

The Communicator

The Official Publication of the NYS Public Employees Federation

www.thecomunicator.org

October 2007



**Taking a
closer look for
safety's sake**

Launch mail campaign

To the Editor:

I read the editor's note in response to the letter of Peter Howard in the September issue of *The Communicator* with disappointment.

Despite PEF's claim to be actively supporting Assembly and Senate bill A.7128/S.4554, it appears that all PEF has done is write a statement saying it supports the bills. This is not the level of advocacy required.

PEF should contact all of its members in pension tiers 3 and 4 and engage them in a letter-writing and e-mail campaign to get these bills out of committee and up for a vote before the full Legislature.

I organized a local mini-effort on my own initiative this past June in support of this legislation and I received responses from some of my legislators assuring me the bill has their support if it gets out of committee.

PEF should identify the appropriate legislative committee members and provide their names to our members so we can indicate our support for this legislation which will compensate tier 3 and 4 members who contributed to their retirement plans in excess of 10 years.

If PEF supports this effort, let's see it demonstrated by deeds, not just words.

RUSSELL KARASIK
St. Remy

Editor's note: For up-to-date information on PEF supported bills, go online to www.pef.org and select Political Action.

For texts of bills and members of legislative committees, select the links to the NYS Assembly and NYS Senate.



thecomunicator@pef.org

Scholarships appreciated

To the Editor:

Thank you so much for the final installment of the 2004 Joseph Scacalossi Scholarship. I am truly appreciative of this generous gift. It has been a great help toward my college expenses.

BRIENNE E. ENGEL
East Greenbush



~ ~ ~

To the Editor:

I would like to thank PEF for its generosity over the past four years in awarding me the PEF scholarship.



You have given me the financial means to achieve my dreams of pursuing a career in education. Someday, I hope to be able to give back to others what you have given me.

CANDICE HUNT
Athens

~ ~ ~

To the Editor:

I would like to thank PEF and the scholarship committee for selecting me to receive a 2007 Joseph Scacalossi Scholarship. It is an honor to receive this award.



I look forward to the challenges that await me in the coming four years.

KATHERINE WHALEN
Geneva

Income falling for retirees

To the Editor:

State retirees live on declining incomes, not fixed incomes, if state pensions are their primary source of income.

Retired in 2001, my first monthly retirement adjustment in 2006 amounted to \$25.50 before federal withholding.

Adjustments to pensions are computed at half the cost of living, capped at 3 percent annually, and limited to the first \$18,000 of pension.

State workers need to save money during their work years to give themselves cost-of-living adjustments to supplement their state pensions. Otherwise, over the course of retirement, your standard of living may decline as your pension buys less each year.

Retirees' historic wages were not generous. My first state job in 1963 paid \$1.25 an hour. Over my work life with the state, good benefits were deemed (by me) to bridge the gap between private and state pays.

Future policy decisions on state retirement benefits need to consider historic pay disparities between the public and private sectors. Otherwise, state retiree pensions may be seen as generous.

The state pension fund is a managed portfolio of stocks, bonds and other investments. Returns on capital invested in the fund exceed rates of inflation. The fund is well managed. Issues include whether the fund could pay more equitable cost-of-living adjusted benefits and still meet future obligations without requiring higher payroll deductions from employees.

Higher retirement benefits are needed by retirees to maintain their standards of living in the face of rising costs for food, energy, medical care and local taxes.

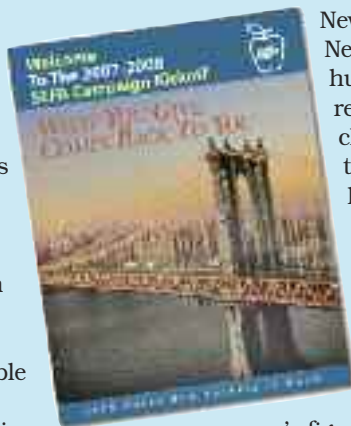
MICHAEL J. BIRMINGHAM
Kinderhook

SEFA seeks support to reach goal

The State Employees Federated Appeal (SEFA) campaign kicks off in October and is hoping to raise \$1,275,000 to help feed the hungry. This year's theme is "What you give comes back to you."

SEFA — the state-employees fundraising arm of the United Way — contributes annually to approximately 990 charitable agencies that operate 365 days a year to assist those in need.

According to the United Way of



New York City, 400,000 New Yorkers face hunger each week and rely on city and charitable agencies for their meals. The city has approximately 360 food-providing agencies distributing 1,457,800 meals a day.

"SEFA hopes to raise the bar this year and top last year's figure of \$1,252,000.00," said PEF Vice President Pat Baker. "The key is to reach the 40,000 state

employees at the 260 agency locations in New York City."

SEFA Director Lawrence Samuels said 22.5 percent of state workers participated in the drive in 2006, and SEFA hopes to attract 25 percent this year.

"It makes all the difference with PEF participation in the program," Samuels said. "It's not how much you give, but that you are willing to give."

To make a tax-deductible donation to SEFA, contact your local agency campaign manager or seek assistance from your PEF council leader. The deadline for donations is December 31, 2007.

— Deborah A. Miles

ON THE COVER — DOT engineers and inspectors take a close look in August at the Patroon Island Bridge in Albany.

Photo by John Epting

THE COMMUNICATOR

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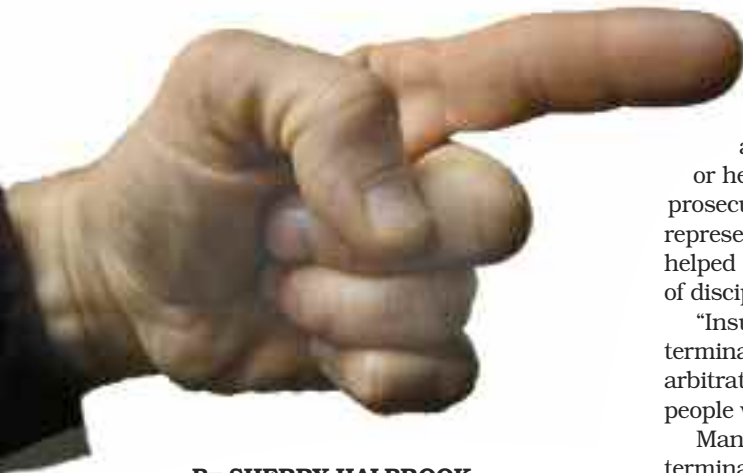
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Oops! The September issue of *The Communicator* incorrectly identified Radhakrishna Mohan as Karikey Adhvaryu in a photo of the Region 10 Council Leaders' Meeting. Also, the phone numbers for scheduling health and safety training with Shawn Bobb should have been: ext. 511 at 1-800-522-8700 or (212) 227-3132.



Read it online
www.thecomunicator.org





Taking fire at

By **SHERRY HALBROOK**

PEF counts its membership by tens of thousands. It counts the number of discipline and termination cases it defends annually by hundreds, which is an indication most members go along year after year without getting into serious trouble at work.

You probably have never been a target for discipline and may never be. But it helps to know how to head off or deal with the situation if it arises.

Some managers use the threat of disciplinary action to bully and intimidate employees, especially those who speak out against abuse and mismanagement.

"No matter how professional, competent and good we think we are at our jobs, we can all get into trouble," said PEF trainer and former field representative Allan Lahoff, who teaches PEF stewards how to enforce the PEF contract and defend members threatened with discipline.

Know the rules?

Among the first things you can do to protect yourself is read your agency manual and note any policies, rules or procedures that could trip you up.

"Sometimes people are counseled or even targeted for discipline for things they didn't know were violations, or for failing to do things that were never part of their job to begin with," Lahoff said.

If you are expected to do things that are not really your job, you should know that.

You can be fired for incompetence.

Know your job description. If your boss insists you work out-of-title, do it under protest. Then grieve it.

"If you are given a lawful order, you must obey it unless it could result in

an unusual or abnormal safety or health hazard or your criminal prosecution," said PEF field representative Jim Hair, who has helped defend members in hundreds of discipline cases.

"Insubordination is grounds for termination, and management and arbitrators come down really hard on people who refuse orders," Hair said.

Management also may seek termination for the alleged abuse of state property, such as vehicles, and for workplace incidents.

Hair said the single most common cause of discipline cases he's seeing this year relate to use of e-mail, the Internet or the agency's intranet.

"One instance is not necessarily a fatal flaw," Lahoff said. "But a pattern of abuse, is likely to draw more serious penalties."

Know your rights?

"People should read their contract. It can be an eye-opening experience," Lahoff said.

PS&T Contract Articles 33 and 35 deal with discipline, grievance, arbitration and resignation.

If you have questions, talk to your steward or field rep.

The rules spelled out there are meant for PS&T employees in permanent appointments. You have a lot more exposure if you are probationary, a trainee, a provisional or a temp.

Among the most important disciplinary protections and other provisions PEF members have going for them in the PS&T contract are:

- The burden of proof to justify discipline is on management.
- The PS&T contract requires the state to prove it has 'just cause' before it can discipline a permanent employee, and that imposes many different tests the employer must meet to support the discipline.
- If you receive a notice of discipline (NOD), you have up to 14 calendar days to file an appeal under Article 33. If you miss that deadline, the discipline can be imposed. Notify your steward and field rep immediately if you receive an NOD.

