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PEF takes charge

PS&T cheers 'Win Day'

When the ballots were in and the votes tallied, members of the State PS&T Unit had voted by a decisive 15,062 to 12,259 to get more and get better with PEF.

Excitement gave way to cheers as April 12th became "win day" for more than 46,000 State Professionals. The PEF victory ends 10 years of inept CSEA Inc. bargaining and ushers in a new era of effective representation for PS&T.

"It's a great day for us all," said General Organizer John Geagan, "and no after-the-fact arbitrary decision by a handful of CSEA Inc. directors is going to overturn our mandate.

"The real credit for this coup goes to PS&T members who worked and voted for PEF this year and in the past," Geagan added. "But trouncing CSEA Inc. is only the beginning. The real job is to turn PEF into a national success story as a model for professional AFL-CIO unionism."

However, if CSEA Inc. and its recently acquired merger partner have their way, PS&T would once more be swallowed up in the same old structure it rejected in the election — something PEF will not allow.

"The CSEA Inc. leadership is doing everything in its power to prevent the members of PS&T from gaining their duly elected representation with PEF," noted John Kraemer, who heads PEF's Interim Steering Committee.

"Any pretense of democracy has gone out the window. The merger was done without advance notice to the members or even the organization reps. We're not going to abandon PS&T to these wolves. We have



PEF and CSEA representatives signed documents on April 12th acknowledging the accuracy of the vote-count which gave PS&T a real union as its bargaining agent. Later, however, CSEA "pleaded" with the state to throw the whole election out.

already begun our representation duties and plan to continue."

In fact, PEF has lost no time in fulfilling its campaign commitment to service. Less than 18 hours after the vote count was announced, PEF offices across the state were fully operational and they were literally flooded with calls from enthusiastic PS&T members seeking information, filing grievances and offering help and support.

"I've never seen anything like it," commented Albany staff rep. John

Trela. "We've already logged in hundreds of calls, and the level of enthusiasm is astounding. About half the calls come from people who need help with grievances. Even though CSEA Inc. is technically responsible until we're certified, we hear they're refusing to process any PS&T work. We're taking all the information so we can get to work the moment our certification comes through."

"We're really moving," commented NYSUT President Tom Hobart. "Worksite or regional

meetings have already been scheduled in many areas or are planned for the next few weeks, to start the local representation process.

"Membership cards are being printed. We've asked the Office of Employee Relations (OER) to suspend grievance time limits to protect PS&T members during the transition period. We've even planned our first PS&T training program to brief member reps on current contract and grievance handling mechanisms."

Interim leaders named, services set

John Kraemer, an employee of the State Labor Department and a member of the PS&T unit, has been named chairman of PEF's interim steering committee, an eight-member group appointed jointly by the presidents of the Service Employees International Union (SEIU) and the New York State United Teachers (NYSUT).

Kraemer, a state employee for 13 years, worked for PEF during the recent election campaign while on an unpaid leave of absence from his Labor Department post.

The full steering committee met twice in the two weeks following "Win Day," April 12th, and acted on a series of recommendations.

• John O'Leary, currently the

director of NYSUT's Nassau County office, will become PEF's interim executive director.

• PEF headquarters will remain in Albany and New York City; staff representatives will also work out of other PEF/NYSUT/SEIU facilities spread throughout the state.

• In addition to the steering committee, an interim advisory council of up to 50 PS&T members will be named shortly.

• The two bodies will work together to produce a draft constitution. The ideas of individual PS&T members will be solicited, and the constitution will be submitted — for debate, amendment and ultimate ratification — to a convention of elected delegates.

• Concurrently work will progress on preparing a negotiating package for presentation to the state later this year. Already hundreds of PS&T members have returned the bargaining questionnaires included in PEF's title bargaining brochure. Additional surveys will try to refine the points that members want to see in their next contract. Meanwhile, a procedure is being developed for selecting a negotiating committee of up to 50 PS&T employees, as well as a larger "wage and policy council" of 200 or more.

