

Executive Board Minutes

March 4-5, 2004

Desmond Hotel, Albany, New York

President Benson called the meeting to order at 9:10 a.m., Thursday, March 4, 2004. Member joined in the Pledge of Allegiance to the Flag. The following newly elected Executive Board members were sworn in: John Lichak, from Capital District Psychiatric Center, OMH; Scott Ray from the Labor Department; Genette Hollander from the Office of Children and Family Services and Nancy Sweeney from Tax and Finance.

ADOPTION OF THE AGENDA

President Benson went over the proposed agenda and a member moved for adoption. There was a second to the motion.

Joe Carusone moved to amend the agenda to include member item 12b to be addressed under the Secretary-Treasurer's report. The amendment to the agenda was seconded and failed.

The agenda was adopted as follows:

- Call meeting to order
- Pledge Allegiance to the Flag
- Swear in New Board members
- Adoption of the Agenda
- Adoption of the Regular Executive Board Minutes
- Adoption of the Executive Session Minutes (In Executive Session)
- Motion to Hear Appeals
 - Election
 - Ethics
- Secretary-Treasurer's Report
- Budget
- Executive Board Minutes
- President's Report
 - Priorities Update
 - Contract Update/Pre Tax Transportation
 - State Budget
 - U. S. Presidential Election
 - Policy Review
- 1. Access to Departments
- 2. Scientific Misconduct and Conflict of Interest
- f. National Women's Hall of Fame Award
- 10. Contract Action at the State Capitol
- 11. Committee Reports
 - a. Convention – Gail Stallone and Joe Fox
 - 1. Delegate Apportionment
 - 2. Delegate Election Rules
 - 3. Convention Agenda
 - 4. 2007 and 2008 Convention Sites
 - b. Election Committee Appeal – Vivienne Street
 - 1. #03-23 Elumn (appellant) vs. Triennial Election Committee
 - c. Ethics Committee Appeal – Priscilla Sweet
 - 1. ERC 2003-10 – DeMarco (appellant) vs. Lemel

2. ERC 2003-11 – Ryan (appellant) vs. Hallum
- d. Legal Appeals Committee – Steve Chamberlain
1. EnCon vs. DOT RE: Continuing Education Requirements
- e. PAC Committee
1. Early endorsement 13th Congressional District
12. Member Items
- a. Amend Division 304 Constitution – Pat Smith
- b. Division 190 Officers and Stewards claim unfair treatment by Secretary-Treasurer – Carusone
- c. E-Bd., Council Leader Mail Opt Out – Sachs
- d. Exploration of PEF Cooperation/Alliance with AARP – Sachs

ADOPTION OF THE MINUTES

The minutes were moved and seconded. Ron Goldstein moved to have his name included as the maker of the motion regarding Clarifying Division Cash on Hand. There was no objection to this editorial correction. The minutes were adopted with the correction. (Changes to be posted on the website)

Executive Board Minutes
March 4-5, 2004

A motion carried to go into Executive Session to vote on the Executive Session minutes. The minutes were adopted and regular session resumed.

Motion to Hear Appeals

A motion carried to hear Election Appeal 03-23 –Elumn (appellant)

A motion failed to hear Ethics Case 2003-10 DeMarco (appellant)

A motion failed to hear Ethics Case 2003-11 Ryan (appellant)

President Benson introduced Edward Thayer as the newly hired field staff director for Regions 9, 7 and 5.

SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Hallum introduced Graham Goffin as the newly hired Director of Finance and asked Scott Ray to give the Budget Committee report.

Upon completion of Mr. Ray's report, Ms. Hallum moved the budget.

Craig Speers, for the record, voiced his concerns with the PEF Legal Department and felt that a paralegal would be helpful. Also expressed dissatisfaction with retained counsel in Rochester, New York. Ms. Hallum responded that when more monies were

available she would sit down with the Legal Department to see what could be done regarding hiring additional staff.

Debbie Egel moved to amend the proposed budget to change research assistant vacancy to nurse organizer. This motion was seconded and carried.