• Prior to being issued an NOD, you may be suspended without pay or temporarily reassigned, but only if you are charged with a crime or your continued presence represents a potential danger to persons or property or would severely interfere with operations.

• If you are suspended without pay, you have the right to charge your leave (other than sick leave) accruals.

• If you are suspended without pay, you can waive the agency hearing and go straight to arbitration in order to speed the process and reduce your time off without pay.

• If you are suspended without pay, the agency has just five calendar days to serve you with an NOD. If criminal charges are pending, the time limit extends to 30 days.

• You can not be disciplined for something that happened more than a year ago unless it would constitute a crime.

Stop and think

The single most important thing you can do when you feel threatened at work is "recognize the true threat," Hair said.

"Be analytical," he said. "Ask yourself, 'What is a fair expectation, and what is not?' Know when to step back or move on to something else rather than allow a tense situation to become an all out confrontation.

"Try to resolve issues at the lowest possible levels, before they ripple out and the circle widens," Hair advised. "You must find realistic common ground with your boss, as well as your co-workers and clients.

"Although the PS&T contract is very strong in terms of disciplinary protections, members often overlook common sense," Hair said. "They overreact to criticism and supervisory direction.

"If you act impulsively, it is likely to put you in harm's way. Too often, members react indignantly and later regret it."

The boss is the boss

Work is not a democracy. All employees are not equal. Your right to

work? Try to resolve it

free speech is limited at work.

“Don’t assume you can say and do whatever you want,” Hair said. “You are a subordinate, not an equal, to your supervisor. As a worker, you can only speak for yourself and never as an equal to your boss.

“If you and your boss are at odds over something that you haven’t been able to resolve, don’t keep trying to fix it yourself,” Hair said. “Let your PEF steward go in and discuss it with your boss. Get to know who your elected PEF representatives and field representative are, and how to get in touch with them quickly if you need them.

“If you are a steward or hold other PEF office, always make it clear to management when you are acting in that role, because then you are speaking for the union,” Hair added. “But don’t try to represent yourself, if you are the one who’s experiencing problems.”

Questions or interrogation?

Under the contract, an “interrogation” is not a friendly conversation or casual inquiry. It is the questioning of an employee who has already been determined to be a likely subject of discipline.

If you are in any doubt, ask if this is an interrogation before you go in. Ask if you are likely to be the subject of discipline. If the answer is yes, ask for time to obtain union representation or an attorney.

If you are told it is not an interrogation, but you are questioned or asked to submit a written statement about an incident or situation, you must comply.

“You must answer the questions,” Hair said. “You have no Fifth Amendment constitutional right against self-incrimination for purposes of workplace discipline.

“However, if you are ordered under threat of insubordination to answer a question, that testimony could not be used in a criminal proceeding against you.”

“Less is best,” Lahoff advised.

Work vs private life

Not only are your free speech rights limited at work, what you do away from work and on your own time can come back to haunt you on the job as well.

“Every case is different,” Lahoff said. “Off-duty conduct is usually not relevant if it’s lawful and if it does not reflect negatively on your employer or inhibit your employer’s ability to fulfill its mission.”

Or, as Hair put it, “Public servants often are held to a higher standard off the job as well as on.”

Also remember that what you do and say at work — whether directly or by e-mail, phone or written letters and memos — may be subject to your employer’s scrutiny.

Day in court

If your job is on the line, your contract assures you will receive “due-process” and a chance to see the evidence against you, to hear your accusers, and to defend yourself before an impartial arbitrator.

“PEF commits a tremendous amount of resources to defending its members,” Lahoff said.

PEF will provide an attorney to defend you against a threat of termination. If the employer is seeking a lesser penalty than termination, PEF will provide a field rep to handle your case.

Under the PS&T contract, you don’t have to accept PEF representation. You may represent yourself or obtain your own counsel.

Arbitration is the final step in the disciplinary process.

On one hand, it may be the best opportunity to lay all of your cards on the table and fully attack the evidence and case management presents against you.

On the other hand, you have no control over the outcome, nor can you appeal a decision you don’t like.

Unlike some other unions, it is PEF’s policy to let you decide whether to



accept a settlement negotiated with management (assuming management is willing to settle) or go for broke before an arbitrator.

If you are ever faced with such a choice, it will be important to understand how arbitration works.

During arbitration and, in fact, throughout the disciplinary process, you or your representative will have the opportunity to challenge any evidence the employer seeks to use against you.

Management will present its case against you, then you will present your defense. Management may rebut some of your arguments or evidence.

Usually, at the conclusion of the arbitration process, written briefs are presented by both sides.

The independent arbitrator is both judge and jury. He or she decides what evidence to allow and what to reject.

If the arbitrator decides you are guilty, he will consider the penalty sought by management and may impose or modify it. The penalty should be in keeping with the contract’s requirement for “progressive discipline” which means the penalties become more severe for repeated offenses. It should also be appropriate to the offense.

Seniority will not protect you, but a long, positive record of state service could mitigate the severity of your penalty.

PEF scores 1st win for grade 24 OT eligibility

By **SHERRY HALBROOK**

For the first time, PEF members who are senior parole officers (SPOs) — a salary grade 24 title — are recognized by the state to be eligible for overtime pay.

It's taken many years of struggle and an absolute refusal to give up, but PEF has finally put a crack in the grade 22 ceiling that has shut out tens of thousands of PEF members from overtime eligibility.

PEF Deputy Counsel Lisa King was notified in August by the Governor's Office of Employee Relations (GOER) a special state task force had determined SPOs qualify for overtime under the federal Fair Labor Standards Act (FLSA). And the state would pay them overtime starting August 2 for officers on the state's institution payroll and August 9 for those on the administration payroll.

King, who has led PEF's campaign to achieve OT eligibility for PEF members, said it was very gratifying to finally see all of those years of hard work start to pay off. She said PEF also is pursuing eligibility for some other state job titles in grades 23 and higher.

King was not the only one at PEF celebrating the OT eligibility for senior parole officers.

"It's way overdue," said Manuelita Clemente, a parole officer and PEF chair of the joint labor-management committee at the state Division of

Parole. "A lot of our senior parole officers have been working 10 to 15 hours of overtime a week and they haven't even received comp time for it."

Clemente said she has heard of parole officers turning down promotions because it would have meant losing overtime eligibility.

"Lisa did a wonderful job on this," said PEF Vice President Pat Baker. "This is a wonderful win for our members at (the state Division of) Parole and they deserve that."

King said Baker was very helpful in gathering information she used in preparing her arguments in support of OT eligibility for PEF-represented job titles. King presented the information to the state task force (comprising GOER, the Division of Budget [DOB] and the Department of Civil Service).

In 2004, the FLSA was amended. "Unfortunately, those 2004 amendments undermined our legal argument in our previous overtime cases that all PEF members (except doctors and lawyers) were overtime eligible under the FLSA.

"However," King added, "the amendments did contain a new regulation which made 'first

responders' overtime eligible. Basically, we have interpreted that to mean employees whose duties involve responding to emergencies, or investigating and inspecting for violations of law are OT eligible.

"With the help of Pat Baker and PEF's Statewide Labor-Management Committee, we began soliciting information in July 2004, that led us to believe approximately 80 PEF-represented titles allocated to grade 23 and higher might be eligible," King said.

The positive decision on senior parole officers from the task force is its first ruling on one of those PEF titles, and more decisions are expected in the months ahead.

Meanwhile, in the face of strenuous objections by the state, PEF had successfully argued that a senior parole officer's grievance — filed in 2004 and demanding OT compensation and other remedies — was arbitrable.

Since the task force's ruling of OT eligibility for this title, GOER and PEF have settled that grievance. Regarding the overtime issue, the grievant will receive retroactive overtime payment at 150 percent his regular hourly rate, based on when he filed the grievance and the amount of OT he worked.



Fight for fair health benefits includes

By **DEBORAH A. MILES**

PEF President Ken Brynien and other union leaders plan to break new ground by meeting with Gov. Eliot Spitzer to let him know in a unified voice the health benefits package the state offered in PS&T contract negotiations is unacceptable.

A meeting with the governor has never occurred during past bargaining. But this time, it is being prompted by the several changes state negotiators have demanded in health insurance, including a change to the basic premium share structure for current employees and future retirees.

"Health benefits are priority issues for all union workers," Brynien said. "In our battle to get a fair contract and



“We will continue to work with the state on proposals to further minimize inflation in the program, so long as it does not reduce benefits or simply shift costs to our members.”

— Lou Matrizzo,
PEF Vice President and Contract Chair

acceptable health benefits, union presidents agreed it is important to let the governor know, eye-to-eye, the state needs to re-evaluate its contract proposals and bring something to the table that doesn't simply shift the costs to employees."

"President Brynien had the vision

to form a coalition with other union leaders so we could present a united front especially with health benefits," said PEF Vice President and Contract Chair Lou Matrizzo.