• Recommendations for electing PS&T "shop stewards" are also being prepared. Once PEF is certified and is legally entitled to handle individual

and group grievances, the separation of PS&T from other units still represented by CSEA will make it essential that PS&T people elect their own stewards.

PEF representatives, including Kraemer, have already begun visiting work-sites and attending meetings set up by and for PS&T members, both to explain the status of the certification dispute and to solicit ideas for PEF's governance structure and service program. Spokesmen are available to meet with groups not already contacted. Individuals may make arrangements to schedule a PEF representative by calling the service center closest to them (a list appears on page 3).



John Kraemer

PEF Chairman Kraemer

'Their ploys won't work!'

CSEA Inc. is scrambling on two fronts to overturn the choice made by members of the PS&T unit.

On the one hand CSEA Inc. has pleaded with the state's Public Employment Relations Board (PERB) to declare the election invalid. If that were to occur, another election might be necessary.

CSEA's second move has been its snap decision to affiliate with the American Federation of State, County and Municipal Employees (AFSCME), a 700,000-member AFL-CIO union. The AFL-CIO forbids its affiliates from taking collective bargaining rights away from one another. The CSEA/AFSCME position is that the PS&T unit still belongs to CSEA/AFSCME, and that PEF — even though it has won the election — should withdraw its request that PERB certify PEF as PS&T's new bargaining agent.

To clarify this confused situation, the *Communicator* asked a series of questions of John Kraemer, the chairman of PEF's interim steering committee.

Q. Is PEF or is PEF not the collective bargaining representative for PS&T?

A. We won the election; all that remains is for PERB to formally certify PEF as PS&T's bargaining agent.

Q. When will that be done?

A. Ordinarily PERB certifies the winning union within 10 days of an election.

Q. It's a lot more than 10 days already. Why hasn't PEF been certified?

A. A losing union has the right to petition PERB to overturn an election if it believes there's evidence that the vote was fraudulent. At 4:55 on the afternoon of Wednesday, April 19th — five minutes before the deadline — CSEA marched into PERB with a lengthy document which asked that the election be set aside.

Q. On what grounds?

A. Basically three. First, that PEF isn't a union; secondly, that PEF did not really collect signatures from 30 percent of PS&T members last summer, and therefore that there should never have been an election.

Q. Weren't those questions settled once before?

A. Yes. Both PERB and the state courts have already ruled that CSEA is off-base: that PEF is a union and that PEF did collect enough signatures to have an election.

Q. What was CSEA's third charge?

A. That the state itself interfered in the election, giving PEF an unfair advantage.

Q. Is there any merit to that?

A. Most PS&T members remember very well that the state prohibited PEF representatives from entering state offices and talking to PS&T members all last summer and fall. We had to get an order from PERB before the state would permit PEF even to visit the work-sites. If anything, the evidence demonstrates that the state did everything it could to help CSEA, not PEF.

Q. How, then, can CSEA even make such a charge?

A. Most of CSEA's 'evidence' claims that individual members of management did something to help PEF.

Q. Can they prove it?

A. The charge is nonsense. One of the four or five people CSEA identifies hasn't even worked for the state for more than two years.

Q. What will happen with CSEA's charge?

A. PERB's rules require that a losing union's complaint be given a hearing.

Q. When will that take place?

A. We don't know yet. It could happen very early in May; or it might be postponed for as long as 60 days.

Q. Can't PEF be certified in the meantime?

A. We hope so. PERB could rule that PS&T members have a right to be represented by the union of their choice even during the period in which the election is being challenged. PEF, NYSUT and SEIU have all urged PERB to act now.

Q. What does CSEA hope to get out of charging that the election wasn't valid?

A. One of two things. PERB could order a new election, though no one thinks that will happen since CSEA's 'case' is such a poor one. What CSEA is really hoping for is intervention by the AFL-CIO.

