

# COMMUNICATOR

*"I have overruled all of the objections filed by CSEA. Accordingly, I conclude that the results of the election should not be set aside and that PEF has established that it represents a majority of employees in the PS&T unit who participated in this election."*

Harvey Milowe — Hearing Examiner  
Public Employment Relations Board

## Management collusion charges: OVERRULED

*"... they fail to provide any basis for the conclusion that 'management/confidential employees' had 'used their supervisory status . . . to intimidate, coerce and improperly influence the casting of ballots for PEF.'"*

## Kraemer 'no-show' charges: OVERRULED

*"The record demonstrates that Kraemer was not granted any leave, release or special assignment in order to campaign for PEF. . ."*

## Forgery charges: OVERRULED

*"In over 2,500 pages of testimony, I have still not found any evidence of forgery. . ."*

## CSEA: OVERRULED!

# PEF election victory upheld



Celebrating the ruling at a press conference on July 21 at the World Trade Center are PEF leaders and representatives (rt. to l.) John Geagan, SEIU general organizer; Diana Dougherty, PEF field representative; Vito DeLeonardis, NYSUT executive director; Thomas Y Hobart, NYSUT president; James R. Sandner, PEF general counsel; and Anthony Ficco, NYSUT.

Once was not enough—so PEF won twice. The first time was back in April when you, the members of PS&T, elected PEF by a healthy 15,062 to 12,259 margin.

Now PEF has won again: On July 20th, PERB Hearing Officer Harvey Milowe overruled all CSEA Inc. objections and declared the election valid. The ruling makes PEF's certification as the PS&T bargaining agent a near-certainty.

After more than three months and 2,500 pages of testimony, Milowe ruled that "PEF has established that it represents a majority of employees in the PS&T unit who

participated in this election." Pure and simple. No forgeries. No collusion by management/confidential employees. No "no-shows."

To ascertain the truth about the cards, Milowe called in a "renowned handwriting expert," Paul A. Osborn. Osborn compared a sampling of more than 1,000 signatures against the signatures of key PEF personnel and concluded there was "no common authorship" and not even a "suspicion" of fraud. He concluded that while, "in any case involving thousands of voting signatures, there will be found some isolated discrepancies" the incidence of discrepancies in the sampling was so low that "further

And according to renowned handwriting expert Paul A. Osborn, who was brought in by Hearing Officer Milowe to examine the cards:

*"The various kinds of examinations conducted have led me to conclude that, based on a study of approximately 1,000 documents, a large percentage of the questioned petition signatures are genuine. No evidence could be discovered revealing, or at the very least making me suspicious, that a portion of these cards and petition sheets were prepared by a small group of individuals. . ."*

*"It is this writer's further opinion, having had the experience of examining literally hundreds of thousands of questioned election petition signatures for the same purpose in other matters, that at least a suspicion of common authorship in these questioned voting cards and petition sheets would be revealed if that were the case."*

*"... The fact that there are no reasons to suspect such common authorship out of those questioned documents examined makes me reasonably sure that further studies of the entire group of between 13,000 and 14,000 signature cards and petitions is unnecessary."*

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"We couldn't be happier," commented PEF attorney James Sandner. We feel Mr. Milowe has done an exceptionally thorough job.

"We view it as unlikely that either the full Board or a judge will overturn this decision. There is not a shred of evidence to back up CSEA's charges."

Under PERB regulations, CSEA Inc. has 10 working days to appeal the hearing officer's decision (making the final date of appeal August 3rd). PEF then has seven days to respond.

A ruling by the full three-person Board is expected by mid or late August. A subsequent court appeal could delay certification until mid-September.

"We're vindicated and elated,"

said John Geagan, SEIU general organizer. "But the real victors are the 45,000 members of PS&T who will finally get the representation which is rightfully theirs"

"Milowe's decision entirely destroys CSEA, Inc.'s allegations," said NYSUT President Thomas Y. Hobart, Jr. He expressed disappointment that CSEA Inc. seems determined to continue its stalling tactics in direct opposition to the evidence and the will of the PS&T membership.

John O'Leary, PEF staff director, pointed out that "even the allegations by CSEA Inc. are washed out by the overwhelming secret ballot vote for PEF."

"The real thanks go to the members of PS&T who've stuck it out these many long months," said PEF Executive Director John Kraemer. "That's what makes it all worthwhile."

## PEF to appeal Article XX

An AFL-CIO umpire has ruled on the PEF/AFSCME Article XX charges. PEF will appeal the umpire's narrow "technical" ruling on PS&T to a panel of three AFL-CIO International Vice Presidents and, if necessary, to the AFL-CIO Executive Council. AFSCME's smears of PEF were held in violation of Article XX, Section 5.