"In past years, union negotiators bit the bullet and agreed to necessary changes in health insurance to gain

You hold the key to success

By **KENNETH BRYNIEN**

We all know the core responsibility of a union is to improve the terms and conditions of employment of its members. For us, this means better wages, job security, health insurance, pension benefits and working conditions.

I've spent much of the past year on the road meeting directly with many of our members and leaders, strengthening our relationships with our international affiliates and working to build relationships with Gov. Eliot Spitzer's top advisors and commissioners. All of these people have the ability to affect the terms and conditions of our employment.

However, as much as we can rely on others to address our issues, we hold the key to our own success. As public employees, we are our own best advocates. When we are involved, informed and committed, the chances for success increase significantly. We have example after example where results bear this out. The **Go Public** anti-privatization campaign, the Stop Workplace Violence campaign, our efforts against the Berger Commission proposal for Upstate Medical Center and our budget fights, to name a few; all of these are examples of the successes of our own advocacy.

Your advocacy will become increasingly important as we continue PS&T contract negotiations. Nearly six months has gone by since our contract



STATE FAIR TIME — PEF President Ken Brynien and his grandchildren, Dylan and Brittani, join PEF Region 4 members at the NYS Fair and Labor Day Parade in Syracuse in September.

— Photo by Karen A. Proudlove-Banks

expired. Although there has been progress in negotiations, there are onerous proposals on the bargaining table to shift costs in the areas of health insurance and prescription drug coverage, which are unacceptable. There are also opportunities for gains in bargaining. Your advocacy in support of our positions will ultimately determine our success as a union.

While PEF can and does lead — working to effectively represent you — our true strength and the muscle behind our actions in all the areas dealing with terms and conditions of employment lies with you.

I encourage all of you to embrace the opportunity to help secure a brighter future and become part of our future successes.

visit to Spitzer

control of spiraling inflation in the program," Matrazzo said. "Those efforts resulted in single-digit inflation in health insurance costs. There simply is no rational basis for large-scale changes in the program at this point. PEF members already pay a significant portion of the health insurance premium.

"We will continue to work with the state on proposals to further minimize inflation in the program, so long as it does not reduce benefits or simply shift costs to our members," Matrazzo said.

Along with health benefits, most members want to know about raises. Although the bargaining teams haven't even come close to seriously discussing raises, they did receive a financial plan

briefing from representatives of the state Division of Budget in late August, as well as a briefing from a team of PEF economic experts.

PEF's chief negotiator and director of labor relations, Roger Scales, said it was "an entirely academic and educational exercise" and what was most interesting was the presence of Gary Johnson, the statewide director of employee relations.

"The union looks at Mr. Johnson's interest and participation in these negotiations as a refreshing change in approach. The only time we saw the last director was at opening day of

CONTRACT TALKS

negotiations and later in his window as we picketed the state Capitol.

"We are going into our sixth month of negotiations. During this time, we have used teams of experts, highly researched Power Point presentations, and just common sense. Our members' issues have been presented and are being discussed." Scales said. "We are making progress."

For up-to-date information on negotiations, visit the PEF Web site or sign-up and read the Active Informed Member (AIM) electronic bulletins.

Bridge safety — a New York priority

By **DEBORAH A. MILES**

When national news broke about the Minnesota bridge collapse in August, people wondered how something like that could happen and if it could happen elsewhere.

When Mark Lippolis, a NYS civil engineer, heard the news, he wondered if consultants inspected the I-34W bridge that plummeted into the Mississippi River.

While Lippolis and other civil engineers don't know the cause of the Minnesota bridge collapse, they feel confident New York bridges are among the safest in the country.

Lippolis is a PEF Division 227 member at the NYS Department of Transportation (DOT) and an assistant team leader for bridge inspections in PEF Region 5, which covers six counties in the Binghamton area.

"We take pride in what we do," Lippolis said. "State workers are very thorough. Consultants are not as vested in a project as we are."

A bridge inspection entails an evaluation, condition score and documentation of up to 47 bridge elements by a bridge inspector. Bridges are also analyzed to determine their capacity to carry vehicular loads.

Statewide job

DOT is responsible for ensuring the inspection of approximately 17,375 highway bridges. It began inspecting bridges in the 1930s and, in 1977, the state Legislature charged DOT with



BINGHAMTON — Members of the press interview Regional Director Jack Williams (center) about bridge safety in NY as PEF members/DOT engineers Frank Ryan and Jim Kabanek look on.

— Photo by Mark Lippolis

this responsibility.

"We are the stewards of the state's roads and bridges," said Michael Kranbuhl, a bridge inspection team leader, civil engineer 2 and PEF Division 227 member.

In New York, bridges are rated on a one-to-seven scale. Most bridges are routinely inspected every two years, but if a bridge meets other criteria, such as limiting or reducing the weight it can hold, it receives an annual inspection, according to Kranbuhl.

Experience, education

PEF member John Meehan, a civil engineer 2, works on Long Island.

"I'm inspecting bridges my dad helped build on the Long Island Expressway," Meehan said.

With more than 700 bridges in Meehan's DOT region, which includes Nassau and Suffolk counties, Meehan inspects nearly 100 bridges a year.

He's an 18-year veteran with DOT who said the engineers make certain all bridges are inspected following state and federal mandates.

"New York is one of the few states in the nation that requires a licensed professional engineer to head the inspection team," Meehan said.

Job experience is needed to acquire a professional engineer's license — a two-exam process that spans several years to reach the status of civil engineer 2.

Meehan said DOT hosts annual seminars on specific inspection issues.

"Last year, we focused on fatigue and brittle fractures in bridge structures. These seminars keep us well-trained," he said.

Safety costs

Lou Ferrone, PEF statewide labor-management chair for DOT, said the safety of New Yorkers is a priority and comes with a hefty price tag.

"DOT spent an average of approximately \$600 million annually on bridge improvement and maintenance during the last five years," Ferrone said. "This includes bridge replacement, rehabilitation, design, construction inspection, maintenance, safety inspection and safety assurance."

Although bridge safety is the number one concern among the engineers, a PEF Executive Board Member for DOT, Charles Kelefant, said, "Over the past decade, the state DOT has lost more than 1,100 engineering positions, replacing them with more costly contractors — many hired to do routine inspections. This year, the Spitzer administration has begun to replace contract engineers with state employee engineers, but DOT still has more than 700 vacant engineering positions.

"The most efficient way to inspect state bridges is with state employees. The millions of dollars saved can be used to fix our bridges in the most need of repair," Kelefant said.

FROM EVERY ANGLE — John Meehan inspects a bridge on the Long Island Expressway.

— Photo by Anthony Gicala





Story and Photo

By **SHERRY HALBROOK**

Chances are, when you're driving down the interstate and see an LED message about road or traffic conditions ahead, you are more concerned with lost time and inconvenience than with wasted tax dollars.

But both hazards are worth considering.

While the LEDs may look the same whether you are on the Long Island Expressway or the Northway, the costs can be very different depending on whether the system is being operated by state Transportation Department (DOT) employees or private consultants.

A contractor with a long, troubled record is a popular consultant with the state Department of Transportation (DOT) and that includes contracts for operating part of the state's central and regional electronic traffic information and management systems.

Parsons Brinckerhoff Quade & Douglas Inc. (PBQ&D), with the assistance of Dunn Engineering Associates P.C. (a subconsultant), operates the state's Information for Motorists (INFORM) system on Long Island that includes a control center and computers in Hauppauge which communicate with the LEDs on state highways in the region.

Sinking feeling

PBQ&D was the construction management contractor on the infamous Boston Big Dig tunnel project that ran eight years and \$12 billion over budget. Shortly after it opened in 2006, a woman was crushed in the tunnel by 12 tons of falling ceiling tiles. The state of

Massachusetts and others sued PBQ&D for "gross negligence."

In 1994 and '95, PBQ&D engineers approved substitutions on tunnel projects in Los Angeles that resulted in sinking sidewalks, the collapse of an 80-foot section of Hollywood Boulevard and damage to surrounding buildings.

Consultant no bargain

"DOT chose to contract INFORM out to PBQ&D, rather than use its own employees for 30 percent less cost to operate a system that needs to be staffed every day and involves few, if any, changes in job tasks," said PEF Director of Civil Service Enforcement Tom Cetrino.

The most recent state INFORM contract with PBQ&D cost approximately \$13 million over five years.

"It cost at least \$2.3 million more for the state to contract out these services than it would have cost to hire more state workers to do the job," Cetrino said. "And PBQ&D has already been designated to get the next INFORM contract."

"We estimate that since 1995 DOT could have saved approximately \$4.2 million using only state employees to staff INFORM. And, if it spends the same amount of money on the next contract as it spent on the last two, the total taxpayer dollars wasted on consultants for this job since 1995 will reach an estimated \$7 million."

DOT pays the consultant more for every job title but two, than it pays its state employees in comparable titles.

For instance, the five-year average hourly rate (based on total cost) billed for the consultant's title of "principal engineer/systems administrator was 88 percent greater than the five-year

average hourly rate for the comparable state employee title of "manager of data processing technical services (system programming) state employee salary-grade-27 title.

