

The Communicator

PEF

The Official Publication of The New York State Public Employees Federation

February 2004



**TELL
THE
STATE**

**IT'S YOUR MOVE.
MAKE PEF A
CONTRACT
OFFER.
— See page 6**

Also Inside:

State revenue boosters

— See pages 3, 4

COPE enrollment soars at

OASAS — See page 10

Election poses hard choices

To the Editor:

I am in a dilemma about the purpose of a government.

Most people would agree the main duty of a government is to protect the safety, health and welfare of its citizens.

On one hand, we have people advocating for social reforms or additional social benefits. The strongest of these advocates ignore the threats to our safety from sources beyond our borders. They feel we do not need to confront foreign evils, and think everything can be discussed and reasoned. On rare occasions, a Cruise Missile might be used against a terrorist camp. They're sure this will strike fear into the hearts of our enemies.

On the other hand, we have people advocating aggressive action against those foreign enemies of our domestic safety. The strongest of these advocates ignore that in their quest for security they may destroy the freedoms that made us great.

The question arises: "What is the nature of freedom?"

Can a person have freedom, when they are scared to live their life? Can a government be trusted to limit its control of all aspects of life, even for a limited period of time, and then return control to the citizens?

I am now faced with the reality that our union has endorsed a candidate for president who I believe has no concept of evils from abroad that threaten our way of life. The union has ignored the social liberals who recognize evils abroad and are willing to confront them in an aggressive manner.

If forced to choose, I will react in a tribal

manner and support those who advocate aggressive actions against threats, real or potential. Even if this means going against the candidate endorsed by my union.

RALPH SCHWARTZ
Hopewell Junction

State nurses' pay lagging

To the Editor:

After reading the article about the problem with medication compliance with inmates who are incarcerated at the Arthur Kill Correctional Facility, I felt the need to comment.

During my 18-year career as a registered nurse, I have worked in a number of correctional facilities.

The problem of medication non-compliance, such as inmates hiding medication in their cheeks and spitting it out when no one is looking, is not unusual. However, the article stated it is a widespread problem that's costing the state of New York thousands of dollars. If the problem is that significant, I suggest the medical department re-evaluate its policy and procedure for dispensing medication.

The article said nursing shortages may be a factor. The nursing shortage is a problem effecting all areas of health care in the state. The state and PEF have not done enough to change this situation. At one time, the state was one of the highest paying employers of registered nurses. However, over the years, its salaries have lagged behind nurses' salaries in the private sector.

I'm concerned the situation will deteriorate to the point where conditions become unsafe for both staff and inmates. If the state continues to have difficulty recruiting nurses to work in these facilities,

it may be forced to contract with private companies. This has already occurred in other states.

The issues facing nurses are not going to be resolved in a PEF contract that serves every member in the union. PEF nurses are dealing with some unique problems that go beyond the scope of "one contract fits all."

STEVEN GIOVANIELLO
Pleasant Valley

Why are Empire rates so high?

To the Editor:

I just finished reading, with great dismay, that Empire Plan rates for PEF members will increase on average more than 13 percent. How is it possible, at a time when there is virtually no inflation, our rates can increase by double digits?

It begs the question about how effective the PEF union really is.

Instead of sending us flyers for ski discounts and offers for disability insurance, how about protesting these increases? And while you're at it, how about negotiating a fair and just contract before the end of the Pataki

(Continued on Page 19)

INSIDE THIS ISSUE

3

Lots of ways to boost state's revenues

4

Election campaign interest running high

8

Retaliation against DOH whistleblower charged

Cover design by Mario A. Bruni

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PEF: Must be '50 ways' to boost state's revenues

By **SHERRY HALBROOK**

When your paycheck's too small to pay your bills, you look for ways to earn more and spend less. PEF wants state budgetmakers to take a hard look at the first option, before they go overboard with the second.

New York's revenues are expected to run \$4 billion to \$6 billion short of covering its bills for fiscal 2004-05, and fall as much as \$8 billion short of the mark the next year.

Instead of the usual kneejerk response of cutting more state jobs and services, the state should close tax loopholes to boost state revenues, say PEF leaders.

"Gaps of this magnitude must be closed with a balance of both revenue increases and spending cuts," said PEF President Roger Benson.

"Cutting state services hurts New Yorkers, and cutting state jobs just aggravates unemployment and slows efforts to boost the state's economy. But the state can save money and still preserve or even improve services if it stops wasting tax dollars on expensive private contractors and gives the work back to state employees where it belongs," he said.

PEF shows state better ways

"We've been working with the Fiscal Policy Institute and a broad coalition of labor, community, and faith-based groups to develop specific revenue options to help the state close its budget gaps for the next two fiscal years," Benson said.

PEF has forwarded a list of these recommendations to the governor and state legislative leaders

PEF's Public Relations Department launched a new advertising campaign in January to focus attention on corporate tax avoidance and build support for ending it. (See ads this page and page 24.)

This follows on the heels of the union's vigorous 2003 ad campaign that highlighted how the state wastes millions of dollars on private contractors.

Maximize federal aid

Federal aid and legislation are at the heart of many of PEF's recommendations.

The following efforts could provide New York up to \$9 billion in federal assistance:

- Get extensions of the temporary federal revenue sharing program and the temporary increase in Medicaid match rates.
- Support federal bill HR5523/S3055 to repeal the limit on the size of the loans the federal government can make to state and local governments for tax revenue losses

directly attributable to presidentially-declared major disasters. This legislation would also waive the requirement for the repayment of such loans when the losses involved are the result of terrorist attacks.

- Urge enactment of a version of the federal American Parity Act to provide funding for the rebuilding of U.S. schools, hospitals and other infrastructure in an amount equal to the infrastructure repairs and improvements this country is making in Iraq.

The funding could be provided by repealing the portions of recent federal tax cuts that benefit only the wealthiest Americans. This would trigger nearly \$23 billion in investment in state infrastructure and could generate at least \$2 billion for New York.

- Join efforts to block expansion of the federal Internet Tax Freedom Act (S150/HR49) that would decimate state taxation of telecommunications services. This measure, which has already passed the House, is tied up on the Senate floor but could come up for a vote at any time.

- Support revision of the new Medicare prescription drug benefit law to allow the federal government to run its new program for the elderly through state programs such as New York's EPIC program, rather than requiring states to conform their programs to the new federal approach.

Block corp tax avoidance

PEF is also urging lawmakers to close corporate tax loopholes and keep a close eye on tax incentives linked to job creation, to make sure those jobs are created and filled by New Yorkers.

The union recommends the state:

- Reform the Empire Zone program by reducing the abuse of "point-of-service" exceptions, limiting the ability of industrial development agencies to abate state taxes, recovering subsidies from companies that do not live up to the conditions of their tax abatements, and freezing for two years



CORPORATE TAX DODGER — This ad, the first in an ad campaign, appeared in the Jan. 5, 2004 edition of the *The Legislative Gazette*. It was created by PEF's Public Relations Department.

the 15-year opportunity for corporations to carry over investment tax credits.

- Reform New York's Corporate Alternate Minimum Tax (AMT) by replacing it with a variation of New Jersey's Alternative Minimum Assessment applied to businesses with gross profits of more than \$5 million.

- Tax corporate "nowhere income" derived from sales made in states in which the corporation does not have a physical presence.

- Require multi-state and multi-national corporations to file a single combined return for their entire "corporate family," rather than being able to use inter-subsidiary transactions to move income to countries or states where that income is not taxable. The corporations' income would be apportioned among the states based on the locations of all of its property, payroll and sales.

- Expand the definition of taxable business income to encompass corporate profits from irregular transactions — a popular dodge in the securities industry.

- Enact a Corporate Disclosure Law to require every publicly-traded corporation doing business in the state to report its gross and net income, deductions and credits, and the amount of NYS taxes paid, much as publicly-traded corporations already do at the federal level. State Assembly Member Jim Brennan has introduced this legislation (A3424).

Broaden tax bites

PEF leaders also say the state's sales tax could bring in up to \$2 billion more each year if it applied to more services and if the state more aggressively pursued collection of the tax on remote sales.

And it could raise revenues by imposing
(Continued on Page 13)

Many members answering PEF's call for political volunteers

By **SHERRY HALBROOK**

PEF's call for members who want to help defeat President George W. Bush's re-election in 2004 has received an enthusiastic response.