SECRETARY-TREASURER'S REPORT - continued

After a discussion regarding membership in Region Zero and Division Zero, Ron Goldstein moved that the division per capita payments be increased by seven thirty eight (total members in Region 0), divided by the total membership. This motion received a second.

A member, on a point of order, questioned the rule that when a motion of budget allocations of funds be made, they must indicate where the monies are to come from. President Benson responded that the monies would be allocated from Region Zero.

A member, on a point of order, questioned if it was in order for the maker of the motion to have spoken on the issue before it was moved. President Benson responded in the interest of moving forward, yes it would be in order.

A motion to call the question was seconded and carried.

The motion to distribute Division Zero's funds to other divisions, divided by the membership Division Zero was defeated.

After answering a few more questions concerning the budget, it was adopted.

PRESIDENT'S REPORT

Job Security

President Benson reported 30 OCFS PEF members received layoff notices – after our fight 27 were redeployed and two members would not leave the county and one person was not interested in being involved in the redeployment process

He also announced that the four agencies (SUNY hospitals, SED, OMH and Corrections) that were most at risk of not being funded were now going to be funded due to constant pressure on the legislature. He also stated he was appointed to the task force for future funding for the Institute for Basic Research.

Contract

Announced CSEA had reached a tentative agreement. President Benson said he felt they settled first because they would take the zero in the first year.

Retirement Reform

Announced the pension fund lost 30 billion dollars between 2000 and 2003 and some of our biggest problems we were facing was being sold out by our fellow unions as they were being asked to consider accepting a defined contribution plan instead of a defined benefit plan.

President Benson answered a couple of questions and turned the meeting over to Vice President Ken Brynien to update Contract Negotiations.

Contract Negotiations Update

Vice President Brynien described the proposal that was offered to PEF and how it was totally unacceptable to the contract team. He continued stating that we must continue to raise the bar up to something we could all live with and that was going to be part of rally that we would be doing.

Meeting recessed at 11:15 a.m.

Meeting reconvened at 2:30 p.m.

President Benson called the meeting back to order spoke on the rally and stated that PEF would put together videos and make them available to every board member of what had transpired during the rally.

At this point, two video presentations were done one, regarding trade issues in Miami, Florida and with AFL from Bob Varano, and a short video on the Push Bush event from SEIU. President Benson announced that this was the first time there was a Federal Legislative Report included with Department Reports from our PEF Legislative Department. Matt Watson, Political Organizer/Lobbyist, gave an update on the activities and what was going on with the effort to Beat Bush and answered questions from the Board members. Robert Carrothers, Director of Contract Administration gave an update on the pretax transportation, and reported that the RFP should be out in the next ten days and as soon as it was, it would be on the website.

Policy Review

Policy on Access to PEF Departments

Juanita Babcock moved to amend the document on the third line to read, "PEF leaders are required to use the normal intake procedures. If the direct access is necessary, leaders are required (deleting the words 'encouraged')

This amendment was seconded. Due to a point of order, on the changing of the words encourage to require in the second sentence, it was felt this was contrary, and that the amendment should be ruled out of order. It was decided to set this issue aside until the next day.

Scientific Misconduct and Conflict of Interest Policy

President Benson explained as a result of being awarded a five year grant in the Health and Safety Department, PEF had to agree to put in place a scientific and misconduct policy with the University of Maryland and this was the policy to be voted on. The policy was moved and seconded.

Donald Morgenstern moved to amend, to include the words, "and the PEF President" regarding the conclusion of the investigation. This amendment was seconded and carried. The Scientific Misconduct and Conflict of Interest policy was adopted as amended. (See attachment)

National Women's Hall of Fame Award

Pat Smith announced that PEF had nominated the late Jean DeBow to the Women's Hall of Fame book of lives and legends. She gave background on Ms. DeBow's leadership as a union activist and officer.

COMMITTEE REPORTS

Delegate Apportionment

Gail Stallone, Chair of the Delegate Election Committee referred to the document that had been mailed to the Board members.

She announced a typo in delegate constituency 293 – should read Division 234.

There was one mailed in request for a change – to move members of Div. 257, from delegate constituency 318 to a new constituency 346. A motion was made, seconded and carried to change the constituency.