Go figure

"DOT's repeated decisions to pay more for private consultants to do this work begs the question: Why?" Cetrino said. "It's clearly not because state employees can't do this work, or because it's a temporary need for specialized skills. These programs are long-term and expanding."

A number of state employees currently work at the Statewide Incident Command Center (STICC) and the Capital Region Transportation Management Center (CRTMC).

According to a PEF member at the statewide command center, these employees perform the same tasks as required of consultants in the INFORM contract.

But in March, DOT awarded a new contract to Dunn Engineering (the subconsultant for INFORM) to perform some functions at the STICC and the CRTMC. DOT also is hiring some additional state staff for the STICC.

"We will study and report on that contract, too," Cetrino said. "The detailed data and analysis for all of our studies of state contracts is at stopprivatization.com."

"It is outrageous that DOT awarded this contract without providing any justification for why it did not use state employees who do the same work at a lower cost," said PEF President Ken Brynien. "That's why PEF is working to put in place a cost-benefit analysis process either through legislative or administrative action."

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Park engineers keep NY's beauty pristine

By **SHERRY HALBROOK**

All summer long, hundreds of thousands of New Yorkers and tourists from all over the world have enjoyed visiting the 178 state parks and 35 historic sites operated by the NYS Office of Parks, Recreation and Historic Preservation (ORPHS).

The parks are, for many visitors, the ultimate celebration of all that is green, fresh and natural.

Balancing their pristine beauty and environmental integrity with accessibility and comfort for thousands of visitors is a challenge faced daily by the approximately 50 PEF members who are park engineers and technicians at ORPHS.

They ensure the facilities and infrastructure at the more than 200 state parks, boat launches and marinas meet all of the local, state and national building codes and regulations and comply with all of the ever-expanding planning and emergency preparedness requirements to protect the public and the environment.

For more than a year, many of the engineers have been completing plans for how to prevent and cope with petroleum spills. These new plans — called Spill Prevention, Control and Countermeasure (SPCC) plans — are a federal requirement aimed at preventing and minimizing ground and water pollution.

A detailed, site-specific plan must be developed for

almost every petroleum and liquefied propane storage facility at the parks. The underground tanks are especially susceptible to corrosion. While the above-ground tanks are vulnerable to cracks from temperature changes and damage from being struck by vehicles or other objects. Over-filling the tanks can also cause spills.

“It’s about a 15-page plan,” said Jon Wegrzynowski, a park engineer in the Niagara Region and former assistant council leader of PEF Division 219. “They show what we are doing to prevent spills, they map the direction the flow would go in if there were a spill, and the countermeasures we take to stop it and clean it up. The plans also list the emergency-response phone numbers to call in case of an incident.”

Wegrzynowski said he has completed and delivered the plans for 10 parks.

Among the unusual challenges he faces in the Niagara Region are the country’s oldest park — Niagara Falls Park, which was established in 1885 as the Niagara Reservation State Park; and Fort Niagara State Park — a former military base that had 20 below-ground storage tanks.

“The below-ground tanks are the ones you have to fear, because you can’t see what’s going on,” he said. “We’ve removed about 90 percent of those tanks,” Wegrzynowski said, “and we will soon remove the rest of them.”

Among the many precautions to prevent leaks are double walls in the tanks with multiple layers of protection. The tanks are inspected monthly, with close monitoring of the amounts of fuel in the tanks and how much is added and removed. Probes with sensors penetrate a dry, barrier space between tank inner and outer walls, and send alarm signals if they detect fluid in the dry space. Above-ground tanks have internal catch basins to trap any overflow when the tanks are refilled.

“We have more than 200 fuel oil, gasoline, diesel and kerosene tanks at 22 of the 33 parks in the Long Island Region,” said PEF member Bill Stumpel who was an engineer for the state Office of General Services for 13 years before taking the job of park engineer at ORPHS.

Stumpel said they are converting from oil to natural gas in some cases, which eliminates the need for storage tanks.

He said the Long Island region will not go entirely to above-ground tanks because they can be too unsightly for certain locations where preserving the natural beauty is a primary concern. With so many miles of ocean-front beaches and shoreline, underwater fuel lines for marinas and boat launches are also a concern that requires constant monitoring and maintenance.

Stumpel said he and park engineer Bruce Walter have been working for several years to replace older storage tanks with newer, more environmentally friendly ones.

“Maintaining and replacing them costs a lot less than cleaning up spills,” Stumpel said.



PROTECTING PARKS — An 8,000 gallon underground fuel tank is removed, at left, at the Planting Field Arboretum in Oyster Bay for replacement by natural gas lines. Above, PEF members William Stumpel and Bruce Walter and supervisor Chris Moore record diesel fuel levels at a park on Long Island.

— Photos by William Stumpel and Jonathan Gittens



A message from PEF Retirees President Steve Muscarella

Spitzer rejects retirees' health protection bill

It is with deep disappointment that I report Gov. Eliot Spitzer vetoed the health care protection legislation that we so strongly advocated.

If there is any encouragement to be gathered from this veto message, it is the governor has not dismissed this proposed legislation out-of-hand.

As president of the PEF Retirees, I have written the governor to express our disappointment and ask the PEF Retirees be made a participant in the task force to investigate universal health care for New York.

I thank all PEF Retirees who contacted the governor's office supporting this legislation.

We can continue our efforts to defend our health care benefits by attending the public hearings being conducted by the State Insurance and Health Departments. These hearings are 10 a.m. to 5 p.m. as follows: Oct. 3, Erie County



MUSCARELLA

Community College, Buffalo; Oct. 30, Fordham University, New York; Nov. 13, Onondaga Community College, Syracuse; and Dec. 5, state University of New York at Old Westbury, Nassau County.

If you are not allowed to speak at these

hearings, you can submit written testimony in the form of individual letters.

To attend a hearing, you must pre-register with the state Health Department (DOH) or the state Insurance Department (SID) by contacting Cindy Esterby at DOH, (518) 474-5737, or Deborah Greer at SID, (518) 474-4567.

All speakers must provide six written copies of their testimony to be presented at the hearing and an electronic copy for

upload to the Partnership for Coverage Web site. The paper copies of the testimony must be provided to department staff on the date of the hearing being attended and the electronic copy must be e-mailed to partnership4coverage@health.state.ny.u on the date of the hearing.

If you cannot attend, you may e-mail your comments to that address.

As a PEF Retiree, you can clearly express the need to protect your health insurance. Start by telling why your health coverage is important to you and how reduced coverage or increased premiums or co-pays would affect you.

Remind them no plan to expand access should diminish the benefits of those who already have health insurance.

Tell them, "Don't throw the baby out with the bath water!"

Retirees' and members' health benefits caught in turbulent seas

By SHERRY HALBROOK

Health care is a prominent issue in the 2008 presidential races, and it's also simmering just below the surface in Albany.

Gov. Eliot Spitzer turned thumbs down this summer on a bill to link state retirees' health care benefits with those of state employees.

"It is disappointing the governor did not sign this legislation (S.6030/A.8829) that would have given greater protection to health insurance benefits for our members when they retire," said PEF President Ken Brynien.

Steve Muscarella, president of PEF Retirees, said the retirees had sent many messages and petitions to the governor urging him to sign the bill, which would have prohibited the state from reducing the health benefits of retirees more than those of state employees.

Since the state must negotiate any changes in the contractual benefits of state employees with their unions, the bill would have indirectly extended to retirees that same protection.

"This is at least the fourth time a governor has vetoed this bill," said PEF Legislative Director Brian Curran. "We had hoped Gov. Spitzer might be more ready to approve it than his

predecessor."

Therefore, PEF is considering other options for achieving its goal.

New approach

"A new bill that takes a different approach has been introduced in response to the veto," Curran said. "This legislation (S.6457) was introduced by state Sen. Hugh Farley, who sponsored the Retirees Health Bill that was vetoed."

The new bill would establish a 22-member state task force on retiree health insurance protection to study and report by May 1, 2008, "on effective strategies for protecting adequate and affordable health insurance coverage for retired public employees and their dependents."

The task force would be co-chaired by the president of the state Civil Service Commission and the chairs of the Senate Committee on Civil Service and Pensions and the Assembly Committee on Governmental Employees. The task force members would be appointed by the governor and leaders of the Senate and Assembly and would include at least three representatives of the public employee unions and two representatives of public sector retirees.

Curran said the bill is so new that an Assembly sponsor has not yet come

forward, nor have PEF leaders had a chance to discuss and take a position on it yet.

Other venues

And, because health benefits are a critical issue in the PS&T Contract negotiations between PEF and the state, the union is also taking a wait-and-see approach toward the work of a temporary state commission appointed by the governor to recommend ways to achieve universal health care in New York state.

That commission is holding five hearings at various locations throughout the state and is charged with making its recommendations to Spitzer at the end of October for how to extend health coverage to New Yorkers who have none.

Reassignment bill nixed

Among the other bills taken up by the governor in late summer was the geographic reassignment bill (S.4820/A.6757), which was also vetoed.

This bill would have required the state to give employees 12-months advance notice and other transfer opportunities before reassigning them to worksites in other counties without their consent.