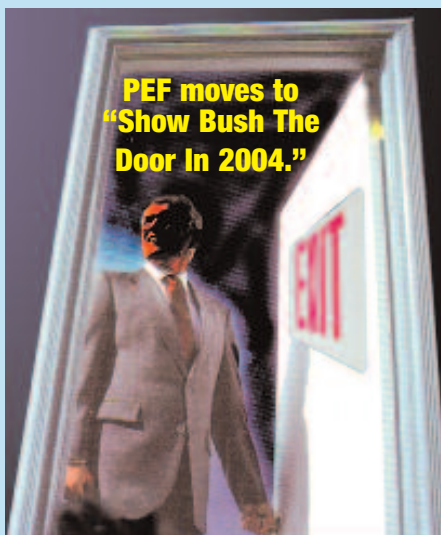
Approximately 75 members had contacted PEF's Legislative Department by mid-January.

"We're getting calls and e-mails every day from members who want to volunteer," said PEF political organizer Matthew Watson. "It's very encouraging, because PEF members tend to be well educated and have a lot of valuable experience and skills to bring to this campaign."

So far, he said, about a third of the volunteers want to work full-time for two to three months as "Heroes." Another third want to volunteer on weekends as "Warriors."

"The final third is made up of members who would prefer to work as Heroes, but who are not sure they can take the time off from work," Watson said. "They are willing to work as Warriors if they can't get approval."

PEF will mobilize its Heroes into three waves for this nationwide campaign that's being conducted by the Service Employees International Union, one of PEF's international affiliates. Volunteers will be



assigned to work in key states.

The first wave of Heroes will start in April, and the second in July. The third group, which is intended to be twice the size of each of the first two waves, will work September through November 2, Election Day.

"There is some flexibility in the plan to accommodate members, such as teachers working a 10-month academic year, whose available time doesn't exactly match the schedule," Watson said.

Separate training sessions will be held

for each wave.

"If you want to volunteer, please contact us as soon as possible," Watson said, "even if you will not be available until later. You will need to complete both a pre-application and a final application."

To volunteer, contribute financial support or get more information:

- Call the PEF Legislative Office at 1-800-724-4997; or

- E-mail Watson at mwatson@pef.org; or

- Download, complete and submit the pre-application form which is available online through the PEF Web site at www.pef.org. Click on the PEF Political Action Center. (Do not mistake this for the PEF Action Center, which is for other mobilization efforts. Both centers are now password protected.)

PEF members and PEF Retirees members will find the correct user identification name and the password for the PEF Political Action Center on their

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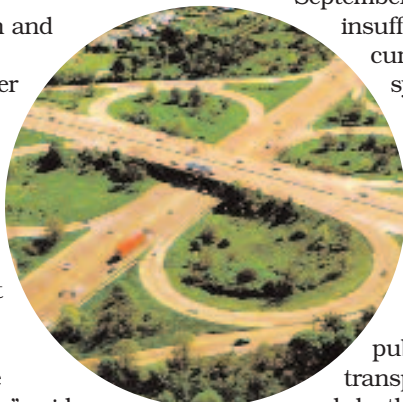
Public safety, members' jobs at stake in battle over federal transportation aid

By **SHERRY HALBROOK** and **MATTHEW WATSON**

The design, construction and maintenance of New York's highways, bridges, and other transportation infrastructure are among many state services that depend heavily on federal funding.

"Federal aid to the NYS Transportation Department is vitally important to maintaining our members' jobs at that agency and the public services they provide," said PEF President Roger Benson. "Unfortunately, that funding is faltering under the Bush administration and public safety is suffering because of it."

Funding levels under the Transportation Equity Act for the 21st



Century (TEA-21), which expired September 30, 2003, were insufficient to maintain the current infrastructure system, much less improve it. Since then, Congress has been passing temporary extensions of TEA-21 funding until a new funding measure is passed.

"The quality of our public highways and transportation system is a life-and-death matter for all of us," Benson said. "Nearly 43,000 people lost their lives on US highways and roads in 2002, and a third of these fatal traffic accidents were caused by substandard road conditions or roadside hazards. That's why PEF is carefully monitoring the

federal budget debates in Washington."

New York ranks 49th among the 50 states when federal highway funding is considered on a per capita basis. Moreover, New York receives the lowest federal subsidy for mass transit of any state per passenger mile.

According to the U.S. Department of Transportation, all levels of government should be spending a combined average of \$127 billion per year to maintain and improve the nation's highways, bridges and transit systems.

Historically, the federal government has contributed 40 percent to 60 percent of the money for highways and transit, and state and local governments have contributed the rest. Based on that formula, the federal highway and transit program should be funded at \$51 billion

(Continued on Page 17)



PEF opposes Bush plan to eliminate, reduce OT pay

By **DEBORAH A. MILES**

As *The Communicator* goes to press, PEF and its affiliates continue to encourage U.S. senators to fight to protect overtime pay from making regulatory changes under the Fair Labor Standards Act (FLSA) that would strip overtime eligibility from more than eight million workers.

Currently under FLSA, those workers must be paid time-and-a-half for a 40-plus hour workweek. Under the new proposal, only those — who earn less than \$22,100 — an estimated 1.3 million workers would be eligible for overtime pay.

Last fall, Congress voted in favor of adding an overtime pay guarantee, the Harkin Amendment, to the Labor Department funding bill that would block the U.S. Department of Labor (DOL) from making the regulatory change to overtime. But the Bush administration vowed to veto the bill if the overtime pay guarantee remained and the Harkin Amendment has been stripped in a conference bill going back to the legislators for a vote scheduled for January 20.

This would leave those in professions that often require overtime, such as nurses, police officers, fire fighters and others, without fair compensation.

"PEF and our affiliates have been opposing this proposal through a national effort by sending more than 3,900

petitions with more than 52,000 signatures to the AFL-CIO," said PEF President Roger Benson.

The campaign is designed to urge senators to stand firm for overtime pay protections and vote against the Bush plan.

To make matters worse, DOL released suggestions for employers on how to avoid paying overtime to those who fall in the low-wage category.

"Not only is the proposal a disgrace, DOL's employer-friendly suggestions on how to avoid paying overtime to those eligible is a direct slap in the face to all American workers," Benson said.

"PEF's legislative department is on top of this and we will continue to work with other unions to keep fighting the proposed changes, either through legislation or litigation," Benson added.

Supporters of the FLSA proposals say the 1938 law needs to be updated because the confusion over who should qualify for overtime has led to lawsuits.

The new overtime regulations were proposed last year after some employers faced costly legal battles with workers who claimed they were unfairly denied overtime pay. To join the battle to protect overtime pay, visit the AFL-CIO Web site at www.aflcio.org and sign a prepared letter to send to your senator, or sign a petition at www.saveovertimepay.org.

PEF wins by a landslide in out-of-title grievances

DOT transformation threatens union jobs

By **DEBORAH A. MILES**

The implementation of a new plan called "transformation" at the state Department of Transportation (DOT) is resulting in PEF members doing out-of-title work and it's threatening their job security with outside contractors.

DOT's plan was designed to more closely coordinate the management of the state's transportation agencies and authorities, with a goal of creating a seamless statewide transportation system and promote economic sustainability.

Transformation was unveiled by DOT last spring and continues to bring with it a myriad of problems for workers such as reduced staffing and the loss of promotional opportunities.

PEF leaders have stepped in and are

addressing the issues before they escalate into a greater level of job insecurity.

"During the last year, we have filed close to 100 out-of-title grievances against the agency on a statewide level due to transformation," said PEF field representative Art Munson. "We are having the greatest success we've ever had as a union in winning these out-of-title cases. We are succeeding 75 percent of the time and this is resulting in back-pay awards for our members."

Munson said Article 17 of the PS&T contract is the "existing weapon" that has made these wins possible.

Vacancies cause havoc

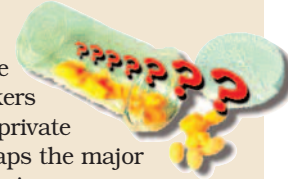
(Continued on Page 11)

New Medicare law threatens NYS retirees' health benefits

By **MATT SHEBAR**

The Medicare Prescription Drug Law recently passed by Congress and signed by the president helps some retirees who had no prescription drug coverage, but PEF leaders worry it will do more harm than good.

That's because it's business — insurance companies, drug makers and employers, both private and public — that reaps the major benefit, not older Americans.



Because of privatization provisions in the bill, the insurance companies get billions of dollars in corporate welfare. It prohibits government from negotiating lower drug prices, so the pharmaceutical companies will continue to get top dollar.

"Our greatest concern is what employers, such as New York, get in the bill — an excuse to stop providing health benefits to their retirees," said PEF President Roger Benson.

"The addition of a prescription drug benefit to Medicare is intended to make it an acceptable alternative to labor unions whose members receive post-retirement health insurance benefits from their employers, so those employers can end that coverage," Benson said.