## Penalty probation dropped

# Taylor Law reform moves forward

Reformation of New York State's Taylor Law moved forward during the last legislative session, prodded by tough lobbying by the NYSUT, SEIU and other public employee unions.

Governor Carey signed the measure proposed by both the State Assembly and the Senate which eliminated the penalty-probation provision, previously used to fire public employee strikers. Under the provision, strikers could be put on probation for a year. A subsequent court decision ruled that at the end of that year, the employee could be dismissed without receiving a hearing.

Approximately 100 public employees were discharged under the probation clause between the 1976 court decision and the legislators' recent action.

"The repeal of the penalty-probation is a step forward for New

York's public employees," noted PEF Executive Director John Kraemer, "but it's not enough by a long shot. We still have a long way to go before public workers attain equal standing under the law."

The Taylor Law is infamous among public workers for its unjustly stringent measures against public employee strikers. It is best known—and least liked—for its "two-for-one" penalty clause, whereby strikers are fined two days pay for each day on strike.

"Literally thousands of workers have been forced to pay the two-for-one fines," noted John O'Leary, PEF's staff director.

"No one likes the idea of losing even one day's pay when they strike, and losing two days' pay is twice as bad.

"We've managed to abolish the probation provision this year. You

can be sure we'll be back to get rid of the two-for-one clause next session.

"We at PEF are fully committed to justice for public employees, and we won't quit until the job's done."

## CSEA: Lots of \$\$\$, no sense

A member of CSEA Inc.'s Board of Directors testified, under oath, at the recently-concluded PERB hearing on PEF's certification that James Roemer, CSEA Inc. attorney, saw the delay on the PEF certification as being worth "\$50,000 or a \$100,000" in dues to CSEA Inc.

Ronnie Marx of the Clinton Correctional Facility—who is CSEA Chapter 154 President as well as CSEA Board Correction Department Representative—testified that on the day after the PEF election victory Roemer, CSEA President William McGowan and Marx were talking outside the CSEA meeting room in Albany.

Marx testified that Roemer, in consoling McGowan, said:

"... they could delay certification two weeks or four weeks and that it meant \$50,000 or a \$100,000..." because "we have some minor irregularities."

Marx, in turn, pointed out to McGowan that "he'd have never lost the election had they not gotten such a bad contract."

## 'Redlining' hits Mental Hygiene Dept.

Some things are best left unarbitrated. That's one of the lessons CSEA Inc. should have learned from its recent attendance case affecting PS&T members in the Department of Mental Hygiene.

Until CSEA Inc. sought clarification of the contract language regarding time records, PS&T members were on an honor system, with primary responsibility for their

own time sheets. However, following the arbitration decision, they must now sign in and out on an attendance sheet kept at an "appropriate work location."

In addition, supervisors can now "redline" the sheets "to establish that employees who sign in below the line are late for work." Supervisors can draw another red line at the end of the day to determine

who left early.

Although the sign in/out sheet must not be "in the presence or sight of supervision" those employees who are suspected of abusing time and attendance regulations may be required to sign in and out in front of their supervisors. Individuals can be singled out for such observation, although the basis for scrutiny must be re-

evaluated every six months.

"We find this ruling demeaning and insulting to PS&T members," commented PEF staff member Warren Lew.

"Mental Hygiene members out on the Island are very upset about these rule changes. We will do our best to avoid and combat any supervisory abuses under the new regulations."

## Governance planning in full swing

Plans for an improved PS&T governance structure are rapidly moving ahead.

As a first step, PEF has formed three important committees—a Steering Committee, an Interim Executive Board, and a Wage and Policy Committee.

The Steering Committee is composed of the top administrators and leaders from the Service Employees International Union and the New York State United Teachers. These representatives will be responsible for finance and policy decisions prior to certification. They will also serve as coordinators between the two unions.

The Interim Executive Board is a fulfillment of a pledge made to the PS&T unit that representatives from the title bargaining groups will have a voice in determining their contract. The finalized structure will be defined by elected delegates at a November founding convention.

The Wage and Policy Committee will be selected from the PEF leadership and will reflect title bargaining groups throughout New York State. There will be 100 PS&T members on this committee.



PEF Executive Director John Kraemer, right, addresses staff



Above, members of an Albany committee meet. Below, PEF Staff Director John O'Leary discusses issues with New York City committee.



## PS&T priorities cited

# Contract surveys yield big response

The first 1,000 preliminary contract survey responses have been compiled, and PEF staff would like to share the results with you.