— Photo by William Pike

1st at the finish line

By **DEBORAH A. MILES**

Out of 6,800 runners, PEF member Laura Gluf was the female winner in the 2007 Marcum and Kliegman Workplace Corporate Challenge held in late July at Jones Beach State Park.

The 41 year-old program manager at Long Island Developmental Disabilities Services Office was elated to come in first, a feat her twin sister accomplished for a similar race six years ago.

"I wasn't able to compete in the past because of my job, but this year I was able to join the PEF team, and that was so exciting," she said.

Gluf finished first with a time of 23:07 for the 3.5 mile run.

"This win was very emotional. I am so, so happy," Gluf said. "At my age, I didn't think I could win with nearly 7,000 people competing. I was really shocked when I crossed the finish line."

But when you consider Gluf's been competing since age 12, was an All American in high school, ran on a full scholarship at Western Kentucky University, and now works as a personal trainer and gives body toning classes, her win just seems natural.

"Any chance I get, I run, bike or swim. I'm very dedicated and focused. It's also a big stress relief for me," she said. "My passion for fitness and winning is a gift from God, plus I enjoy the camaraderie and competition."

Gluf plans to keep running competitively and said she is still winning money as a Master's runner. Mostly, her biggest win is staying fit.

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*Source: Health Insurance Association of America, The New York Times, February 2000.



BEHIND THE LEGISLATIVE SCENE — (L-R) Musa Moore, Ryan Delgado, Brian Curran, John Murphy, Danielle Little-Thomson. Not shown, Peggy Moore-Carter.
— Photo by Deborah A. Miles

Legislative department keeps PEF in political arena

By **DEBORAH A. MILES**

PEF achieved some very important legislative gains during the last two years, and a good part of these victories is due to the efforts of PEF's Legislative Department.

It's a small staff of six who act as the voice for PEF members in the political arena. They work with the state Legislature and Congress to help lawmakers understand how proposals or budget items may affect union members.

"Almost all of our members are public employees. This department serves these members by helping to identify issues that may directly affect their jobs," said Brian Curran, legislative director and counsel. "We articulate the union's position with decisionmakers to advance the interests of our members."

The department's role is to monitor the daily activities in the legislative process and keep a keen watch on the state budget.

"If we identify an issue that would positively or negatively affect our members, the issue is discussed internally with PEF leaders until a position is formed," Curran said. "Then, the department advocates on behalf of the union to state legislators, members of Congress and other officials."

Politically savvy staff

The staff includes Danielle Little-Thomson, legislative assistant; John Murphy, Ryan Delgado and Musa Moore, political organizers/lobbyists;

and Peggy Moore-Carter, a part-time administrative support assistant.

They work under the direction of PEF President Ken Brynien and coordinate with statewide Political Action Committee (PAC) Chair Joe Fox and Co-chair Pat Baker, both PEF vice-presidents.

Curran said his staff is well versed in the legislative and political process and is flexible.

"It's not a nine-to-five job. We often work evenings or weekends," Curran said. "There is also a lot of variety. One day we may be reading bills and the next organizing members to contact their legislators about our positions. Wherever the need is, we rise to the occasion."

Making a difference

PEF's *Go Public* campaign is just one example of how this department, in conjunction with other PEF departments, got results. Three of the four bills are signed into law. The cost-benefit analysis bill is the last one and still a priority. (Last year, the bill passed both houses but was vetoed by Gov. George Pataki.)

"With this campaign, there was substantial success in getting several of our proposals adopted, at least in part, and in some cases entirely," Curran said. "The governor's office indicated a willingness to talk with PEF about a modified version of the cost-benefit analysis bill. We are waiting for the governor's office to tell us what he is willing to commit to and for

specific language."

The department supported PEF's efforts to get workplace safety bills passed. "These were major bills to be adopted," Curran said. "They should pay some long-term dividends in improving safety in the workplace."

The department was also instrumental in the defensive fight around the Berger Commission's proposal to privatize the State University of NY (SUNY) Hospital in Syracuse.

"The union was successful in altering that proposal. By persuading all the parties involved in taking a different approach, we came up with a solution that will preserve all our members' rights while meeting some of the goals of the Berger Commission," Curran said.

Be active, visible

What would give PEF more political power? According to Curran, the answer is member involvement.

"The single greatest thing to improve PEF's effectiveness is to get more members to be active and visible as volunteers in political campaigns at the local level," Curran said.

"Nothing is as powerful to a politician as knowing there are folks in their home district who are a part of your group."



Members at HHH ready, eager to help injured soldiers

By **SHERRY HALBROOK**

Region 9 PEF members say they are honored by a new opportunity to rehabilitate injured members and veterans of the U.S. military, many of them casualties of the combat in Iraq and Afghanistan.

Helen Hayes Hospital (HHH) in West Haverstraw, which is owned and operated by the state Health Department has been designated as an approved provider of specialty physical rehabilitation services for military personnel.

The rehabilitation hospital has been selected by Health Net Federal Services — the managed care program contracted by TRICARE, which provides health care services to U.S. service personnel.

The designation will enable HHH to care for military personnel wounded in Iraq and Afghanistan, including those with brain and spinal cord injuries, amputations and other disorders. The hospital will also offer treatment to all veterans and retired service personnel requiring rehabilitation care.

“Our members are so happy about this chance to give back something to our service men and women who have made such incredible sacrifices for all of us,” said PEF Executive Board member Carolyn Willson, a rehab nurse 2 at the hospital.

“As a national leader in physical rehabilitation, we are truly honored to be able to offer our services and comprehensive expertise in rehabilitation to the members of our military so they may make the fullest possible recovery from



GLAD TO HELP — Marine Sgt. Eddie Ryan, who was treated at Helen Hayes Hospital for injuries sustained in Iraq is congratulated by PEF members after receiving the Purple Heart medal. Shown are: speech pathologists Tara Hoffman and Christina Zacharopoulos, Sgt. Ryan and his mother Angela, occupational therapist Joann Beim and physical therapist Michelle McLeod (non-member).

— Photo by Les Ferguson, courtesy of HHH

their injuries,” said Magdalena Ramirez, the hospital’s chief executive officer. “Our experienced rehabilitation teams will provide the medical and nursing care, and physical, occupational and speech therapy services these men and women need to regain their mobility and independence.”

Founded in 1900 as one of the country’s first free-standing public rehabilitation hospitals, Helen Hayes is the largest and most comprehensive physical rehabilitation facility in New York state. The hospital is geared to care for the needs of patients who have suffered multiple traumas.

“We are particularly proud of our traumatic brain injury program, which could benefit many soldiers,” said Dr. Glenn Seliger, director of traumatic brain injury rehabilitation services. “From coma recovery to intensive acute rehabilitation care, to outpatient therapy, a transitional rehabilitation service and support groups

and follow-up day programs, we have been very successful in restoring cognitive, vocational, social and physical skills to our patients with brain injury.”

Along with the traumatic brain injury program, Helen Hayes Hospital is also widely acclaimed for rehabilitation services for spinal cord injury, amputation, stroke and other disabling conditions.

Located within 30 minutes of West Point, the hospital is in a region with a long military history and a large population of military personnel.

“This is going to be a very good thing for the many service men and women who now will be able to receive top-notch treatment and rehab services in their home region and near their families,” said PEF Region 9 Coordinator Neila Cardus. “That will be a great morale booster for them. And our members are eager to use their professional skills to help them recover their lives.”

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New York State Public Employees Federation and Subsidiaries Financial Statements and Other Financial Information

July 31, 2007



INDEPENDENT AUDITOR'S REPORT

Officers and Trustees
New York State Public Employees
Federation

We have audited the accompanying consolidated statements of financial position of the New York State Public Employees Federation and Subsidiaries (the Federation) as of March 31, 2007 and 2006, and the related consolidated statements of activities and cash flows for the years then ended. These consolidated financial statements are the responsibility of the Federation's management. Our responsibility is to express an opinion on these consolidated financial statements based on our audits.

We conducted our audits in accordance with U.S. generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free of material misstatement. An audit

includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Federation's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the consolidated financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall consolidated financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of the New York State Public Employees Federation and Subsidiaries as of March 31, 2007 and

2006, and the changes in their net assets and their cash flows for the years then ended in conformity with U.S. generally accepted accounting principles.

Our audits were conducted for the purpose of forming an opinion on the consolidated financial statements taken as a whole. The consolidating statement of financial position, the consolidating statement of activities, and the schedules of consolidated detail of expenses are presented for purposes of additional analysis and are not a required part of the consolidated financial statements. Such information has been subjected to the auditing procedures applied in our audit of the consolidated financial statements and, in our opinion, is fairly stated in all material respects in relation to the consolidated financial statements taken as a whole.

Marvin and Company, P.C.