"The new Medicare drug benefit would be a pale and puny substitute for the robust benefit PEF members and retirees now enjoy," said PEF Retirees President David Grier.

"As usual, it's up to labor to speak for America's working families, and we must take a stand to protect this vital post-retirement benefit," Grier said. "Our benefits are much, much better than those offered under Medicare. It's true they are more expensive, but we've paid for them by foregoing pay raises and other contract benefits. They are ours. We earned them."

Gov. George Pataki is expected to try again this year to limit or end post-retirement health insurance benefits for New York State retirees.

PEF supports a "Hippie Bill," (Health Insurance Protection Bill), for all public employees.

"Whether it passes or not, is not as important as the message we will deliver," Grier said.

That message is: "Governor, senators, Assembly members — hands off our post-retirement health insurance benefits!"

PEF's Action Network strengthens bargaining talks

PEF rejects concessions in health benefits

By **DEBORAH A. MILES**

Escalating health care costs remain a top issue for both PEF and the state at the PS&T bargaining table.

"Health insurance concessions continue to be a priority for the state," said PEF Vice President and Contract Chair Ken Brynien. "Many of the state's demands in this area would seriously undercut any gains the union could make for current employees in other areas of the contract. Some of GOER's demands would deal a horrendous economic blow to current and future retirees. These have and will continue to be rejected by the union."

Since contract talks began last year, the union has placed 270 proposals on the negotiating table, argued each and every one of them and reduced them to formal contract language. Both PEF and representatives from the Governor's Office of Employee Relations (GOER) agreed to close a few dozen articles.

Taylor Law protection

Union leaders are continuing to urge members to be patient, respond to call-to-action alerts, and realize they have the protection of the Taylor Law.

"The Taylor Law protects our members' current benefits for as long as it takes to negotiate a fair contract," said PEF's chief negotiator and Director of Labor Relations, Roger Scales. "We are waiting for better economic conditions and for the right political scenario where we can use significant pressure and take bold action, if necessary, to achieve a contract our members deserve."

Scales said raises in every year,

IT'S YOUR MOVE
— PEF members are mailing thousands of postcards to Gov. Pataki and GOER.

improvements in the dental plan and cost-of-living adjustments (COLA) throughout the state are the other areas that will take time to settle.

To achieve these goals, PEF has been keeping a watchful eye on what other unions have accomplished and how.

"As we move further into the process, the right of certain other state-employee unions to have binding arbitration gains greater importance," Scales said. "If we can't settle a contract through agreement, we would look to patterns set by one of the arbitrators."



FOR WEEKLY CONTRACT UPDATES, GO TO WWW.PEF.ORG AND CLICK ON THE CONTRACT BUTTON.

Members' support powerful

Scales stressed the importance of members becoming involved in the process and applauded the 1,500 who have signed and faxed letters to the governor about the need for COLAs.

"Every signed letter is a powerful piece," he said. "We thank these members for their support. The negotiating team is stronger for the actions members

take, and it reminds the state we are speaking with one voice."

Members are encouraged to sign-up at the PEF Action Center at www.unionvoice.org/pef/join to receive weekly updates and find out how to participate in contract campaigns.

Since contract talks began, members have received more than three dozen updates on bargaining and other important union matters through this e-mail network.



PEF launches contract campaign — 'It's Your Move' governor



By **DEBORAH A. MILES**

In an attempt to get some feedback and results from the state on a new PS&T contract, PEF has launched a campaign called "It's Your Move."

PEF has been negotiating with the state since last February and representatives from the Governor's Office of Employee Relations (GOER) have yet to provide PEF with a comprehensive contract proposal.

"State employees are still waiting for a detailed contract plan from the governor's staff," said PEF President Roger Benson. "We want to work with this governor through these particularly difficult times. However, it's a two-way street."

"During all this time, the state hasn't agreed to a single proposal," said PEF Vice President and Contract Chair Ken Brynien. "The contract team submitted a full contract proposal in early December, and, to date, we haven't received a response."

To motivate the state into moving forward with negotiations, PEF is distributing more than 32,000 postcards for members to send to the governor and George Madison, state director of employee relations.

The postcards listed PEF's five crucial points for a new agreement — base wage increases in every year; no significant health concessions; an improved dental plan; 13 days of sick leave for all PS&T unit employees written in the contract booklet; and expanded cost-of-living enhancements for high-cost geographic areas.

"The contract team needs the support and strength of all the membership," Brynien said. "This campaign will let the governor know the union expects a response. We have prepared and argued all our proposals, and it's rude and unprofessional to keep us waiting in the wings."

Brynien said the state settled a contract during its fiscal crisis with the Metropolitan Transit Authority giving these 37,000 state employees an agreement that includes health insurance with no employee premium and generous raises.

"The state needs to respond," he said. "Our members have been without a contract since last April. It's time to make us a fair offer."

PEF sending state wake-up call on contract, job security

By **ROGER E. BENSON**

As we begin a new year, a new state budget season and a new legislative session, we face real and immediate threats to two of our core goals — job security and stronger contracts.

The state is seeking to close a budget gap of \$5-6 billion. This is creating pressure to cut state services and tie up our contract negotiations.

The state has already moved toward laying off up to 120 people at the Office of Children and Family Services' youth facilities. It also continues to whittle away at the state Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities, as well as nearly every other state agency.

We must be prepared to fight new efforts to cut the state workforce and limit contract gains.

We have learned how effective we can be. We have been dealing with the state's current fiscal crisis for the past two years and have been able to thwart these efforts. Our member mobilization efforts have been the key. We were, and are successful

because of your involvement.

We've learned the lessons well, and may need to employ those lessons soon to win a fair contract and defeat budget cuts.

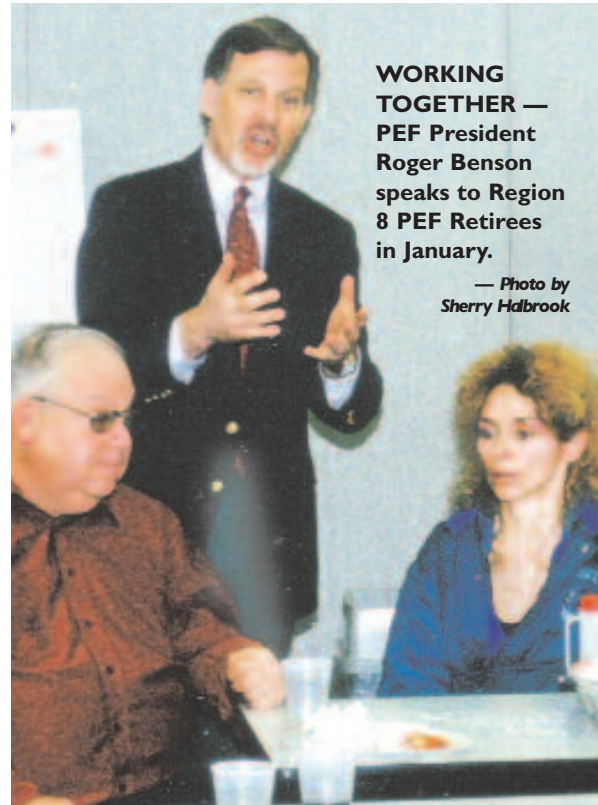
The state can provide quality public services and fair contracts to its employees without cutting jobs or programs. We simply need to create the will in our state leaders to do so.

Despite the fiscal crisis, New York state found the money to settle a contract with 37,000 public employees at the Metropolitan Transportation Authority that included health insurance with no employee premium. The state also found the money to hire more high priced deputy commissioners and spokespersons, and provide generous raises to state contractors in 2003.

But we've been negotiating with the state since February of last year, and yet the state hasn't agreed to a single proposal we've made. We want to put a stop to the delay. It's time for the state to get down to business. To do this, we are launching the "It's Your Move" campaign to remind the state that we can mobilize effectively.

We haven't forgotten the lessons

the last contract battle and our recent budget fights have taught us, and neither should they.



WORKING TOGETHER —
PEF President Roger Benson speaks to Region 8 PEF Retirees in January.

— Photo by Sherry Halbrook

Scanlon fund benefits children, keeps safety issue upfront

By **DEBORAH A. MILES**

The Judith K. Scanlon Endowment Fund has been established to memorialize this PEF member who, as an intensive case manager at the Buffalo Psychiatric Center (BPC), lost her life in November 1998 when a client beat her to death during a home visit. She left behind a husband, three daughters and two grandchildren.

The fund will provide financial assistance to children in kindergarten through grade 11 who attend the resident or day camp at Camp Aloha in Wales Center where Scanlon enjoyed much of her time as a young girl.

Scanlon's mother organized the fund, saying it was time to stop mourning and celebrate her daughter's life.