The responses thus far have been exceptionally helpful, with many PS&T members taking the time to write extensive comments and suggestions.

To those of you who've already responded, many thanks. And for the rest, it's not too late!

Although there are clearly different problems from profession to profession and agency to agency, it was also apparent that a substantial number of responding job titles share many of the same concerns and priorities.



Grouping	% of responses
Nursing professions	12.8
Engineering professions	14.6
Education, library professions	6.2
Doctors, psychologists, etc.	9.4
Legal professions	2.2
Therapists, rehabilitative	5.0
Law enforcement	5.1
Computer operations	1.5
Claims investigators, etc.	8.1
Counselors	7.2
Manpower professions	7.1
Accounting professions	11.2
Arts and sciences	1.9
Administrative	2.4
Other titles	2.5
Blank	2.7

Respondents checking the box to be active in the contract process numbered 30%.

Across the board, the biggest complaint was lack of career advancement opportunities. Members were also concerned about too much out-of-title work and the lack of decent job descriptions. Many people complained that tests were not given often enough, and few thought the current "merit system" is working, although suggested remedies varied.

PS&T members placed a high priority on monetary recognition for advanced education and better tuition reimbursement. Virtually all field people complained about the inadequacy of travel reimbursement.

Other recurring comments included complaints of policy inconsistencies from agency to agency. Mental Hygiene employees especially, cited varying guidelines for shift assignment, seniority, hours of work per week, mandatory overtime, etc.

*"It is an exquisite irony that in an age of 'equal pay for equal work', the State has created what is in effect a caste system of several tiers among employment interviewers. . . This injustice must be rectified. . ."*

**Employment Security  
Placement Trainee  
DOL/L.I.**

*"Salary scale in state service for social workers is too low by at least \$2,000 per year, since MA psychologists make more dollars with less academic requirements and no NY State license."*

**Psychiatric Social Worker  
Suffolk County**



*"Additional pay for education, experience, and salaries compatible with local hospitals."*

**Nurse Administrator 1  
Bronx Children's Psychiatric**

*"The two level pay scale: Either the differential for those hired after 4/8/78 be eliminated or slowly phased out."*

**Junior Engineer  
P.S.C. Water Div./World Trade**

*"Separate audits, bonus pay, for out-of-state travel. Eliminate oral examinations and give greater weight to experience and job performance."*

**Assoc. Examiner  
Insurance/World Trade**

Of the respondents, 2.4 percent checked all problem areas. Including these, the breakdown is as follows:

Item	% of responses
Advancement opportunity	68.9
Professional standards	40.1
Job Security	28.7
Condition of work facility	25.1
Quality standards	24.8
Hours	21.4

The following items were "write-ins" and may have reflected a different outcome had they been pre-printed:

Item	% of responses
Wages	20.5
Insurance/Retirement	9.6
COLA	5.8
Expense reimbursement	5.4
Disparity in grading system	5.2
Flex-time	3.1
Overtime payment	1.3



Get in on the action! Mail this questionnaire to: PUBLIC EMPLOYEES FEDERATION, 258 Sawmill River Road, Elmsford, N.Y. 10523.

I believe the following is a problem:

- ..... Job Security
- ..... Career Advancement
- ..... Professional Standards
- ..... Hours of Work
- ..... Wages
- ..... Condition of Work Facility
- ..... Restoration of Automatic Increments
- ..... Pension
- ..... Grievance
- ..... Leave (Annual, Sick, Personal, Extraordinary)





PEF staff is briefed on insurance plan

## PEF gets matching insurance

All life insurance and disability insurance policies now in force for members of the PS&T unit will continue with the same coverage, at the same rates and without any break in protection for PEF members who continue payroll deduction for premium payments.

PEF leaders announced that victory on July 27 after extensive negotiations with Aetna Life and Casualty Company, one of the largest and most respected insurance firms in the nation.

Vito DeLeonardis, NYSUT executive director, and John Geagan, SEIU general organizer, expressed great satisfaction that the intensive efforts by PEF's actuarial consultants, Martin E. Segal Company, had brought about the commitment from Aetna to cover all PEF members, upon certification, with exactly the same protections in life insurance and disability insurance at the same rates as are presently established.

"We knew it was vital that no member have any insurance benefits diminished from the life and disability coverages they now have, and we're extremely happy that will be accomplished," Geagan and DeLeonardis declared.

There are also indications that for PEF members not presently insured for these two programs, PEF will be able to announce an even better life and disability insurance benefit program.

Homeowners and automobile insurance coverage will continue without interruption under the current insurance companies.

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