August 21, 2007

NEW YORK STATE PUBLIC EMPLOYEES FEDERATION AND SUBSIDIARIES CONSOLIDATED STATEMENTS OF FINANCIAL POSITION March 31, 2007 and 2006

ASSETS	2007	2006
Current Assets		
Cash and cash equivalents		
Undesignated	\$ 1,836,402	\$ 3,298,722
Board designated	3,170,949	3,096,941
Investment securities	2,081,348	2,183,977
Membership dues and agency shop fees receivable	668,808	620,060
Other receivables	601,612	532,321
Prepaid expenses	212,261	168,368
Total Current Assets	<u>8,571,380</u>	<u>9,900,389</u>
Property, Plant and Equipment		
Land	165,905	165,905
Building	1,844,512	1,844,512
Building improvements	1,177,342	1,159,842
Furniture, fixtures and equipment	1,478,627	1,435,147
Automobiles	29,997	28,122
Computer equipment	652,390	541,902
Total	5,348,773	5,175,430
Less accumulated depreciation	<u>3,838,673</u>	<u>3,422,285</u>
Net Property, Plant and Equipment	<u>1,510,100</u>	<u>1,753,145</u>
Other Assets	50,086	118,222
TOTAL ASSETS	<u>\$ 10,131,566</u>	<u>\$ 11,771,756</u>

See accompanying notes to consolidated financial statements

NEW YORK STATE PUBLIC EMPLOYEES FEDERATION AND SUBSIDIARIES CONSOLIDATED STATEMENTS OF FINANCIAL POSITION MARCH 31, 2007 AND 2006

LIABILITIES AND NET ASSETS	2007	2006
Current Liabilities		
Due to affiliates	\$ 3,257,951	\$ 4,072,439
Capital lease obligation, current portion	144,066	109,080
Accounts payable	1,164,148	1,811,619
Earned organizational leave	261,648	362,743
Other accrued liabilities	948,405	625,868
Accrued vacation	798,340	712,351
Accrued post-retirement benefits	316,862	226,091
Divisional distributions payable	135,146	196,966
Deferred revenue	1,190	2,496
Total Current Liabilities	<u>7,027,756</u>	<u>8,119,653</u>
Long-Term Liabilities		
Capital lease obligation, net of current maturities	190,275	334,341
Accrued post-retirement benefits	2,359,884	2,210,496
Total Long-Term Liabilities	<u>2,550,159</u>	<u>2,544,837</u>
Total Liabilities	<u>9,577,915</u>	<u>10,664,490</u>
Net Assets		
Unrestricted	(2,909,812)	(2,249,045)
Unrestricted - board designated	3,170,949	3,096,941
Temporarily restricted	292,514	259,370
Total Net Assets	<u>553,651</u>	<u>1,107,266</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 10,131,566</u>	<u>\$ 11,771,756</u>

See accompanying notes to consolidated financial statements.

NEW YORK STATE PUBLIC EMPLOYEES FEDERATION AND SUBSIDIARIES

Notes to Consolidated Financial Statements

March 31, 2007 and 2006

1. DESCRIPTION OF ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The New York State Public Employees Federation (PEF) is affiliated with the American Federation of Teachers (AFT) and the Service Employees International Union (SEIU). It is a self-governing unit representing predominantly the professional, scientific and technical employees of the State of New York. The majority of revenues are from membership dues and agency shop fees.

The consolidated financial statements include the accounts of PEF and its subsidiaries, and PEF Land Holding Corporation. The accounts of PEF include a general fund, a political action fund, a Committee on Political Education (COPE) fund and a plant fund. PEF Land Holding Corporation is a not-for-profit corporation formed to hold title to the land and office building used to house PEF's headquarters. All material interfund accounts and transactions between the entities have been eliminated in arriving at the consolidated totals.

PEF and its subsidiaries adhere to U.S. generally accepted

accounting principles as described in the American Institute of Certified Public Accountants (AICPA) Industry Audit and Accounting Guide, Not-for-Profit Organizations. Net assets, revenue, expenses, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Changes in unrestricted net assets include certain contributions whose donor imposed restrictions are met during the fiscal year. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and are reported in the consolidated statement of activities as net assets released from restrictions.

Income Taxes

PEF is a labor union exempt from federal income tax under Section 501(c)(5) of the Internal Revenue Code (the Code). However, under Section 527 of the Code, PEF's investment income from the Political Action Fund is subject to tax. PEF Land Holding Corporation is a title holding corporation and is exempt from federal income tax under Section 501(c)(2) of the Code.

Cash Equivalents

For purposes of the statement of cash flows, PEF considers all highly liquid investments with an initial maturity of three months or less to be cash equivalents.

Investment Securities

PEF follows the provisions of Statement of Financial Accounting Standards (SFAS) No. 124, Accounting for Certain Investments Held by Not-for-Profit Organizations. Under the provisions of SFAS No. 124, investments in equity securities and debt securities (see Note 3) are valued at their fair value based on readily determinable quoted market prices. Realized gains and losses from the sale of securities are recognized on the trade date and are calculated based on market value.

The net change in unrealized appreciation (depreciation) from the beginning of the year to the end of the year is included in net unrealized and realized gains (losses) in the consolidated statements of activities. Interest income is recognized as earned.

Property, Plant and Equipment and Depreciation

Property, plant and equipment are stated at cost less accumulated depreciation. Depreciation is provided for in amounts sufficient to relate the cost of depreciable assets to operations using the straight-line method over the following estimated useful lives:

	Years
Building and improvements	31.5
Furniture, fixtures and equipment	3-10
Automobiles	3-10
Computer equipment	3-10

Maintenance and repairs are charged to operations when incurred; betterments and renewals are capitalized. When property, plant and equipment are sold or otherwise disposed of, the asset account and related accumulated depreciation are relieved and any gain or loss is included in operations.

NEW YORK STATE PUBLIC EMPLOYEES FEDERATION AND SUBSIDIARIES CONSOLIDATED STATEMENTS OF ACTIVITIES FOR THE YEARS ENDED MARCH 31, 2007 AND 2006

	2007	2006
Changes in Unrestricted Net Assets		
Revenues and gains:		
Membership dues and agency shop fees	\$28,813,956	\$27,262,095
Less:		
Divisional distributions	1,080,497	887,788
Per capita taxes, net	8,787,859	8,272,197
Affiliation dues	284,327	214,978
Net Membership Dues and Agency Shop Fees	<u>18,661,273</u>	<u>17,887,132</u>
Other support:		
Interest income	289,353	278,613
Net unrealized and realized gains (losses)	29,623	(55,652)
Gain on sale of fixed assets	5,794	-
Grant income	338,719	291,053
Advertising income	215,355	215,391
Rental income	22,869	12,273
Affiliation income	164,716	145,608
Other income	<u>1,101,097</u>	<u>1,136,404</u>
Total	<u>2,167,526</u>	<u>2,023,690</u>
Net assets released from restrictions:		
Satisfaction of program restrictions	<u>78,297</u>	<u>62,108</u>
Total Unrestricted Revenues, Gains and Other Support	<u>20,907,096</u>	<u>19,972,930</u>
Expenses:		
Salary and benefit expenses	13,421,567	12,669,774
Staff travel and related expenses	535,892	484,879
Program related expenses	2,754,850	2,132,074
Operating expenses	5,055,963	5,213,614
Depreciation	428,638	429,365
Interest expense	111,433	137,922
Total Expenses	<u>22,308,343</u>	<u>21,067,628</u>
Decrease in Unrestricted Net Assets Before Settlement with American Federation of Teachers	(1,401,247)	(1,094,698)
Forgiveness of portion of American Federation of Teachers judgment net of provisions for interest of \$356,841 in 2007 and \$428,209 in 2006	<u>814,488</u>	<u>814,488</u>
Decrease in Unrestricted Net Assets	<u>(586,759)</u>	<u>(280,210)</u>
Changes in Temporarily Restricted Net Assets		
Contributions	\$ 100,463	\$ 95,216
Interest	10,978	7,035
Net assets released from restrictions	<u>(78,297)</u>	<u>(62,108)</u>
Increase in Temporarily Restricted Net Assets	<u>33,144</u>	<u>40,143</u>
Change in Net Assets	(553,615)	(240,067)
Net Assets, Beginning of Year	<u>1,107,266</u>	<u>1,347,333</u>
Net Assets, End of Year	<u>\$ 553,651</u>	<u>\$ 1,107,266</u>

See accompanying notes to consolidated financial statements.

Use of Estimates

Management uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities and the reported revenues and expenses. Actual results could differ from those estimates.

Board Designated Net Assets

Board designated net assets represents funds earmarked by the PEF Executive Board for funding new contract campaigns, member mobilization or political action. Any use of these funds outside of these designations requires approval by at least three-quarters of the Executive Board.

Bad Debts

PEF uses the direct write-off method of accounting for bad debts. Management believes that any allowance would be immaterial.

Reclassification

Certain 2006 amounts have been reclassified to conform to the 2007 financial statement presentation.

2. NET MEMBERSHIP DUES AND AGENCY SHOP FEES

Membership Dues and Agency Shop Fees

Revenue is comprised of membership dues paid by members of PEF and agency shop fees paid by those employees who are members of the bargaining unit but not of PEF. Dues income is recognized based upon the pay period for which members' salaries are paid by the State of New York. The biweekly dues and fees are calculated based on .9% of a member's annual compensation for the years ended March 31, 2007 and 2006, respectively.

Divisional Distributions

Divisional distributions represent allocations to local organizations of PEF members. Each division was paid \$6.37 per member up to 200 members and \$5.10 for each member in excess of 200, in each calendar quarter for the years ended March 31, 2007 and 2006.