The fund not only honors her memory and the devotion she had for

her clients, but also keeps the issue of workplace safety a priority during a time of budget cuts.

"We need to keep what happened to Judy in the forefront, so we don't compromise the safety of other members and allow another incident to happen," said Barbara Rock, a PEF Executive Board representative who works at BPC. "This fund is a way to remind management that training is needed, so the safety of our members is not compromised.

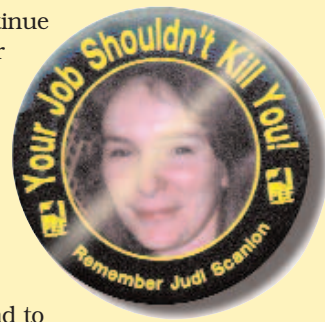
"Judy died in the line of duty and another fatal incident could happen to someone who works in the state Department of Correctional Services, the Department of Transportation, or mental health facilities," Rock said.

PEF members at BPC are promoting the fund, and hoping to reach Scanlon's

former co-workers through *The Communicator*.

"As members of PEF Division 180, we continue to celebrate Judy, her life and ideas in keeping her memory alive," Rock said. "We ask other sisters and brothers to join us in supporting the endowment fund to honor her memory, crusade for safety, and to offer a scholarship to young boys and girls."

Donations may be sent and made payable to Camp Fire U.S.A., 1272 Delaware Avenue, Buffalo, NY 14209. Please write, "The Judith K. Scanlon Endowment Fund," on your check.



PEF blasts Health Dept. for punishing whistleblower

By **DENYCE DUNCAN LACY**

PEF has filed charges against the state Health Department (DOH) and is calling for an investigation after PEF Division 317 steward William Jacovina was abruptly reassigned from his hospital inspection duties.

PEF says the department is retaliating against Jacovina because he brought to federal officials his members' concerns about the state's use of a private contractor, the Island Peer Review Organization (IPRO), to do nursing home inspections. The union has filed a contract



JACOVINA

grievance and improper practice charge against the state and is demanding the Health Department return him to his Long Island worksite.

According to PEF President Roger Benson, Jacovina is being punished because he contacted federal officials several times between July and November 2003 about the state's use of unqualified private contractors retained by IPRO to investigate complaints against nursing homes, and other apparent violations of federal regulations by the homes.

"The harassment of Mr. Jacovina is obviously intended to send a message, not just to him, but to every other advocate for the elderly on the DOH payroll," Benson said in a letter to state Health Commissioner Antonia Novello. "And the message is, that if they want to live in peace they had better turn a blind eye to what appears to be a dysfunctional relationship between DOH and its politically connected contractor, IPRO."

IPRO's political connections include its lobbying firm, Bolton-St. Johns, a major lobbying company which employs Armand D'Amato, brother of former U.S. Sen. Alfonse D'Amato, as one of its principals.

Suspect practices

Benson says Jacovina specifically asked the federal government to investigate the following:

- IPRO has assigned unqualified inspectors to conduct nursing home complaint surveys. Most of the IPRO contract inspectors have not taken or passed the federal Surveyor Minimum Qualifications Test, as required by the Federal Center for Medicare and Medicaid Services State Operations Manual.

- DOH "administratively closed" hundreds of backlogged complaints about nursing home conditions without performing complete inspections.

- In at least one instance, an IPRO inspector provided a copy of her resume to a nursing home she was investigating. State employees who conduct nursing home inspections are barred from such practices by the state Ethics Law.

- DOH has inappropriately sought federal reimbursement for payments it made to contractor IPRO for work DOH

officials knew was performed by non-certified contractor IPRO staff.

- A nursing home on Long Island (Medford MultiCare Center) was tipped off about the date and time of a "surprise" survey. Jacovina reported this serious breach of procedure to the federal government on October 23, 2003.

DOH turned deaf ear

Before reporting the problems to the federal government, the union steward tried to resolve them in labor-management meetings with the state Health Department, to no avail.

So, PEF Division 317 formed an anti-privatization committee and named Jacovina its chairman. The committee conducted a public information campaign to raise awareness about the IPRO concerns.

PEF maintains Jacovina's union activism in fighting the privatization of nursing home complaint inspections led to the state's retaliation.

"Mr Jacovina's dedication to protecting the state's elderly led him to expose these unethical, dangerous and potentially illegal practices," Benson also wrote to the DOH commissioner.

"However, as a result of his action, DOH has sought to punish him. He was placed on administrative leave from his job and then reassigned to a job where he must travel three to four hours every day to go to work.

"I ask that you use your authority to halt the harassment of William Jacovina and all others at DOH who advocate for a legitimate nursing home inspection

Help PEF defend members facing layoff at OCFS

By **SHERRY HALBROOK**

The union's intensive efforts to save approximately 40 PEF members at the state Office of Children and Family Services from layoff on February 25 are paying off.

"Only 14 of our members actually received layoff notices," said Susan Mitnick, PEF's supervisor of budget policy. "So far, all but seven of them have received offers of other state jobs."

Although some of the offers may be for jobs that pay less or involve longer commutes, members who accept them will still be on a civil service preferred list for filling vacancies in their previous job title.

Mitnick said PEF wants to be sure that every permanent employee PEF represents who is targeted for layoff receives at least one state job offer.

"PEF President Roger Benson spoke to state Director of Employee Relations George Madison about this concern, and he assured us that the state would make every possible effort to help our members find other positions in state service," Mitnick said. "And the state Office of Career Mobility has been very helpful in this regard."

When OCFS announced last year that it would cut a total of 120 jobs at various worksites throughout the

state, PEF launched a vigorous campaign to save the jobs and services.

The union ran ads opposing the layoffs in Albany's insider weekly, *The Legislative Gazette*, and in newspapers serving the communities that stand to lose the state jobs and services — primarily in the mid-Hudson valley and Rochester area.

PEF members are wearing stickers every Wednesday to show solidarity with those facing layoff.

Federal representatives are also distributing to members sample letters and talking points about the layoffs for



OCFS AD — To view, log onto PEF.ORG, click on Current News, go to 2003 Ad Campaign.

(Continued on Page 10)

(Continued on Page 17)

PEF, SEIU oppose Board for Nursing recommendation

Proposed BSN requirement could worsen nurse crisis

By **SHERRY HALBROOK**

PEF and one of its international affiliates, the Service Employees International Union, are leading opposition to a proposed hike in educational requirements for registered nurses that could undercut efforts to resolve New York's nursing shortage.

In December, the New York State Board for Nursing adopted a recommendation that the state require all future graduates of associate degree nursing programs to obtain a Bachelor's of Science in Nursing (BSN) within 10 years of licensure, or lose their license to practice nursing.

The board's recommendation goes to the state Education Department which issues the licenses.

Meanwhile, the union is speaking out against the plan. PEF plans to meet with the board's executive secretary to discuss this issue.

Proposal 'out-of-touch'

"This proposal was made with no public input or comment and clearly shows that the state Board for Nursing is out of touch with the needs of the profession and the public," PEF President Roger Benson said in a letter to the *Times Union*, published January 3.

While increasing the quality of patient care is a laudable goal, Benson said, "requiring a BSN from nurses who are already skilled and trained in patient care will not improve the care provided by registered nurses. Instead, it will almost certainly exacerbate the nursing shortage by encouraging nurses to leave the profession and by discouraging future students from enrolling in nursing programs.

"We strongly oppose this change," he said, "and intend to take whatever steps may be necessary to prevent it."

Takes RNs from direct care

The approximately 8,500 registered nurses represented by PEF include both those with bachelor's degrees and those with associate's degrees.

"Generally, bachelor's programs tend to encourage nurses to practice in non-traditional, administrative or specialized roles," said PEF Nurses Committee Co-Chair Debbie Egel. "They usually put less

emphasis on clinical experience, than the associate's degree programs."

Divisive to nurses

"PEF has always supported high standards for the nursing profession," said June Edwards, co-chair of the PEF Nurses Committee. "But the timing for this change is all wrong.

"This is the time to look for ways to encourage more people to become nurses and to get nurses who have left direct care to come back to it, not start making it harder for them to practice," Edwards said.

"If we fail to stop this change, New York's nursing shortage is going to get worse," Edwards added. "And the problems of mandatory overtime and weekend and holiday coverage, that PEF has been trying to fix, will get worse too."

"It's hard enough for nurses who work in so many different settings and at different agencies to unify and work together on professional issues. This new requirement would divide us into a two-tiered system, because RNs who are already licensed won't have to meet the new requirement," Egel said.

She urged PEF nurses to "e-mail us at pefnurses@pef.org with your comments on this issue."