Q. What can the AFL-CIO do?

A. CSEA's new-found 'partner' hopes that the AFL-CIO will order PEF to 'give PS&T back to CSEA.'

Q. On what grounds?

A. Article 20 of the AFL-CIO constitution says that no affiliated union may take — or even try to take — collective bargaining rights away from any other AFL-CIO union. That was the motive behind CSEA's 'snap decision to affiliate' with AFSCME.

Q. But PEF won the election before CSEA affiliated with AFSCME.

A. Yes: but not before PEF was certified. The CSEA/AFSCME position is that PEF should now withdraw its petition for certification, and that by continuing to ask for certification PEF is violating Article 20.

Q. Is the AFL-CIO likely to agree?

A. The process calls for an 'impartial umpire' to hear the arguments of both sides and to issue a decision; that ruling, in turn, may be appealed to the 35-member AFL-CIO executive council.

Q. Are there any precedents which might give a clue as to what the AFL-CIO is likely to do?

A. Not really: this case appears to be one-of-a-kind.

Q. All this assumes, of course, that CSEA is truly an AFSCME/AFL-CIO affiliate. Is it?

A. There is some question about it. Neither the members of CSEA nor even the delegates to its annual meeting were asked to vote on the matter. CSEA's board of directors was called into an 'emergency' session, on very short notice, and apparently told that CSEA could get PS&T back if they voted to affiliate with AFSCME. We have already heard of court suits and other legal moves from individual CSEA members trying to block the situation.

Q. What else?

A. CSEA's annual meeting might overrule the board of directors. In 1976 the delegates voted overwhelmingly — 1,340 to 42 — to reject affiliation with AFSCME. The only reason they might have to change their minds is the rumored promise that AFSCME can force PS&T back into CSEA. If AFSCME isn't able to deliver, the delegates might well tell the CSEA board to pull out of the agreement.

Q. But doesn't it make sense for CSEA to become an AFL-CIO affiliate?

A. We agree that a union — any union — gains strength by affiliating with the AFL-CIO, even where it affiliates for the wrong reasons. We do fear, however, that the backlash to CSEA's secret, undemocratic and hasty affiliation might generate an insuperable opposition to AFL-CIO affiliation in the future, if the CSEA-AFSCME agreement falls through. That would be particularly true once CSEA delegates and members realize that the agreement makes CSEA a captive of AFSCME.

Q. How?

A. Under AFL-CIO rules, even if CSEA withdraws from the 'merger,' it remains permanently under AFSCME's jurisdiction. It could never affiliate with another AFL-CIO union without AFSCME's permission; nor could members of CSEA bargaining units ever vote for representation by another AFL-CIO union if AFSCME didn't agree.

Q. Summing up, where exactly are we?

A. CSEA lost the election and the right to represent the 45,000 members of the PS&T unit. It's now trying to ignore the election results and force PS&T employees back into CSEA. That's the motive behind CSEA's appeal to PERB and behind its apparent affiliation with AFSCME. We at PEF don't believe that either ploy will work. This is America, after all, and the law does recognize the validity of democratic elections.

Not certified yet, but . . .

PEF already at work for PS&T

"We've won!" That was the word from Barbara Chapman, reporting PEF's first grievance victory.

Chapman, a Nurse I at the SUNY/Buffalo Health Center contacted PEF when she was reassigned from the 8:00 a.m.-4:15 p.m. shift to the 10:00 a.m. to 6:00 p.m. shift.

"We took a hard look at the contract and found that shift changes require reasonable notice, an emergency situation and prior consultation," commented Buffalo PEF field representative Jan Fischer. "The last two conditions were clearly

not met, so we called the supervisor.

"Although the supervisor wouldn't meet with a PEF rep prior to certification, we did present our case and a solution. Our suggestion was accepted."

Chapman's plea for help was one of hundreds received by PEF offices since the April 12th election victory.

"We figure we've received more than 300 grievances statewide in less than two weeks," said New York City PEF representative Tony Ficcio.