Per Capita Taxes

PEF is required to pay per capita taxes on a monthly basis to AFT and SEIU as a result of its affiliation with these organizations. Per capita taxes are presented net of the AFT constitutional rebates of \$164,716 and \$145,608 for the years ended March 31, 2007 and 2006, respectively.

Affiliation Dues

Affiliation dues are amounts paid by PEF to participate with other labor organizations in various labor councils in New York State.

3. INVESTMENT SECURITIES

Investment securities are carried at fair value and consist of the following:

	2007		2006	
	Cost	Fair Value	Cost	Fair Value
U.S. Treasury notes and bills	\$1,565,759	\$1,547,085	\$1,541,501	\$1,482,713
Federal agency issues	258,942	270,300	400,335	410,705
U.S. Treasury zero coupon bonds	5,347	5,634	5,692	5,362
GNMA Pass-thru securities	143,203	143,155	170,823	170,735
Corporate bonds	<u>113,059</u>	<u>115,174</u>	<u>111,859</u>	<u>114,462</u>
Total	<u>\$2,086,310</u>	<u>\$2,081,348</u>	<u>\$2,230,210</u>	<u>\$2,183,977</u>

Net realized gains (losses) for the years ended March 31, 2007 and 2006 were \$(13,525) and \$1,014, respectively. Net unrealized gains (losses) for the years ended March 31, 2007 and 2006 were \$43,148 and \$(56,666), respectively.

4. POLITICAL ACTION FUND

PEF maintains a Political Action Fund (the Fund) from which political contributions are disbursed. Contributions are approved by PEF's Executive Board and funded from PEF's unrestricted net assets. The Fund is administered within PEF by the Legislative Department, which is also responsible for other lobbying activities. For the years ended March 31, 2007 and 2006, the Legislative Department has allocated \$1,224,802 and \$1,185,977 from unrestricted net assets for its operations, including political contributions. During the years ended March 31, 2007 and 2006, \$938,302 and \$889,477 was allocated for Legislative Department operations. For the years ended March 31, 2007 and 2006, expenses were less than the allocation by approximately \$286,500. At March 31, 2007 and 2006, the amount due from the general fund was \$673,949.

5. PENSION FUND

Substantially all employees of PEF are eligible to participate in the Affiliates' Officers and Employees Pension Fund of SEIU (the Pension Fund). The Pension Fund is a defined benefit multi-employer pension plan. Total pension expense was \$1,190,860 and \$1,179,317 for the years ended March 31, 2007 and 2006, respectively. These amounts are based upon a contribution rate of 14% of total eligible employee compensation. Actuarial and plan asset data relating to employees of PEF is not available.

6. LEASES

PEF has entered into a variety of leases, primarily for the use of office space and equipment, which are accounted for as operating leases. In addition, PEF has certain office and computer equipment leases that are accounted for as capital leases. Included within "furniture, fixtures and equipment" is equipment held under capital leases with a cost basis of \$638,871, and accumulated amortization of \$403,490 and \$285,799 at March 31, 2007 and 2006, respectively. Future minimum payments under all noncancelable leases having initial terms in excess of one year at March 31, 2007 consist of the following:

	Capital Leases	Operating Leases
2008	\$ 220,512	\$ 595,280
2009	220,515	538,107
2010	—	501,497
2011	—	453,124
2012	—	<u>443,809</u>
Total	441,027	<u>\$2,531,817</u>
Less amounts representing interest		<u>106,686</u>
Present Value of Net Minimum Lease Payments		334,341
Less current maturities of capital lease obligations		<u>144,066</u>
Capital Lease Obligations, net of current maturities	\$190,275	

Total rental expense related to operating leases was \$603,064 and \$636,905 for the years ended March 31, 2007 and 2006, respectively. Lease agreements frequently include renewal options and require PEF to pay utilities, taxes, insurance and maintenance.

Additionally, PEF, as lessor, leases certain office space in its main office building. Future minimum rental payments receivable by year,

under a noncancellable operating lease and sublease, consist of the following at March 31, 2007:

2008\$ 31,932

7. LITIGATION

Under an arbitration award rendered in May 1985, PEF was ordered to pay New York State United Teachers/American Federation of Teachers (AFT) in excess of \$9 million in back per capita taxes for the period March 1983 through May 1985. During fiscal 1988, a State Supreme Court decision vacated the award in its entirety. However, AFT subsequently appealed the decision and, in May 1989, the Appellate Division reversed the lower court decision, thereby awarding AFT approximately \$9.2 million of back per capita taxes. In 1989, PEF attempted to appeal the decision of the Appellate Division.

On March 27, 1990, the Court of Appeals denied PEF's motion and reaffirmed the judgment to AFT of approximately \$9.2 million for per capita taxes. During the fiscal year ending March 31, 1991, AFT made a motion to the State Supreme Court to be awarded prejudgment date interest. In June 1991, the State Supreme Court granted AFT's motion for prejudgment date interest. Interest on the outstanding balance accrues at the rate of 9% annually. Each year since 1991, AFT has unilaterally forgiven one twentieth of the total outstanding principal balance and the annual accrued interest amount.

AFT has not sought enforcement of the judgment in the past, but rather, as noted, has forgiven a portion of the indebtedness and interest. It is not possible to predict whether AFT will seek to enforce the judgment in the future. Accordingly, PEF has reported a liability of approximately \$3.26 million, which represents the judgment amount plus accrued interest at 9% per annum from the arbitration dates less amounts previously forgiven.

PEF has been named as a defendant in several other lawsuits and claims. While the ultimate outcome of these actions cannot be predicted at this time, it is the opinion of management that the disposition of these lawsuits and claims will not have a material adverse effect on the financial position of PEF.

8. RELATED ORGANIZATIONS

PEF is affiliated with the following:

Public Employees Federation Membership Benefits Program

This trust was established to provide PEF members the opportunity to obtain various insurance and other benefits at group rates. This program is outside the operations of PEF and is not included within the accompanying consolidated financial statements. PEF is not responsible for the debts of the Membership Benefits Program and any remaining assets upon termination of the program revert to the participating members and not to PEF.

PEF incurs costs on behalf of the program, which are billed back to the Membership Benefits Program. Included in other receivables at March 31, 2007 and 2006 are receivables from the program for \$175,238 and \$178,395, respectively. The Membership Benefits Program occupies space in PEF's headquarters under a 20-year lease with PEF requiring minimum annual payments of \$31,932 plus the proportionate share of taxes, utilities and common area costs.

Retirees' Fund

The Fund was established to provide various services, such as continuing insurance and seminars, to retired PEF members. This Fund is outside the operations and control of PEF and is not included within the accompanying consolidated financial statements. PEF incurs various costs for payroll, benefits and office expenses on behalf of the Retirees' Fund, which it bills back to the Fund. Included in other receivables at March 31, 2007 and

2006 are receivables from the Fund for \$21,514 and \$17,616, respectively.

9. FUNCTIONAL EXPENSES

PEF's expenses by functional activity were as follows:

	2007	2006
Membership services	\$13,473,544	\$11,968,522
Administration and support	3,245,445	3,871,142
Grants and contracts activities	470,840	390,452
Labor management activities	3,749,507	3,674,887
Legislative and political action	<u>1,369,007</u>	<u>1,162,625</u>
Total	<u>\$22,308,343</u>	<u>\$21,067,628</u>

10. TEMPORARILY RESTRICTED NET ASSETS

Temporarily restricted net assets at March 31, 2007 and 2006 are available for the following purposes:

	2007	2006
COPE:		
Political contributions	\$292,514	\$259,370

11. CHANGES IN TEMPORARILY RESTRICTED NET ASSETS

	2007	2006
COPE:		
Contributions received with donor restrictions	<u>\$ 100,463</u>	<u>\$ 95,216</u>
Interest earned that has been restricted	<u>\$ 10,978</u>	<u>\$ 7,035</u>
Net assets released from donor restrictions by incurring expenses satisfying the restricted purposes	<u>\$ 78,297</u>	<u>\$ 62,108</u>

12. CONCENTRATION OF CREDIT RISK

PEF maintains its cash accounts in local financial institutions. At times these balances exceed FDIC insured amounts.

13. ACCRUED POST-RETIREMENT BENEFITS

Retired PEF employees can convert unused sick leave to cash for the purpose of paying health insurance benefits. To be eligible, retiring employees must meet one of the three following criteria: sixty-five years of age and three years of service; fifty-five years of age and 10 years of service; or age fifty and 30 years of service. PEF recognizes the cost of providing post-retirement health insurance benefits by estimating the accumulated post-retirement benefit. It is at least reasonably possible that this significant estimate will change within the next year.

The estimated unfunded accumulated post-retirement benefit obligation at March 31, 2007 and 2006 was \$2,676,746 and \$2,436,587, respectively. The change in the post-retirement obligation for the years ended March 31, 2007 and 2006 was approximately \$240,159 and \$(106,000), respectively and is included in salary and benefit expenses.