Board missed the point

Pat Greenberg, an RN and executive director of the 1199 SEIU Nurse Alliance of New York State, who has also written letters to newspapers on this issue, agreed with PEF leaders that the proposed change is neither logical, nor timely.

"No studies have been done to determine the impact this proposal will have on the health care system in New York State, no provisions for funding such a mandate have been identified, and no adequate explanation has been given about why we should undertake such a drastic action at a time of crisis in the

profession of nursing," Greenberg said.

She cited the state Board for Nursing's own findings in a 2002 survey of 14,000 RNs that New York already suffers from "a severe shortage of young people willing to enter the profession.

"Now, the board is raising another roadblock," Greenberg said.



Bye bye, nurses

According to George R. Boggs, president and CEO of the American Association of Community Colleges, the BSN requirement could drive New York's future nurses to neighboring states.

In a December letter to the NYS Board for Nursing, Boggs said, "New York residents may choose to leave the state to pursue nursing education and practice as North Dakota recently learned."

North Dakota was the only state to require a bachelor's degree to practice as an RN, he said, but recently overturned that requirement "after 200 students left the state in 2002-03 to study nursing in associate degree programs in Minnesota."

Fix system, not nurses

According to Greenberg, about 61 percent of New York's RNs have associate degrees.

"They score the same on the same national nursing entry exam, and have the same requirements for clinical education as their BSN counterparts," she said.

According to a 2003 report by the Institute of Medicine, patient safety and quality patient care are best protected by limiting the overtime hours nurses must work and the number of patients in their care.

"The nurse is not broken; the system is broken and must be fixed," Greenberg said.

COPE enrollment soars at OASAS

By DEBORAH A. MILES

Union involvement is reaching a higher level among PEF members at the state Office of Alcohol and Substance Abuse Services (OASAS).

Last year, less than five members elected to participate in PEF's Committee on Political Education (COPE). By the end of December, more than 56 percent of the members had signed-on.

"PEF builds political clout one member at a time, one COPE contributor at a time," said Pat Lavin, PEF Division 265 council leader.

"My goal was to speak with everyone on a personal level, and to get at least 50 percent of the staff enrolled in COPE," Lavin said. "What made the difference this year is I made individual presentations. I explained why it's important to build union power and to have a union voice. I stressed that it would be a strong bipartisan voice."

"PEF can be a significant force when we combine and concentrate our resources on very specific political



COLLECTING COPE SIGNATURES - PEF Division 265 Council Leader Pat Lavin (L) shows member mobilizer Linda Hunter another completed COPE enrollment form at OASAS. — Photo by Deborah A. Miles

challenges and goals," said PEF Vice President Ken Brynien, who heads the union's COPE and political action programs.

"Under federal law, we can only use voluntary COPE contributions to support candidates for U.S. Senate, Congress or for president," he said. "A strong COPE fund is an engine that drives the union's

prestige, clout and political presence wherever we look to promote our members' interests."

Lavin's advice to other union leaders who are soliciting members for COPE is to first identify the activists in your division or agency. Find a mobilizer or Political Action Committee (PAC) member — people who are invested and believe in what they are doing. Organize these members into small groups and have them speak with other members on an individual basis, highlighting issues of importance such as uniting to stop the Bush administration's overtime bill.

"Union leaders should also seek input from a representative of PEF's legislative department," Lavin said. "He could speak on the importance of COPE and describe current issues that may further motivate more people to join."

If you would like more information on how to encourage your members to join COPE, contact the PEF Mobilization Department at 1-800-342-4308 ext. 287 and request a training workshop.

PEF reaches out to NY service members in Iraq



The holidays are a time for families to share the joy of being together, but this year many members of New York's family were far away, serving in the U.S. military in Iraq.

So, PEF reached out in December to New York's service members through a \$500 donation to "Support Our Troops" — a not-for-profit organization based in the Capital District which mobilizes personal support and individual contacts between people in the states and service members. More than 1,200 pounds of donated gifts were shipped to the troops following a special Armed Services Day hockey game at the Pepsi Arena with the Albany River Rats.

"With the holidays fast approaching, packages from home will, I'm sure, help to ease the loneliness of being so far away from loved ones at this time of year. Our prayers and thoughts are with your son and all the soldiers for a safe and quick return home." PEF President Roger Benson told Dan Forant, the founder of Support Our Troops in a letter which is now featured on that organization's Web site.

The site features letters and news from the front, ways to support the troops and

names and information about service members you can contact, including the son of PEF Vice President Ken Brynien.

Albert Brynien, 30, has served in the U.S. Army for seven years. He is scheduled to return to his wife and children in Tacoma, WA in March after completing a one-year tour of duty in Iraq.

For more information or to share the story of your loved ones in military service, visit Support Our Troops online at supportourtroopsiniraq.com and danforantiniraq.com. — Sherry Halbrook

INSPECTOR

(Continued from Page 8)

process. I ask that you call for a thorough and honest investigation of the allegations he has presented, and for the sake of a legitimate system that protects the elderly invest in more DOH staff to survey the nursing homes."

PEF's Improper Practice charge alleges DOH suspended and reassigned Jacovina as a direct reprisal for his union activities, a violation of the state's Taylor Law. The grievance charges DOH with violating PS&T Contract Article 33 which prohibits discipline without due process.

DOT

(Continued from Page 5)

The reason for the deluge of out-of-title work, according to Munson, is DOT's loss of close to 500 employees to the early retirement incentive, and only a little more than 100 of those positions have been filled.

Unfilled positions and short-staffing have led to another problem. "Because of all the retirements and the need to get the work done, DOT is not honoring the cease-and-desist orders," Munson said. "In some instances, we've had to re-file grievances up to three times."

"Many of the employees do not understand the impact of working out-of-title," said Lou Ferrone Jr, statewide labor-management chair for DOT. "They think it only affects them. However, it affects everybody within the department because doing out-of-title work blocks promotions for other employees."

What promotions?

With so many employees continuing to perform out-of-title work, DOT is also avoiding compliance with Civil Service Law, according to Munson. He said agencies don't even look at the Civil Service promotion list when they know employees will work out-of-title.

Contracting-out is another concern. Ferrone said PEF approached DOT managers and showed them studies indicating how the use of DOT staff is more cost effective than contracting out. Managers responded by saying they would not take action based on the studies and refused to stop contracting the work.

DOT has spent tens of millions of dollars a year on contract consultants, rather than using civil servants.

"Management also said it might need legislative changes to accomplish some of the transformation. That statement reeks of design/build and a definite threat to job security at DOT," Ferrone said.

Transformation, good or bad?

Another element of DOT's transformation is consolidating duties among transportation agencies and authorities, a synergistic plan that was first unveiled last November by Gov. George Pataki.

This would create job sharing, according to Munson, and it could mean that other agencies will end up doing PEF work.

"Management doesn't want any restrictions on how they do that," Munson said.

"Transformation is changing all the ways DOT does things. There are positive aspects to the plan, but we are looking at the harm it can cause PEF members," he said.

In order to keep members informed and on guard for the changes management may impose through transformation, DOT union leaders are planning member mobilizer training for PEF leaders and activists.

"The training will focus on dealing with the negative effects of transformation on the membership," Ferrone said. "Then we will educate our members and mobilize them to fight back."

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PEF Information Line: 1-800-553-2445

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*Source: Injury Facts, 2000, National Safety Council.



MEMBERSHIP
BENEFITS
PROGRAM

Union adding political, field staff

PEF E. Board handles wide range of issues at November meeting

By **LINDA RUBIN**
and **SHERRY HALBROOK**

The PEF Executive Board voted at its November 2003 meeting in Albany to endorse Dr. Howard Dean in the Democratic Party's New York presidential primary in March 2004.

PEF President Roger Benson announced the union had hired two new political organizers/lobbyists. They will work out of PEF's Legislative Offices in downtown Albany.

J.J. Johnson, an international field representative for the Service Employees International Union, reported on the Show Bush the Door in 2004 campaign, which PEF is supporting.

The board voted to oppose pending federal legislation on a Medicaid prescription drug benefit, as well as the Free Trade for the Americas Act. PEF will ask New York's congressional delegation to vote against these measures.

The board directed leaders of the PEF Political Action Committee (PAC) to work with the PEF Veterans Committee to persuade the governor and state Division of Budget to approve the hiring of disabled veterans under 55c provisions of the state Civil Service Law.

The board also amended its rules for membership of the PEF PAC Advisory Committee. Each candidate nominated to serve on this committee will be allowed to address the board for up to two minutes on his or her qualifications and interest in serving.

After hearing a report on mutual fund oversight, the board decided PEF should attempt to have a

representative attend the next meeting of the state Deferred Compensation Board and obtain reimbursement to PEF members for any excess charges for multiple trades.

