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Happy New Year!  
Many Titles. **One PEF.**

Communicator

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## THE COMMUNICATOR

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### The Communicator Staff

Rob Merrill Managing Editor  
Sherry Halbrook Editor  
Curtis Canham Senior Graphic Designer  
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# The President's Message

By WAYNE SPENCE



## HoPEFuL for the year ahead

How is it possible that 2021 is coming to an end? I'm sure many of you feel like I do, trapped in a not-so-funny version of "Groundhog Day," with a new coronavirus variant posing the same challenges we faced this time last year. Now, though, we have more tools at our disposal to keep ourselves and our loved ones safe while checking the spread of the disease.

I know vaccine mandates are not popular with all of our members and I've gone on record multiple times saying that it's my job as union president to protect every members' rights. And we will continue to do that. As of Dec. 10, the PEF Legal Department was representing 202 members in the state healthcare workforce who are subject to a vaccination mandate and 23 more who have chosen not to comply with their agencies' vaccinate-or-test mandate. At the same time, according to the survey we conducted in October, more than 80 percent of PEF members who responded said they are vaccinated. I would encourage everyone who can safely do so to get a booster when you are eligible. [In addition, New York has reinstated an indoor mask mandate.](#) We know masking helps limit COVID exposure and transmission. It is a key part of the mitigation strategy we can all recite by now: Vaccinate, mask, ventilate, wash (hands), disinfect and socially distance. If you have any concerns about your workplace not abiding by that strategy, please speak to your council leader or steward to make sure your concerns are addressed through your local Health and Safety or Labor-Management committees. If you have additional questions, you may always contact [HealthAndSafety@pef.org](mailto:HealthAndSafety@pef.org)

On that note, I recently sent a letter to Gov. Kathy Hochul pressing her to back off demands that state employees return to full office work in the new year. It simply doesn't make sense given the increasing COVID positivity rates we're seeing statewide. PEF is pushing for sensible telecommuting plans to meet the needs of the New Yorkers we serve and the safety of our members. Please check with [your Labor-Management team](#) for an update on telecommuting at your workplace.

The PEF Executive Board wrapped up its year last week with its final quarterly meeting in Albany. It was great to see so many new faces following the special elections held in October. I was proud to administer the oath of office to 27 new board members. I and Secretary-Treasurer Joe Donahue reported out on a variety of union initiatives, which you can read about in this issue. If you don't know your E-Board representative or if you have a new one, please get to know him or her and talk to them about what's on your mind. We are always stressing the collective power of unionism, but it only works if we communicate with one another and choose to advocate for the things we are passionate about.

Another story worth pointing out in this combined December/January issue: The value of our union is evident in this decision by the Public Employee Relations Board, which ruled that OCFS managers were out of line in 2018 when they disciplined PEF member Daniel Manning – a steward at the time and now a PEF field representative – for speaking out about the way a fellow member was treated when injured on the job. Daniel was just doing on a local scale what this union does statewide – looking out for its members.

As 2021 gives way to 2022, I hope that everyone takes a moment to reflect on everything we've overcome this year. There will be challenges in the year ahead, and we will confront them the only way we know how – together. From my family to yours, please have a safe and happy holiday season.

In Unity,

A handwritten signature in black ink that reads "Wayne Spence". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Wayne Spence  
PEF President





# PEF appoints new contract team for next PS&T contract

By **SHERRY HALBROOK**

The PEF Executive Board endorsed New York's senior U.S. Senator Chuck Schumer and state Comptroller Tom DiNapoli for re-election in 2022 at the board's quarterly meeting December 9-10 in Albany. And looking ahead to the expiration of PEF's 2019-2023 PS&T contract with the state, the members of a new contract-negotiation team were announced.

The board also approved the delegate election rules for PEF's 2022 convention in Niagara Falls and the American Federation of Teachers delegate election rules for its July 2022 convention in Boston. In addition, the board tweaked several PEF policies and heard reports from PEF President Wayne Spence, Secretary-Treasurer Joe Donahue, and the union's internal and external auditors, as well as various committees and PEF staff. A law firm specializing in workers' compensation cases also addressed the board and answered questions from board members.

## **Contract team**

PEF Vice President Darlene Williams, who chaired the team that negotiated the current PS&T contract, will also head the new team. Other team members are Scarlett Ahmed (Labor Department), Vincent Ciatello (Mental Health), Conrad Davis

(Taxation and Finance), Maureen Kozakiewicz (Motor Vehicles), Region 2 Coordinator Andrew Puleo (Transportation); Jeanette Santos (Health), Cynthia Walker (SUNY), and Christopher Ford (Information Technology Services). PEF Director of Contract Administration Debra Greenberg will staff the committee.