For the years ended March 31, 2007 and 2006, the weighted average discount rate used in determining the accumulated postretirement benefit obligation was 8% and 7%, respectively. Additionally, the measurement date used to determine the post-retirement benefit obligation is March 31, 2007.

13. ACCRUED POST RETIREMENT BENEFITS

During the years ended March 31, 2007 and 2006, PEF paid out benefits of \$5,974 and \$4,887, respectively.

The following estimated benefit payments, which reflect expected

future service, as appropriate, are expected to be paid:

2008	\$ 75,900
2009	81,000
2010	88,200
2011	90,700
2012	91,400
2013-2017	457,700

During the year ended March 31, 2007, the Federation began receiving a federal subsidy relating to the Medicare Prescription Drug, Improvement, and Modernization Act. In future years, this subsidy will be used by the Federation to reduce their benefit payments.

During the year-ended March 31, 2008, the Federation

will be required to adopt the provisions of SFAS No. 158, Employers' Accounting for Defined Benefit Pension and Other Postretirement Plans, which is effective for entities with fiscal years ending after June 15, 2007.

SFAS No. 158 requires an entity to present in its financial statements the current economic status of a postretirement benefit plan and include enhanced disclosures in the notes to those financial statements.

14. SELF-INSURANCE PLAN

PEF provides health insurance benefits utilizing a self-funded plan that covers substantially all full-time employees. The liability for claims incurred and claims incurred but not reported was approximately \$75,000 for both years ended March 31, 2007 and 2006.

PEF has purchased individual risk and excess risk stop-loss insurance to limit its exposure to claims in excess of specified amounts.

**NEW YORK STATE PUBLIC EMPLOYEES
FEDERATION AND SUBSIDIARIES
CONSOLIDATED DETAIL OF EXPENSES
FOR THE YEARS ENDED MARCH 31, 2007 and 2006**

	2007	2006
Salary and Benefit Expenses		
Salaries	\$8,875,560	\$8,518,628
Union leave	641,632	688,519
Pension expense	1,190,860	1,179,317
Health insurance	1,752,440	1,389,306
Payroll taxes	785,233	724,445
Tuition reimbursement	15,916	6,621
Term life insurance	51,709	60,123
Dependent care	35,053	34,180
401(k) plan	15,361	13,188
Long-term disability	57,803	55,447
Total	<u>\$13,421,567</u>	<u>\$12,669,774</u>
Staff Travel and Related Expenses		
Staff travel	\$295,751	\$252,164
Automobile expense	240,141	232,715
Total	<u>\$ 535,892</u>	<u>\$ 484,879</u>
Program Related Expenses		
Program related travel	\$ 1,987,283	\$ 1,751,682
Earned organizational leave	767,567	380,392
Total	<u>\$ 2,754,850</u>	<u>\$ 2,132,074</u>
Operating Expenses		
Advertising	\$ 899,515	\$ 1,369,612
Office rent and parking	604,146	641,364
Professional and consultant fees	506,272	290,203
Postage	478,979	446,032
Political and associated contributions	450,591	267,133
Printing	381,381	474,718
Telephone and communications	270,448	268,395
Arbitration	252,804	196,688
Office supplies	140,494	115,019
Reproduction	109,852	48,824
Utilities	108,917	136,298
Real estate taxes	103,818	99,857
Maintenance and repairs	101,043	80,527
Charitable and other contributions	96,749	163,697
Insurance	93,303	134,353
Books and reference material	88,388	77,731
Janitorial	68,870	84,465
Computer fees	49,429	55,509
Miscellaneous	45,955	27,033
Scholarships	39,000	40,118
Steno and transcript fees	31,079	32,221
Outside temporary hires	25,123	49,875
Minor equipment purchases	12,001	25,691
Equipment rental	11,761	15,499
Outside legal fees	5,649	7,082
Photographic supplies	2,099	3,562
COPE expense	78,297	62,108
Total	<u>\$5,055,963</u>	<u>\$5,213,614</u>

**NEW YORK STATE PUBLIC EMPLOYEES
FEDERATION AND SUBSIDIARIES
CONSOLIDATED STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED MARCH 31, 2007 AND 2006**

	2007	2006
Cash Flows From Operating Activities		
Change in net assets	\$ (553,615)	\$ (240,067)
Adjustments to reconcile change in net assets to net cash provided (used) by operating activities		
Depreciation	428,638	429,365
Forgiveness of portion of American Federation of Teachers judgment	(814,488)	(814,488)
Net unrealized and realized gains (losses)	(29,623)	55,652
Gain on sale of fixed assets	(5,794)	—
(Increase) Decrease in assets:		
Membership dues and agency shop fees receivable	(48,748)	(122,685)
Other receivables	(69,291)	113,198
Prepaid expenses	(43,893)	(64,438)
Other assets	68,136	104,485
Increase (Decrease) in liabilities:		
Accounts payable and accrued expenses	(324,934)	932,496
Earned organizational leave	(101,095)	4,588
Accrued vacation	85,989	14,072
Accrued post-retirement benefits	240,159	(106,521)
Divisional distributions payable	(61,820)	(217,916)
Deferred revenue	(1,306)	(14,271)
Net Cash Provided (Used) by Operating Activities	<u>(1,231,685)</u>	<u>73,470</u>
Cash Flows From Investing Activities		
Purchase of investments	(555,420)	(846,813)
Proceeds from sale of investments	687,590	1,863,282
Proceeds from sale of fixed assets	5,794	—
Expenditures for property, plant and equipment	(185,511)	(140,328)
Net Cash Provided (Used) by Investing Activities	<u>(47,547)</u>	<u>876,141</u>
Cash Flows From Financing Activities		
Principal payments on capital leases payable	(109,080)	(82,589)
Net Increase (Decrease) in Cash and Cash Equivalents	<u>(1,388,312)</u>	<u>867,022</u>
Cash and Cash Equivalents, Beginning of Year	<u>6,395,663</u>	<u>5,528,641</u>
Cash and Cash Equivalents, End of Year	<u>\$ 5,007,351</u>	<u>\$ 6,395,663</u>
Supplemental Information:		
Cash paid for interest	<u>\$ 111,433</u>	<u>\$ 137,922</u>

See accompanying notes to consolidated financial statements.

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Term Life Insurance typically terminates or significantly decreases upon retirement. The WrapPlan[®] is structured to double in amount to restore full coverage when your Term Life decreases or terminates — without conversion premiums or additional medical requirements.

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- Tax-deferred growth through cash value accumulation. **
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- Disability waiver provision to continue coverage in event of a total disability. ***
- Accelerated death benefit that allows early payment of death benefits for terminal illness. ***
- Convenient payment via payroll deduction.

*Available to PEF members who are actively at work and have not been hospitalized or missed more than five days of work due to illness or accident within the last six months. ** The guaranteed tax-deferred interest rate is 4.00% on accumulation account values after mortality charges and expenses.

*** Consult the policy for complete details. THE WRAPPLAN[®] POLICY IS UNDERWRITTEN BY TRANSAMERICA FINANCIAL LIFE INSURANCE COMPANY (HOME OFFICE: PURCHASE NEW YORK)

Yes, I am interested about the following benefits for PEF members:

For Public Employees Federation Members Only



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Name: _____ DOB: _____

Universal Life Insurance with Cash Accumulation

Home Address: _____

City: _____ State: _____ Zip: _____

Pension Maximization

Home #: (____) _____ Work #: (____) _____

Coverage is also available for eligible family members!

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Nominating petitions for this seat will be available starting October 9 and must be returned by October 30.

If two or more nominees are certified by the Special Elections Committee, ballots will be mailed November 20 to constituents, for return to the American Arbitration Association by December 18. They will be counted December 19.

The successful candidate will serve the remainder of the unexpired three-year term which ends in August 2009.

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Raiman works at Collins Correctional Facility, just south of Buffalo. His co-worker, Joyce Krygier, an inmate record coordinator 2, needs some help.

Raiman said Krygier is having her third breast-cancer surgery and has run out of accruals.

"Joyce has been an inspiration to all of us here," Raiman said. "She's strong, but she has been going through so much. This is her third major operation and she is a fellow member who is truly courageous."

"She has exhausted all her time. If any member could give her one vacation day, it would help. And if you can't, a prayer would be good."

If you wish to donate a day or two to Krygier, contact Raiman at (716) 532-4588 and he will arrange for you to complete the simple State Employee Leave Donation form with someone in the human resources department.

Only vacation days may be donated.

If you know someone in your agency in need of extra time, contact your human resources department for a leave donation form.

— Deborah A. Miles

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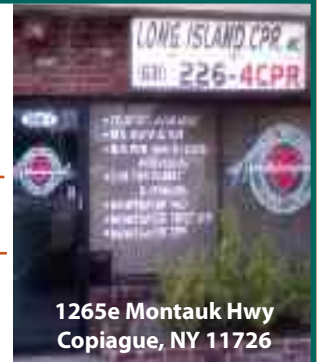
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SIX YEARS LATER — PEF Secretary-Treasurer Arlea Igoe and President Ken Brynien reflect upon the events of Sept. 11, 2001 and offer words of comfort for a brighter future at a memorial ceremony at PEF headquarters.

— Photos by Deborah A. Miles