Labor relations

PEF Vice President Ken Brynien, who chairs PEF's PS&T Contract Committee, reported on the status of contract negotiations. And PEF associate counsel Elizabeth Hough reported on an arbitrator's decision on the union's timekeeping grievance at the state Transportation Department (DOT).

Benson reported on the serious threat of layoffs at the state Office of Children and Family Services. The board allocated \$150,000 from the union's contingency fund to fight these layoffs.

Benson reported on serious issues for members at several state agencies. These included more contracting out and large numbers of members at DOT being forced to work out of title as that agency goes through a comprehensive restructuring.

He said members at the state Office of Mental Health are concerned about the likelihood of the state trying to close more psychiatric centers.

And Benson said leaders at the state Division of Parole and Department of Correctional Services (DOCS) have issues regarding continuing efforts by the governor to eliminate parole, and the resulting problems that would pose for DOCS in keeping felons incarcerated longer.

The board created a third position of field services director. This position

will oversee PEF field services in Regions 9 (Mid-Hudson Valley), 7 (Northcountry) and 5 (Binghamton area).

PEF Director of Civil Service Enforcement and Research Tom Cetrino reported on the state's fiscal problems and the need to improve state revenues by closing more corporate tax loopholes and increasing federal aid to New York.

PEF issues

The board approved formation of a new PEF division for members working at the Montrose Veterans Home.

The board approved a clarification to its policy regarding per capita payments to PEF divisions. The per cap payment will be the sum of payments for the previous four quarters. PEF will give division treasurers written notification of their maximum payment.

Board members sworn in at this meeting were: Michael DelPiano, Region 6 Coordinator; Don Kehoskie, Region 4 Coordinator; Marianne Albamont; Ed Lucas; Barbara Rock; Rosemary Rossi Williams; Minerva Osorio; and David Emig.

Special Election rules were adopted to handle interim board elections between now and 2006.

The board upheld the PEF Elections Committee on an appeal regarding Carlton Wells.

Two ethics charges were overturned by the board. The first was Ron Elumn vs. the PEF Triennial Election Committee. The second was Ed Ryan vs. the PEF trustees.



HOLIDAY SPIRIT — PEF Region 8 members share their holiday spirit in December by donating toys and preparing gift baskets for needy families of parolees. The toys are also sent to St. Margaret's Center for Children in Albany and the Marine Corps Toys for Tots program. At right, are PEF President Roger Benson and his son Alexander. At left, are event organizer Sue Jeffords and other volunteers.



— Photos by John Epting

REVENUES

(Continued from Page 3)

more penalties and fees on polluters.

New York should:

- Tax virtually all services the same as it taxes goods. According to the Center on Budget and Policy Priorities, New York does not currently tax 15 “readily taxable services,” such as veterinary, health club, hair styling, legal, investment counseling, accounting, computer and data processing.

- Expand the state Bottle Bill to cover most beverages; raise the deposit to 10 cents, and reclaim all or part of unclaimed deposits from bottlers and distributors.

- Impose environmental charges on polluters, including fees for carbon-emission permits. Gov. George Pataki has called on the governors of northeastern states to enter into an interstate compact to cap carbon emissions from power plants beginning in 2005. These carbon-emission permits should be auctioned, rather than given away.

Stop wasteful contracting

The union continues its campaign to stop the state from wasting up to \$250 million each year by contracting out work that could be done cheaper by state employees.

Numerous state contracts require the state to pay contractors up to four times the cost of salary and benefits for state employees to do the same work.

Last year, the state Assembly passed legislation requiring the state to conduct a cost/benefit analysis before contracting for personal services.

In addition, PEF leaders say the state Executive Budget proposal should be required to disclose for each agency the amount proposed for state operations personal service contracts and the number of employees working for the state under those contracts.

Reduce Rx drug costs

PEF recommends the state and local governments combine their purchasing of prescription drugs to get lower prices.

New York should require drug manufacturers to give additional discounts to the state’s Medicaid program in order to have their drugs generally available for Medicaid recipients. Drugs not on that list could still be covered by Medicaid, but additional review would be required.

The Boston University School of Public Health has estimated that New York could reduce its Medicaid expenditures by more than \$400 million per year if it were able to purchase brand-name prescription drugs at federal prices.

CAPS stomps plant pests before they cross the border

Inspecting, protecting agriculture from exotic invaders

By **DEBORAH A. MILES**

Amid a colorful array of tropical flowers and plants, PEF member Kenneth Carnes spots a table full of orchids in the greenhouse at Faddegon’s Nursery in Latham. He quickly picks up one of these delicate flowers and carefully examines the petals, leaves and soil.

Carnes is the state survey coordinator for the Cooperative Agricultural Pest Survey (CAPS), a program of the plant industry division of the state Department of Agriculture and Markets. The U.S. Department of Agriculture developed CAPS to monitor plants and pests that have the potential to destroy crops or cause illness in people.

Carnes coordinates a team of more than a dozen horticulture inspectors who travel the state looking for problems in greenhouses, landscape and nursery environments and even along country roads.

“We’re given an opportunity as a state to determine what our CAPS pest targets might be, based on the commodities we handle,” he said. “Tropical house plants, orchids from Hawaii and tropical plants from Florida and points unknown are potential targets for the pink hibiscus mealy bug.”

The mealy bug, which feeds on more than 200 varieties of plants — both ornamental and landscape, could put a big dent into the state’s multi-million-dollar greenhouse industry. So, Carnes and his

inspectors routinely check plants that might harbor some of these pests.

“Every growing plant we have in a greenhouse setting has ideal growing conditions. They are also an ideal breeding ground for insects and diseases,” Carnes said. “A pest problem in a greenhouse may stem from an unknown hitchhiker, such as on an orchid coming from Hawaii.”

Healthy greenhouses abound

Carnes gave the growers in New York high marks for keeping tabs on pest problems. But his inspectors regulate and quarantine greenhouses, if necessary.

“Most growers here do a good job in controlling their pest problems. They either initiate pest management by physically isolating and destroying them, or keeping the plants healthy and viable to resist the pest problem,” he said.

Carnes also keeps an open dialogue with the people on the frontlines — those who unpack plants. They are advised to keep a close watch for anything unusual, such as slugs or snails.

“The people who inspect the crates and cargo report back to us and can give us a heads-up if something is hitchhiking along that may not be on our list,” he said. “This is really a global issue with exotic fruits, flowers and plants coming into the state from Africa, South America, China and Asia.”

(Continued on Page 18)



PASSING THE GRADE — PEF member Kenneth Carnes inspects tropical and seasonal plants for pests at Faddegon’s nursery in Latham during the holidays. Carnes is the state survey coordinator for the Cooperative Agricultural Pest Survey. — Photo by Deborah A. Miles

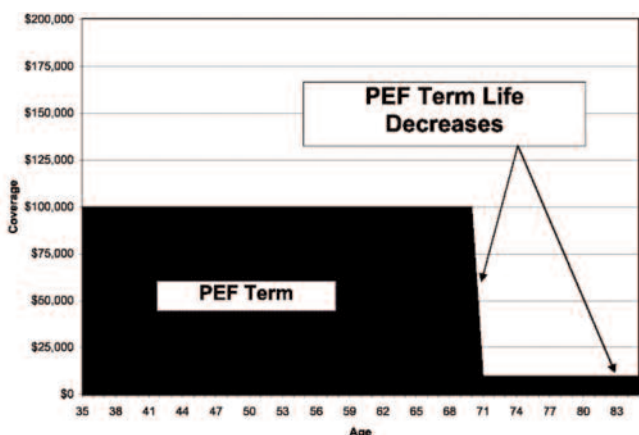
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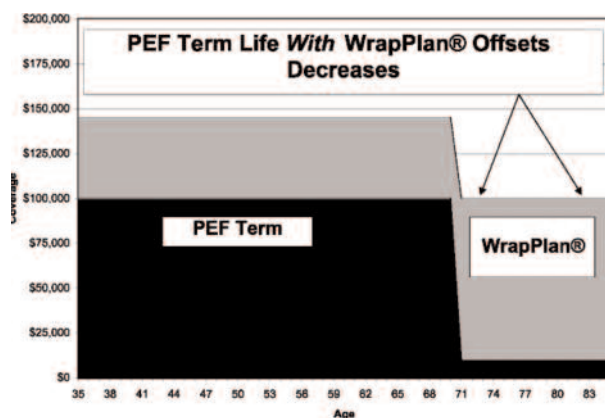
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A message from

PEF Retirees President Dave Grier

Medicare change spells bad news



GRIER

In late December, U.S. Rep. Timothy Bishop (D-NY) and PEF President Roger Benson told a standing-room-only crowd of 75 members of PEF Retirees Long Island Chapter in Hauppauge how the new federal Medicare Prescription Drug Law, which PEF and Bishop opposed, may affect them.