Leonard Mangano referred to delegate codes 303 to 306 and requested to change Queens to 192C and eliminate Brooklyn.

Ms. Stallone announced there were some new constituencies, State Emergency Management and Cyber Security and they would be delegate constituency 375. Also to add the science tech group to delegate constituency 131; Medicaid fraud be added to 136,137; and add Montrose vet home to delegate constituency 235. The motion was made for the above changes, seconded and carried concluding the delegate apportionment report.

Delegate Election Rules

Ms. Stallone referred to the Delegate Election rules and stated there was a typo in the date petitions would be made available. They would be made available April 12th.

There was discussion on seating delegates who had not sent in petitions, and are seated by the delegation.

Donald Morgenstern moved, that any delegate that is seated at convention by the convention body overturning the Credential's committee, that delegate would be there at their own expense and would not be reimbursed by PEF for their expenses. Mr. Morgenstern did withdraw his motion.

Brian Smith, moved that the Board interpret the term, "contested delegate" in Article XVI D.2, to include a person who had submitted a delegate petition. There was a second to this constitutional interpretation.

Anna Schrom moved to amend the interpretation to add that the petition had been received, and received a second. The amendment carried.

The constitutional interpretation, as amended, carried. "The interpretation of the phrase "Contested Delegate", means, to have submitted a petition that was received." (see attached) Bernie Kahn, for the record, voted against this interpretation.

Convention Agenda

Vice President, Convention Committee Chair, Joe Fox announced there was a typo on the proposed agenda, under the Legislative agenda, it should read, "legislative agendas, state and federal", this was so moved, seconded and carried.

Mike Keenan moved to amend the agenda to have the session convene from 9:00 a.m. to 1:00 p.m. and not break down and address resolutions at 12:00 noon.. There was a second to the amendment and it carried.

Greg Case moved to amend the agenda to change the workshops to 7:30 – 9:30 p.m. and hold departmental caucuses from 4:30 to 6:00 p.m. There was a second to this amendment and it failed.

Ed Lucas moved to hold the Sergeants, Tellers and Timers meeting to 7:15 a.m., Monday, October 18th. This amendment carried and the Convention Agenda was adopted as amended. Meeting recessed at 4:50 p.m.

President Benson called the meeting to order at 9:00 a.m. Members joined in the Pledge of Allegiance to the Flag.

Mr. Benson asked to add consideration of an early endorsement to the agenda and it carried. President Benson announced two members would be leaving the Executive Board: Donna Jacobs from Tax and Finance and John Kohler from Albany Housing Authority. He thanked them both for all their dedicated work.

President Benson reported he had received tentative information on the CSEA contract and there was discussion on the issue.

Policy on Access to PEF Departments

President Benson reported language had been reached with the general counsel that was acceptable to Juanita Babcock regarding the above policy. The second sentence of the policy

would read, "if direct access is necessary, leaders shall subsequently place their inquiry in writing and shall copy their field representative, executive board member counsel leader, regional coordinator or statewide labor management chair as appropriate. There was a second to this language.

The question was called on all matters, seconded and carried.

The amendment to the policy was defeated. The policy was adopted as originally proposed. (see attachment)

Convention Sites

2007 Convention

Vice President and Convention Committee Chair, Joe Fox referred to the proposals and moved the committee's recommendation to hold 2007 in Washington, D.C. After discussion on the site, it was defeated 45 to 42.

There was a request from the floor for a roll call vote.

President Benson responded that a roll call vote must come prior to the vote and was challenged. The chair was sustained.

Joyce Degenhardt, for the record vote against Washington, D.C.

Jennifer Faucher moved that the 2007 Convention be held in New York City and received a second.

Charlie Kelefant moved to amend the previous motion by substitution to hold the 2007 Convention in Rochester.

President Benson moved the substitution out of order.

After discussion on the New York City motion, debate was closed. Charlie Kelefant requested a roll call vote and failed to receive one third requirement. The motion carried to hold the 2007 PEF Convention in New York City.

2008 Convention

Mr. Fox moved the committee's recommendation to hold the 2008 PEF Convention in Rochester and received a second.

After debating the issue, the motion carried to hold the 2008 PEF Convention in Rochester, New York.