"The calls indicate a new confidence in PS&T that members will

receive sound, professional representation. They also tell us that CSEA Inc. was exceedingly negligent in its contract enforcement duties."

That negligence has been especially evident since the PS&T election. Reports indicate CSEA Inc. is refusing to handle PS&T work, while at the same time refusing to relinquish the responsibility to PEF.

"We're doing everything we can to make the transition painless, but CSEA Inc. certainly isn't helping us any," commented PEF Interim Chairperson John Kraemer.

"We've asked the Office of Employee Relations to suspend time limits. And we're also taking all the grievance information members call into our offices. We will advise and represent PS&T members to the best of our abilities within the confines of the law.

"But we're forced to wait for certification before we can really get down to contract enforcement. Once we've got the full power of representation, we plan to rack up the best grievance win record this state has ever seen."



At the vote-count, moments before it was announced officially: "The winner is PEF!"

Insurance coming

Though PEF representatives began work several months ago on developing a comprehensive insurance program for PS&T members, the carriers were unable to make any commitments until PEF had ousted CSEA Inc. as the PS&T bargaining agent.

Negotiations are still underway, according to PEF steering committee member Dean Streiff, but CSEA's moves to overturn the election results are now posing a new legal problem.

PS&T members may be assured, however, that no insurance policy

they hold by virtue of CSEA membership may be cancelled until the first premium that come due after the individual ceases to be a CSEA member.

Moreover, homeowners and automobile insurance may not be cancelled at all, simply because one no longer belongs to the union through which the policy was obtained.

An outline of insurance programs and other special services available to PEF members will be printed in a forthcoming issue of the Communicator.

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"PEF is going to represent us!" Happy PS&T members phoned the good news to state co-workers within minutes of the vote-count on April 12th. Though not yet certified, PEF has already begun helping PS&T employees. (See story, above.)

“We’re winners!”



Editorial

We'll not be moved!

The Albany Times-Union headline had it exactly right: “PEF vows to fight for 45,000.”

Members of the PS&T unit should be reassured that PEF has no intention of betraying their confidence — no intent of handing PS&T back to the discredited CSEA.

As NYSUT President Tom Hobart puts it: “CSEA’s snap decision to affiliate with AFSCME is an internal union matter, and no such act can either nullify election results or invalidate a state law.”

And the law is very clear about it: A union which wins a representational election is entitled to exercise collective bargaining rights. A union which loses an election has no right whatever to continue as the agent of people who threw it out.

Neither PEF nor its sponsoring unions, NYSUT and SEIU, believes that the AFL-CIO will “order” PEF to surrender bargaining rights to CSEA/AFSCME. The AFL-CIO “internal disputes plan” is designed to deal with substantive disagreements. There is no precedent whatever for a group of employees to be denied their democratic rights simply because of a technicality.

And the fact that PEF has not yet been certified as the PS&T bargaining representative is purely a technicality. CSEA had lost the unit well before it moved to affiliate with AFSCME. Winning bargaining rights away from a non-affiliated union is not a violation of the AFL-CIO constitution. Awaiting certification, where the losing union has become an AFL-CIO affiliate after its loss, simply cannot be considered “raiding” another AFL-CIO union.

As much as by any of its other sins, CSEA stands entirely discredited by its efforts to force unwilling people back into a union they have repudiated. The hasty and undemocratic process by which the AFSCME affiliation was achieved — with no notice whatever going to CSEA members or even to delegates to CSEA’s convention — is still further evidence that CSEA has forfeited any right to the respect or the allegiance of PS&T and other state employees.

Nor can anyone react with anything but disgust to CSEA’s attempts to get the Public Employment Relations Board to throw out the election. The majority has spoken. For once in their lives, CSEA leaders ought to pay more than lip-service to democracy, and to accept the results of April 12th.

Again, PEF vows: We will stand by our commitments. We will not abandon PS&T to the union which PS&T members have repudiated.

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