

Executive Board Minutes

November 18-19, 2004

Desmond Hotel, Albany, New York

President Benson called the meeting to order at 9:10 a.m., Thursday, November 18, 2004. Members joined in the Pledge of Allegiance to the Flag.

Greg McBride was appointed by President Benson to serve as the Sergeant at Arms.

APPROVAL OF THE AGENDA

Ron Goldstein agreed to have his member items removed as they were going to be addressed under the President's report. President Benson also stated he would be addressing the AFL-CIO reorganization and the SEIU proposal.

The agenda was adopted as follows:

- Call Meeting to Order
- Pledge of Allegiance to the Flag
- Adoption of the Agenda
- Adoption of the Minutes from July and August
- Motion to Hear ERC 2004-06 Ryan vs. Hallum
- President's Report
- a) Priorities Update
- b) Approval of USWA Contract/MC Benefits Synopsis
- c) Quality Service Award
- d) OSC Pension Fund Presentation
 - Secretary-Treasurer-s Report
- a) Budget Amendment
- b) Fiscal Update
- c) Approval of Hearing Ethics Panel
- d) Privatization Contingency Fund Appropriation
- e) Contingency Fund Approval for Rochester and Buffalo Field Offices for voice-mail

Committee Reports

- a) Division 190 Appeal – Carusone vs. Besser
- b) Delegate Apportionment
- c) Delegate Election Rules
 - Member Items
- a) Dealing with Convention Resolutions
- b) Anti Outsourcing Resolution

APPROVAL OF THE MINUTES

A motion was presented, seconded and carried to approve the July 30, 2004 Executive Board minutes.

A motion to approve the August 12-13, 200 Executive Board meeting was made, seconded and approved with two corrections. Scott Ray requested the minutes reflect that he had requested a separate accounting of the contract fight back account. The other correction was to delete a reference that President Benson ruled to object a point made by Ron Goldstein.

PRESIDENT'S REPORT

Transit Chek

President Benson reported a contract had been negotiated with an outside provider that was to administer this benefit to the five boroughs, and it had cleared the Attorney General's Office and was now being reviewed by the State Comptroller's Office. He continued stating it would be signed in the very near future and was expected to be implemented in the next several months.

Job Security

President Benson reported that the administration was very proud that there had not been one state PEF member laid off against their will for the last seven and a half years and it was his intention that this remain in tact. He did report there were several agencies that would be under attack during the next several months, Corrections; OMH; and the Department of Labor and spoke on the issues regarding these agencies.

Stronger Contracts

Reported on highlights of the contract, and stated he would be getting a team together to present to the Executive Board within six to nine months for the next round of negotiations.

Mobilization

President Benson stated the administration would continue to focus on mobilization and that it would continue to be an administration priority. He also reported that he along with the Secretary-Treasurer would strongly protect the contract war chest that was established as a result of the dues increase at the 2000 Convention.

Retirement Reform

Reported on retirement defaults and the seriousness of the retirement benefits that everyone is facing.

Politics

Spoke on national election and state elections and problems we will be facing on the national level and thanked the heroes who committed themselves in the swing states in the national election. Also commented on State elections.

Parole Fragmentation

Gave background on the fragmentation and updated and stated there would be three basic issues at the hearing scheduled and he would give updates as they occur.

AFL-CIO Restructuring

Referred to handout "Unite to Win" produced by SEIU and spoke on concerns with AFL-CIO and other union officials regarding the restructuring proposed plan.

OSC Pension Fund

President Benson answered questions on his report and introduced Tom Sanzillo, First Deputy Commission from the State Comptroller's Office. Mr. Sanzillo gave an overview of the pension fund status

Laura Anglin, Deputy Commissioner, Division of Retirement Services, gave an update on what had happened with the contribution levels over the last few years and what has been the political response from the Governor and the Legislature. Mr. Sanzillo and Ms. Anglin assured PEF that they are working very hard to protect the fund.

Executive Board Meeting recessed for Lunch

Proceedings Resumed

President Benson answered questions presented from the Executive Board members and concluded his report.

ERC 2004-06 Edward Ryan vs. Jane Hallum

Donald Morgenstern, Chair of the Ethics Committee provided a summary of the case and a motion carried to hear the appeal.

Approval of the USWA Contract/ MC Benefit Synopsis

A motion was made, seconded and carried to go into Executive Session to discuss the contract.

Upon ending the Executive Session, a motion was made, seconded to approve the USWA contract. The motion carried. A motion also carried to approve the MC Benefits Synopsis.

SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Hallum began her report clarifying the roll of the Secretary-Treasurer, stating she served as a Comptroller and reported that the President did not have authority over her. She read from the Constitution other duties directed to her office. Ms. Hallum also spoke on prior notification for use of EOL and also reported that PEF was now in the process of helping to define division membership.

Budget Amendments

Secretary-Treasurer Hallum referred to the attached proposed budget amendments. She explained the rationale for the amendments. A motion was made, seconded and the budget amendments were adopted. (see attachment A)

Fiscal Update

Ms. Hallum gave an explanation of the "Executive Board Meeting Year to Date September 2004 Financial Statements". She went over each section and answered questions from the Board members.

Approval of Ethics Hearing Panel

Ms. Hallum presented the following names to the Ethics Hearing Panel: Jim Blake, Rich Ensminger, Bill Holthausen, Susan Stepp and Mary Willis. She further stated there would be a new hearing panel for each case. The names presented were seconded and carried.

Regarding the issue of the contingency appropriation to extend the first year's dues to retirees, Ms. Hallum reported on what had transpired.

Privatization Contingency Fund Appropriation

President Benson referred to the Accountability Campaign that had been mailed to the Executive Board and gave background on the issue. The proposal was moved and seconded.