"They will need every support you can give them," Spence said.

The president said he will ask the Governor's Office of Employee Relations (GOER) in April 2022 for contract negotiation dates so that the process can begin well before the current agreement expires on April 1, 2023. The PEF team will begin training next month to prepare for bargaining. Spence further announced that in addition to the PS&T contract, PEF will go back to negotiating two separate contracts – one for members at Roswell Park Comprehensive Cancer Institute in Buffalo; and another contract for members at the NYS schools for the deaf and for the blind. The members of those bargaining teams will be appointed and announced later.



Spence said that PEF expects the state may issue retroactive longevity award payments in February, but nothing is definitive until the comptroller issues a payroll bulletin, which has not happened yet.

### **COVID challenges**

Spence asked PEF General Counsel Ed Greene to update board members on litigation regarding various mandated COVID vaccination and testing orders that affect PEF members and their job security. Greene said a federal vaccination mandate applicable to Medicare and Medicaid funded providers, which included the Office for People with Developmental Disabilities (OPWDD) was halted by a preliminary injunction issued by federal court. He explained that the courts enjoining this vaccine mandate noted that the authority to mandate vaccination has typically been reserved to the States, under the States' police power. The courts found that it was not within the authority of the federal agencies (CMS and OSHA) to issue public health regulations.

In response to the OPWDD mandate being enjoined, Spence immediately contacted the agency to confirm and demand that PEF members at OPWDD facilities be advised that the OPWDD had rescinded its vaccine mandate. OPWDD has subsequently rescinded its vaccination order. Since then, the courts have blocked at least two more federal mandates but, so far, State-issued mandates have survived numerous legal challenges.

Greene also advised the Executive Board on PEF's improper practice charge in response to the Office of Mental Health (OMH) vaccine mandate without an option to test. PEF's charge alleges that OMH unilaterally imposed its mandate without first negotiating with PEF. While the charge remains pending before the Public Employees Relations Board (PERB), PEF's application to seek injunctive relief in the courts was denied by PERB based on its opinion that PEF was unlikely to prevail on its improper practice charge.

He further advised on recent announcements from the Department of Corrections and Community Supervision (DOCCS) that approximately 8,000 employees at that agency had failed to comply with its order to submit proof of vaccination by December 1 or submit weekly negative COVID-19 test results. While that number was subsequently greatly reduced, DOCCS has begun the process of suspending and seeking to terminate employees who have not complied with the State's vaccinate-or-test mandate. PEF is providing field representatives and assigning attorneys to advise and represent its members at DOCCS who have not complied on their contractual and statutory rights.

PEF has advised leaders and members at DOCCS that any member threatened or issued disciplinary charges is entitled to PEF representation before accepting any disciplinary consequences or signing any settlement waiving contractual disciplinary rights. While DOCCS advised PEF representatives

that other unions signed off on agreements waiving significant rights, PEF has refused to sign off on such agreements. Every PEF member facing potential termination will be offered an opportunity to discuss the terms and consequences of such agreements with a PEF attorney and advised of their right to challenge any suspension and proposed discipline before a neutral arbitrator.

"We don't sign agreements that give away our members' rights," Spence said. He added that a lot of misleading rumors and misinformation are being circulated about the situation and, that "inevitably they blame PEF."

PEF's Office of General Counsel is currently representing approximately 220 members in vaccine mandate related disciplinary cases, in addition to its normal case load of disciplinary arbitrations. To provide some perspective, these 220 vaccine mandate cases initiated in the past two months greatly exceeds the usual average of approximately 130 cases handled by PEF in any given year. PEF Field Services is also handling hundreds of vaccine and testing related interrogations around the state, as well as numerous non-termination disciplinary cases.

PEF Director of Contract Administration Debra Greenberg reported on PEF's response to the state mandate for all health-care workers to be vaccinated. PEF demanded the state comply with the Taylor Law requirement that changes in terms and conditions of employment be negotiated with the union. Earlier this year, PEF reached a negotiated agreement with the State University of New York, but GOER blocked it. PEF declared an impasse in those negotiations and a mediator was appointed. During the negotiations, PEF was able to get GOER to retreat from its position that it could summarily terminate PS&T members without contractual protections. In addition, agencies must permit members to register for at-home tests, download results from the vendor and upload them to the State portal, as well as use "at-home" tests during work hours and mail their samples to the testing labs through state facility mailrooms.