Election Committee Appeal

Vivienne Street, Chair of the Election 2003 Committee explained the issue of envelopes received with damage or missing labels being voided.

President Benson asked for a motion to sustain the Elections Committee decision.

The committee's recommendation was moved, seconded and sustained.

Legal Appeals Committee

President Benson explained the dispute between DOT and En/Con as to whether to file a lawsuit regarding continuing education requirements for engineers. The Executive Board now either had to ratify the committee's decision or overturn it.

The committee's recommendation in the absence of compelling evidence otherwise, was that PEF litigate against the implementation of the regulation.

This was so moved by Mike Keenan and seconded.

After much debate on this issue, the Appeals Committee's recommendation carried. Priscilla Sweet, for the record, voted against the committee's recommendation.

Recess for lunch

Meeting reconvened

President Benson called the meeting back to order and a video was shown of the rally that took place the day before.

PAC Report

Vice President Ken Brynien reported that the Regional PAC recommended to endorse Vito Fascela's opponent, Frank Barbaro, in the 13th Congressional District election in November. On behalf of the PAC Committee, Mr. Brynien moved for the endorsement and received a second and the recommendation carried to endorse Frank Barbaro in the 13th Congressional district. President Benson announced that National ALF-CIO endorsed John Kerry for President, and stated that endorsement came after it became clear that Howard Dean was no longer viable and SEIU and AFSCME did not block the endorsement. AFT did not endorse until after several of the primaries and then endorsed John Kerry,

He state that since PEF endorsed Howard Dean for the primary, we did not have an endorsement at the present time for President nor did SEIU.

Ed Lucas moved that the Executive Board endorse John Kerry for President and there was a second to the motion.

After much discussion on this endorsement, it was defeated at this time. (Bob Varano for the record stated he could not endorse Kerry if he was in any way aligned to Jane Fonda.)

A moment of silence was observed in the passing of Mark Beutner, former Board member.

Member Items

Amend Division 304 constitution

Pat Smith moved to expand Division 304's Constitution to open up the Treasurer's and Secretary's role to a non steward. She received a second to the motion. The motion carried and the recommendation will be sent out to Division 304 membership for ratification.

Reconsideration on Presidential Endorsement

At this time Al Visconti moved for reconsideration on the Presidential endorsement decision. He received a second, and the motion carried.

Ed Lucas moved to amendment the motion to postpone, the Presidential endorsement vote until the June Executive Board meeting. There was a second to this motion and it carried.

At this time, Director of Labor Relations, Roger Scales and Director of Contract Administration Bob Carrothers explained the information they had received contained in the CSEA contract.

Ron Goldstein moved to adjourn and received a second and the motion failed.

Division 190 Officers and Stewards claim unfair treatment by Secretary-Treasurer

Joe Carusone gave a brief background on what had been transpiring in the Division 190 Tours Account and moved that the Board remove Division 190 from financial receivership. There was a second to the motion.

President Benson, in consultation with the General Counsel ruled the motion out of order, as the procedure indicates that the appeal be made to the Divisions Committee, and stated the committee had not completed their deliberations or their response to the appeal.

Mike Keenan moved that the trusteeship be put in abeyance and that we request the Division Committee give the Board a full report at the next board meeting. Also that the Divisions Committee and General Counsel recommend a procedure which clarifies what we are trying to address, and that there be a mechanism to appeal to the Board before there is a trusteeship. There was a second to this motion. As this would be a change in policy it would require a two-thirds vote

After debating the motion it failed to receive the two-third requirement.

Exploration of PEF Cooperation/Alliance with AARP

Bill Sachs agreed to remove the AARP off the agenda and revisit at a later time.

Executive Board/Council Leader Mail Opt Out

Secretary-Treasurer Hallum explained it would now be possible receive mailings electronically and you could notify MIS that you want to opt out of mailings. Angelo Santabarbara, MIS Director would provide forms that could be e-mailed back or send in to that effect.

A motion was made, seconded and carried to adjourn.

Respectfully submitted,

Jane Hallum

Secretary-Treasurer

Attach.

ADOPTED AT THE JUNE 3, 2004 EXECUTIVE BOARD MEETING