Charlie Kelefant moved to amend the proposal to have it implemented immediately; to add \$50,000 to the \$150,000 which would provide for grants from agencies or divisions to the job security committee. The grants to be funded at a maximum of \$50,000 and the total appropriation would be \$200,000. This amendment received a second.

Mike Keenan moved to amend the amendment to eliminate the \$8,000 for buttons and stickers and eliminate the \$45,000 for DVD production for a total elimination of \$53,000 and instead, funding as soon as possible, dedicated staff and the convening of labor management committees, most effected by privatization. The amendment received a second.

Both Mr. Kelefant and Mr. Keenan's amendments failed.

The main motion, to accept the first three months of the privatization outsourcing shadow agency campaign for \$150,000 as described in the handout carried. Also a proposal for \$850,000 would be presented at the March Executive Board meeting.

Meeting recessed at 4:41 p.m. Thursday, November 18, 2004

Meeting Reconvened at 9:20 a.m., Friday, November 19, 2004

President Benson called the meeting to order and members joined in the Pledge of Allegiance to the Flag.

SECRETARY-TREASURER'S REPORT – continued

Contingency Fund Approval for Rochester and Buffalo Field Offices for voice mail

Secretary-Treasurer Hallum referred to the document regarding addition of Voicemail to Buffalo in the amount of \$7939.08 and Rochester in the amount of \$7291.08 and also web server for Divisions Migration to Web Based Reports Among Other Initiatives. The rack based server would be \$1585 and the server would be \$4,610.65 for a total amount of \$21,425.71.

This contingency fund approval was moved, seconded and carried.

The Secretary-Treasurer's report was concluded.

Quality Service Award

President Benson introduced Senator Mary Lou Rath, recipient of the Quality Service Award. Senator Rath addressed the Board and thanked them for this award.

COMMITTEE REPORTS

Division 190 Appeal – Carusone vs. Bessser

Frank Besser, Chair of the Divisions Committee gave the background for this case and the issue of timeliness of the appeal. The committee had ruled that the appeal had not been received with a thirty day time limit.

After debating this issue, the committee's ruling was overturned and the decision would be referred back to the committee for decision on the merit.

At this time Bernie Kahn moved that it be the policy of PEF that appeal notices be mailed certified and the thirty day time frame start upon receipt of the signatures of such documents being received, There was a second to this motion.

President Benson stated it would be premature to pass a motion regarding the start of the thirty days, and asked for the board's approval to remove that from the motion regarding certified mail and he would put together a small committee to report back to the Board on the issue of time frame. There was no objection to this request from Mr. Kahn. After debate, this entire issue of time and certified mail was referred to an ad hoc committee.

Delegate Apportionment

Gail Stallone, Chair of the Delegate Elections Committee referred to the document that had been previously mailed out. A motion was made to adopt the delegate apportionment and it received a second.

A motion carried to adopt the constituencies as presented with the exception to the following: 179, 176, 173, 174, 323, 367, 249, 250, 251, 373, 311, 309 and 381.

Ron Manuli moved that 179 stay separate from 176, received a second and it carried.

Tom Donahue moved that 173 be Gabriels, Moriah and Chateaugay and Adirondack stay a 174. This was seconded and carried.

Bill Crotty moved that OASAS be removed from 367 to 323. This was seconded and carried.

Bernice Jones moved to combine 249, 250, 251 and 373. This was seconded and carried.

Don Morgenstern moved that to combine 311 and 309. This was seconded and it failed.

Charlie Kelefant moved to move 381 out of DOT Main Office and given them their own constituency in Region 10. This was seconded and carried.

Reconsideration was made to constituency 110. Neila Cardus moved that 110 be separated, one seat for Region 8 and one for Region 9. This was seconded and carried

Reconsideration was made to constituency 228 and 229. Steve Sherokey moved to change the Saranac Lake office from 228 to 229. This was seconded and carried.

The delegate apportionment was adopted as amended. (Attachment B)

Delegate Election Rules

Gail Stallone, Chair of the Delegate Elections Committee presented the Delegate Rules for the 2005 Convention that had been previously mailed to the Executive Board.

Mike Keenan moved to amend number 6, to add to the end of the first sentence, "as well as posted by twelve noon on PEF's web site in adobe format. There was a second to this amendment. Jim Blake moved to amend the amendment

to include in the last line, "only members submitting a petition have a right to appeal the election of the delegates." This amendment to the amendment was seconded and carried as were as the amendment to post on the PEF's web site in adobe format.

The delegate election rules were adopted with the inclusion of the two amendments.

(Attachment C)

Ethics Case 2004-06 Ryan vs. Hallum

Don Morgernstern, Chair of the Ethics Committee provided background on the case as to the denial of the charges. A motion carried to allow both parties to respond. Mr. Ryan presented his case and Ms. Hallum presented her case. After debating this case, the Executive Board voted to sustain the committee's recommendation to deny all charges.

MEMBER ITEMS

Dealing with Convention Resolutions

Gary Coopersmith brought up the procedure of voting on convention resolutions and some confusion on the issue. President Benson reported that Convention Delegates would be voting on the text of the resolution, not the committee recommendations, and the body could also choose to accept the resolution committee's resolution.

Anti Outsourcing Resolution

Mike Keenan referred to the Privatization Contingency Funding and expressed concern on some of the points. President Benson responded that he wanted to work with Mr. Keenan on this issue before it was brought before the Board at the March budget meeting.

A motion was made, seconded and carried to adjourn.

The meeting adjourned at 12:10 p.m., Friday, November 19th.

Respectfully submitted,

JANE HALLUM

Secretary Treasurer

Attach.

THE MINUTES WERE ADOPTED AS PRINTED ON MARCH 3, 2005.