government.”

Five hundred twenty-five audio jobs are available from the Government Accounting Office and contracted out. This is seen as saving the Air Force $2.14 million, and the Navy $150 million. The jobs are to be taken by nonmanagement personnel and filled by civilians.

The Civil Service Commission is under investigation for alleged sex discrimination. A task force headed by the commission’s general counsel found a disproportionate number of women reaching the journeyman level of professional and technical employment but not being promoted to supervisory and managerial ranks. This is an affirmative action directed at enhancing their capabilities. The report finds women far too seldom as G-13 to GS-14.

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Broome Unit Wins 13% Plus Over 2 Years

| CSEA Correction Local Criticizes New Program |

DANDEMORA—Stating that "increases in inmate idle time is directly proportionate to increases in disturbances and inmate unrest," the Civil Service Employees Association Local at Clinton Correctional Facility has come out firmly against a proposed Corrections Department policy that would increase such idle time under the guise of "comprehensive program days."

CSEA departmental representative Ron Marx, president of the Clinton Correctional Facility Local of CSEA, has fired off a letter to the department, demanding information on the program services, objecting to the proposed policy change.

Mr. Marx said that if the inmates of the institution are left alone without the educational programs they are counting on, they would have the half the inmates in a given prison standing idle for the morrow. The prison is really nothing more than an educational program.

In the afternoon, the two groups of inmates would switch, and those who went to school in the morning would be idle in the afternoon.

CSEA collective bargaining specialist Paul Burch backed up Mr. Marx, claiming that "there are at least 35 excuses right now for not doing these educational programs, such as counseling, ministerial services, sick call—and this change would only add to the problem of the excessive idle time that already exists in many of the prisons."

Mr. Marx said that the union is asking for the inmates standing around with nothing to do?"

CSEA representatives met with Deputy Commissioner J. Kevin Ward and to Walter Chattman, of the department's division of education.

CSEA BACKS CAINRS FOR 103rd ASSEMBLY DISTRICT

ALBANY—The Civil Service Employees Association has announced its endorsement of Democrat Thomas J. Cairns for election to the State Assembly for the 103rd Assembly District in a special election scheduled for Feb. 14. The 103rd district covers Albany County.

That endorsement was announced jointly by CSEA statewide president William L. McGowan, Capital Region CSEA president Joseph McDermott and Martin Lange, chairman of CSEA's statewide political action committee. They said that Mr. Cairns was made an endorsement of the local CSEA officials and members of the union's Capital Region political action committee, who had met with both candidates last November.

Mr. Cairns faces Republican Michael J. Hoblock, Jr., in the special election to fill the unexpired term of Assemblyman Fred Field, who was elected from the Town of Colonie Supervisor last November.

The issue of Mr. McGowan calling for copies of all Local constitutions was brought up and those concerned were informed that the reason for the check stemmed from the discovery that many Locals were functioning when, in fact, they were not chartered. They were further assured that Mr. McGowan would request that the CSEA acknowledge the receipt of the individual copies.

Other delegates who were concerned about the state's Civil Service reform movement were told that the CSEA acknowledged the receipt of the new developments and would oppose any reforms that it felt were not legitimate.

Anthony "Duke" Caruso,superintendent of the Byron School Library, also spoke for the CSEA on the need for public employees more closely aligned to the positions of CSEA than did his opponent. We believe Mr. Cairns will better represent the interest of public employees and the public in general in the State Legislature."