"It's a bad law and a bad deal," Bishop said. "Instead of really helping Medicare recipients ... (President George W. Bush and others who supported the legislation) helped insurance companies and pharmaceutical companies. Corporate welfare' is the phrase that comes to mind."

The congressman described a provision in the new law that privatizes delivery of the new drug benefit, requiring it be provided by insurance companies and HMOs.

"This is generally regarded as the most costly, least effective way to go," Bishop said.

Jane Bryant Quinn, a columnist for *Newsweek* magazine, made the same point in her December column: "Contrary to myth, private insurers add to the cost of Medicare."

Quinn said the new law steers seniors into private plans, which "just hastens the day Medicare goes broke."

Bishop said the new law also prohibits efforts to negotiate cost savings for drugs.

Benson said the changes in Medicare may encourage the state and other employers to cut or eliminate their health benefits for retirees.

"Even before these changes to Medicare, the governor tried to cut your post-retirement health benefits last year," Benson said. "That was one of his vetoes we (successfully) fought to override. And, if we have to do it again this year, we will. You can count on PEF to oppose attempts to reduce post-retirement health benefits in the Legislature, as well as at the bargaining table."



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Official AFT & SEIU Call and Rules



AFT and SEIU CONVENTIONS



For the AFT and SEIU conventions the following rules apply:

1. In order to be nominated, a dues-paying member must obtain the signatures of fifty (50) other members from within the designated title groupings for this convention (*see listings*).
2. A nominee may not sign his/her own petition.
3. A member may sign only one (1) nominating petition.
4. The accuracy of the information contained in the petition is the responsibility of the person filing the petition.
5. Original petitions must be returned to PEF-Albany Headquarters c/o Delegate Election Committee at PO Box 12414, Albany, NY 12212-2414 and received no later than 5 p.m. March 22, 2004. Received means "in-hand" not mailed or post-marked. Faxing of petitions will not be allowed.
6. Petitions may be returned by certified mail (return receipt requested), although this is not required. Certified mail sometimes takes longer than regular mail. Postal failures or inadequacies are a matter between the mailer and the post office, not the Elections Committee. Allow five (5) days or more for mailing to be safe. PEF sends each nominee a notice of receipt.
7. Per Executive Board policy, the five (5) statewide officers are automatic delegates to the AFT and SEIU conventions.
8. In addition to the statewide officers, a minimum of ten (10) elected delegates will comprise the PEF delegation to the convention for AFT's and (20) for SEIU's.
9. (a) If ten (10) or fewer valid nominating petitions are received, those individuals who submitted a valid petition will be deemed duly elected for AFT.
(b) If twenty (20) or fewer valid nominating petitions are received, those individuals who submitted a valid petition will be deemed duly elected for SEIU.
10. The Secretary-Treasurer will provide the Delegate Election Committee with the estimated cost of sending one delegate to the forthcoming AFT and SEIU Conventions. In addition, the Secretary-Treasurer will provide the committee with a cost estimate for holding an election. The committee will determine the breakdown of the total number of delegates that could attend the convention, compared with the cost of holding an election. This will be determined by dividing the cost of holding an election by the cost of sending one delegate to the convention. If the total number of valid petitions received is equal to or fewer than the break-even number, all individuals who submitted valid petitions will be deemed duly elected delegates and no election will be held. The maximum number of delegates cannot exceed our authorized number of seats.
11. If the number of valid petitions received is greater than the break-even total (see #10), an election will be held (see Convention Information). Alternates will fill the delegate openings by rank order or the number of votes received in case of an election. Ties will be broken by lot.

SEE JOB-TITLE GROUPINGS AND CONVENTION
INFORMATION ON FOLLOWING PAGE

SAFETY

(Continued from Page 4)

to \$76 billion per year (or \$306 to \$456 billion over six years).

The Bush administration has proposed the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA) proposal — a six-year, \$247 billion surface-transportation reauthorization proposal.

Of that, \$58.7 billion is for environmental programs. SAFETEA would provide for \$37 billion to be spent on highways and transit in 2004 with slight increases in subsequent years. This is far less than the \$51 billion to \$76 billion in federal aid needed annually to maintain the current system.

The Transportation Equity Act: A Legacy for Users (TEA-LU) was introduced

in the U.S. House of Representatives. It has 73 co-sponsors, including six members of New York's delegation, and would provide a total of \$375 billion to the states.

TEA-LU would increase federal funding for highways to \$298 billion and increase transit funding to \$69.2 billion (up from the 1998-2003 TEA-21 allocation of \$174 billion for highways and \$41 billion for transit).

TEA-LU would also boost the minimum guaranteed percentage of return each state would get back from federal highway-formula programs from 90.5 percent to 95 percent by 2009.

A bill sponsored by House Majority Leader Tom DeLay and other Republicans in the House — the "Highway Funding Equity Act of 2003" would require states to receive a minimum of 95 cents of every dollar they pay to the federal government

in gas taxes.

Under this proposal, New York would lose \$300 million a year in federal transportation funds.

Transportation aid is expected to be included in one of seven federal spending bills that are being lumped together into one enormous omnibus spending bill before Congress.

Work on the omnibus spending bill has been delayed by battles, primarily in the Senate, over a separate issue — Bush's plans to change the rules governing overtime payments to workers.

"With New York wasting millions of dollars annually on high priced transportation contractors, we can't afford to come out on the short end of the federal-aid stick as well," Benson said.

"It's time our government leaders put the needs of the public first, and started funding and spending responsibly."

OCFS

(Continued from Page 8)

members to use in lobbying their state lawmakers in their district offices on this

issue.

"One of the easiest and most important things our members can do is send state leaders a Fax opposing the layoffs. We are coordinating an OCFS blast-Fax campaign on this through PEF's online Action

Center," Mitnick said.

Go to the PEF Action Center portion of the union's Web site at www.pef.org. This center is accessible only to PEF members who subscribe to it.

AFT/SEIU Convention Information (continued)

1. No EOL (Employee Organization Leave) will be provided for delegates attending the AFT/SEIU Conventions.

2. Travel and lodging will be arranged and provided by PEF.

3. A per-diem allowance for meals will be provided by PEF.

4. AFT Convention

Site: Washington, DC

Dates: July 13-17, 2004

PEF title groups eligible to attend the AFT convention: A, B, C, D, F, Q and S.

5. SEIU Convention

Site: San Francisco, California

Dates: June 19-23, 2004

PEF title groups eligible to attend the SEIU convention: E, G, H, J, K, M, N, O, P and R.

6. Dates To Remember

A. Nominating petitions will be available at all PEF offices for potential candidates to pick up during regular office hours starting 9 a.m. – February 23, 2004 and are due back by 5 p.m. – March 22, 2004.

B. Elections (if needed) will begin with ballots being mailed by March 29, 2004 with a return date of 5 p.m. April 26, 2004.

SEIU PEF job-title groupings

E. Social workers and social services .

G. Attorneys, referees, hearing officers, hearing examiners, mediators and judges.

H. Therapists rehabilitation.

J. Parole officers, drug abuse counselors, and related law enforcement professionals.

K, R. Computer professionals, superintendents, maintenance specialists, technicians and skilled tradesmen.

M. Claim examiners, investigators and inspectors.

N. All counselors.

O. Interviewers, manpower specialists OJT specialists, apprenticeship reps., consultants and field reps.

P. Accountants, auditors, estimators, statisticians, examiners, appraisers, analysts, head clerks, reporters.

AFT PEF job-title groupings

A. Nurses and related nursing titles.

B. Engineers, right-of-way agents, designers, architects, drafting and related engineering technicians, pilots and conservation titles.

C. Teachers, librarians, trainers and related educational titles.

D. Doctors, dentists, psychiatrists, psychologists, dieticians, veterinarians, pharmacists, health-care, home-economist and related medical researchers.

F, Q, S. Chaplains scientists, cultural affairs specialists, related artists and sciences professionals, management personnel and related administration specialists, planners and supervisors.

CAPITAL DISTRICT Professional Directory

CAPS

(Continued from Page 13)

Pests on the border

The current threat to New York crops is the swede midge, a small fly that attacks crucifers such as cabbage, brussels sprouts, cauliflower and broccoli.

"The swede midge is not a big problem yet. But it is well-established in Canada and was detected in the Niagara Falls botanical garden display," Carnes said. "It's that close to our borders, so we've been very diligent during the last two years. If it gets established, which takes two to three years, it can destroy 85 percent of your crop."

Another culprit is chrysanthemum white rust that makes its way into New York from people in garden clubs who swap cuttings. Carnes said it is important to have a handle on cuttings, especially those from out of state. He said the general public should report any suspect pest problems.

"We've also relied on homeowners to identify giant hogweed, especially those who have found it in the back of their property or along a country road," Carnes said.


A public health hazard

The giant hogweed is a tall, majestic plant with clusters of small white flowers that bloom in June or July. The huge weed is as dangerous as it is beautiful. Its stems grow 8 to 14 feet tall, circled with purple blotches and coarse white hairs. And it is a major public health hazard.

According to Carnes, the plant sap can produce painful, burning blisters after contact, and the juices can cause red blotches that later develop into purplish or brownish scars that may persist for several years. If you spot one, call the toll free, Giant Hogweed Hotline at 1-877-464-9333 to report it.

Carnes said the best parts of his job are interacting with the inspectors, keeping a watchful eye on the "hot spots," and making sure the plants and trees New Yorkers purchase are as healthy as possible.

A Web site is in the works to help the public identify various pests such as the emerald ash borer — an exotic beetle that feeds on and destroys ash trees. Until the site is completed, the public may call Carnes at (518) 457-2087 with questions or sightings of any unusual plant, pest or invasive weed.



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Two elected to PEF E. Board

The following two individuals were recently elected to fill vacancies on the PEF Executive Board:

- W. Scott Ray fills Seat 235 representing members at the state Labor Department in Albany County; and
- Genette Hollander fills Seat 437 representing members at the state Office of Children and Family Services in the Capital District, except those working at 52 Washington Avenue in Rensselaer.

The PEF Special Elections Committee is now seeking nominees to fill Executive Board Seats 360, which was vacated by the death of Patricia Wilson, and 310 vacated by the promotion of Christina Brady out of the PS&T unit.

Seat 360 represents members in PEF Region 10 at the Manhattan Psychiatric Institute, the state Office of Mental Health Washington Heights Unit, and the OMH Main Office in Manhattan, Creedmoor, Rockland and South Beach Psychiatric Centers, and the Nathan Kline Institute.

Seat 310 represents PEF Region 8 members at the state Office of Mental Health main office, the Capital District Psychiatric Center and Center for Youth.

Nominating petitions became available January 5, returnable by January 26. If more than one candidate is certified, ballots will be mailed February 9, returnable to the American Arbitration Association by March 1 for counting on March 2.

— Sherry Halbrook

LETTERS

(Continued from Page 2)

administration's current term?

CLAUDE MEYER

New York City

Editor's note: Premium rates for large group plans nationwide are increasing by 10 percent to 18 percent. NYS Insurance Law allows premiums to be adjusted annually based on plan experience and costs.

No NYS-employee union has the authority to negotiate premium rates. And, unfortunately, protesting the rates will not change them.

PEF's Contract Team is well prepared and negotiating hard to achieve a fair contract and preserve health benefits while holding down the cost to members.

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Snow Ridge

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Willard Mountain

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Bromley Manchester, VT	\$54.00 adult wkend/hol. \$46.00 teen wkend/hol. (age 13-17) \$35.00 jr. wkend/hol. (age 7-12)	\$30.00 adult/teen wkend/hol. \$20.00 jr. wkend/hol.	\$30.00 adult/teen wkend/hol. \$20.00 jr. wkend/hol.
Catamount Hillsdale, NY	\$45.00 adult wkend/hol. \$42.00 young adult wkend/hol (age 14-22) \$35.00 jr./sr. wkend/hol (ages 7-13 & 65-69)	\$28.00 adult/young adult/ jr./sr. wkend/hol.	\$22.00 adult/young adult/ jr./sr. wkend/hol.
Gore Mountain North Creek, NY	\$55.00 adult wkend/hol. \$45.00 jr./sr. wkend/hol (age 13-19 & 65-69)	\$45.00 adult wkend/hol. \$37.00 jr./sr. wkend/hol.	\$36.00 adult wkend/hol. \$36.00 jr./sr. wkend/hol.
Hunter Mountain Hunter, NY	\$51.00 adult wkend/hol. \$45.00 young adult wkend/hol. (age 13-22) \$33.00 jr./sr. wkend/hol. (age 7-12 & 65+)	\$43.00 adult /young adult wkend/hol.	\$34.00 adult/young adult wkend/hol.
Jiminy Peak Hancock, MA	\$52.00 adult wkend/hol. \$35.00 jr./sr. wkend/hol. (age 7-12 & 62+) \$33.00 twilight/mid-week non-hol.	\$36.00 adult/jr./sr. wkend/hol. \$22.00 twilight/mid-week	\$29.00 adult/jr./sr. wkend/hol. \$18.00 twilight/mid-week
Kissing Bridge Glenwood, NY	\$36.00 adult wkend/hol. \$26.00 jr. wkend/hol. (13 and under)	\$23.00 adult wkend/hol. \$17.00 jr. wkend/hol.	\$18.00 adult wkend/hol. \$17.00 jr. wkend/hol.
Mount Sunapee Mt. Sunapee, NH	\$54.00 adult anytime \$47.00 teen/sr. (age 13-18 & 65-69) \$35.00 jr. (age 6-12)	\$39.00 adult/teen anytime	\$31.00 adult/teen anytime
Mountain Creek Vernon, NJ	\$52.00 adult any day	\$40.00 adult any day	\$32.00 adult any day
Okemo Mountain Ludlow, VT	\$65.00 adult wkend/hol. \$55.00 teen/sr. wkend/hol. (age 13-18 & 65-69) \$42.00 jr. wkend/hol. (age 7-12)	\$50.00 adult wkend/hol. \$42.00 teen/sr. wkend/hol.	\$42.00 adult wkend/hol. \$42.00 teen/sr. wkend/hol.
Pico Mountain Killington, VT	\$49.00 adult wkend/hol.	\$32.00 adult wkend/hol.	\$26.00 adult wkend/hol.
Ski Butternut Great Barrington, MA	\$45.00 adult Sat./hol. \$34.00 jr. Sat./hol. (age 7-13)	\$33.00 adult Sat./hol. \$25.00 jr. Sat./hol.	\$26.00 adult Sat./hol. \$25.00 jr. Sat./hol. (use PEF ID card for adult and juniors for Sunday discount)
Swain Ski Center Swain, NY	\$36.00 adult wkend/hol. \$28.00 jr. /sr. (age 8-12 & 59+)	\$30.00 adult/jr./sr. wkend/hol.	\$25.00 adult/jr./sr. wkend/hol.
Ski Shawnee Shawnee-on- Delaware, PA	\$45.00 adult wkend/hol. \$32.00 student wkend/hol. (age 21 & under)	\$30.00 adult/student wkend/hol.	\$24.00 adult/student wkend/hol.
Ski Windham Windham, NY	\$50.00 adult wkend/hol. \$40.00 jr. wkend/hol. (age 7-12)	\$42.00 adult/jr. wkend/hol.	\$34.00 adult/jr. wkend/hol.
Whiteface Mountain Lake Placid, NY	\$62.00 adult anytime	\$48.00 adult anytime	\$38.00 adult anytime

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Ordinary taxpayers and small businesses don't get to slide out of their tax responsibility and neither should big businesses.

But corporations have slid changes into New York's tax laws that let them slip out of paying their fair share.

Like adding loopholes to the state's Alternative Minimum Tax law.

The state's Alternative Minimum Tax was implemented in 1987 to ensure that all businesses paid some tax on income they generated in the state, even if they were able to use loopholes and tax avoidance schemes to eliminate their tax liability.

But over the years, big businesses have found new ways to skate around their tax duty.

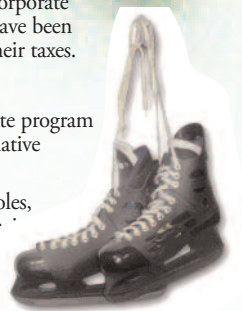
They got the law changed to allow corporations to move their income forward or backward several years, to reduce their tax liability in flush years. This and other loopholes saved them from paying a quarter of a billion dollars in taxes each year — revenue the state could sorely use to close its \$6 billion budget gap, and continue providing vital public services.

This is just one of many corporate tax loopholes big businesses have been gliding through to skate on their taxes.

New York is on thin ice.

It's time to end the freeskate program and reform New York's Alternative Minimum Tax law.

Close corporate tax loopholes, and make big business pay their fair share of taxes, too.



It's time for big business to stop skating on thin ice and start paying their fair share of taxes.



New York State Public Employees Federation, AFL-CIO

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