Spence said that approximately 80 percent of members replying to the union's survey in October said they vaccinated. PEF is considering sending out surveys on the issue again in the future.

### **OT rate hikes for SUNY**

PEF also reached a temporary agreement with SUNY that expires January 2. That agreement requires two SUNY hospitals to pay their nurses overtime at the rate of 2.5 times that of regular pay for any OT that would otherwise be compensated at 1.5 times their rate. That agreement only affects SUNY Stony Brook Medical Center on Long Island and Upstate University Hospital in Syracuse and SUNY Downstate. Separate agreements on the higher OT pay rates were negotiated with OCFS, OMH and OPWDD. Those agreements expire December 31, January 12 and February 23, respectively.

## Other presidential updates

Spence said the union hopes to hire an affirmative action expert before the board's next quarterly meeting in March. The president spoke about two conferences focused on New York state issues that he attended immediately after PEF's annual convention. He attended the SOMOS El Futuro conference November 3 in San Juan, Puerto Rico, for the first time because "I kept hearing from other union leaders and legislators that PEF was late to the table on important issues that are addressed there," he said. "This year, Spence brought Fund Our Future materials and T-shirt to help raise the union's visibility.

At the SOMOS conference, Spence said that state Sen. Zellnor Myrie told him he had been hospitalized with COVID at Downstate Medical Center where he received excellent care from PEF nurses and other health care staff.

Spence said he also spoke privately at SOMOS with Gov. Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senator Gustavo Rivera, Assembly Speaker Carl Heastie and Attorney General Letitia James.

"We made sure Gov. Hochul heard about the need for hazardous duty pay for essential workers during the pandemic," Spence said. "Tish James said she heard us." Spence also attended the New York State Public Employee Conference (PEC) the following week. He has served on the group's board for several years, but this was his first time attending the conference. He managed to add two important PEF issues to PEC's agenda: Hazardous duty pay; and amending "Less is More" legislation on parole and public safety. Spence brought a couple of parole officers with him to the conference and they spoke with state Sen. Diane Savino and Comptroller DiNapoli to make sure PEF's position on the misguided legislation is clear. The legislation is intended to reduce incarceration by letting more felons out of prison on parole earlier and by restricting their re-incarceration for parole violations to only the most serious offenses.

The result is very dangerous, Spence said. "There have to be more victims before a parolee is taken off the street. That was never the policy (before now)."

PEF held rallies against "Less is More" at Rikers Island in October and outside the Hall of Justice in Rochester in November. More are planned for 2022 as the union seeks to amend the law in order to keep communities and parole officers safe and make sure parolees get the support they need to lead productive lives.

The president asked PEF Director of Civil Service Enforcement Scott DeFruscio to review the state Agency Reduction Transfer List (ARTL) process that is used to help members who are displaced by the closing of six state correctional facilities. DeFruscio said the affected members must indicate how low a grade level they would be willing to accept to stay on the state

payroll, and they might have to work in a different county and/or at a different state agency.

Spence reported that PEF has made some progress in getting the state Department of Civil Service (DCS) to consider developing new exams based more on training and experience for certain entry-level permanent positions at the state Labor Department. The shift in emphasis of the exams' subject matter should help the many long-term, hourly "provisional" employees who have been doing the work for years without ever attaining permanent status and most of the protections and benefits of the PEF contract and civil service law.

Spence said PEF's threat to hold a rally in New York City in front of the state labor commissioner's office building opened the door to a meeting with the commissioner and the decision to take a new look at the existing exam to see if it could be modified. So far, DOL, DCS and GOER have all signed off on the idea.

Spence reported the Service Employees International Union (one of PEF's two parent unions) awarded PEF a grant of \$25,000, which PEF will match, to help with the union's Fund Our Future initiative. In the year ahead, the union will create a public awareness campaign to spotlight the public services PEF members provide New Yorkers and will train members as Fund Our Future ambassadors to help spread its message to lawmakers, the media and all New Yorkers.

Spence invited Director of Organizing Dan Carpenter to speak about the conversion rate of new hires entering the state's PS&T unit. Carpenter said the rate is 4 percent higher now than it was at the previous Executive Board meeting in August. In response to a board member's question, Spence said PEF has asked the state to report all new hires to PEF Organizing. PEF divisions should check with member engagement administrator Jessica Carpenter at [JCarpenter@pef.org](mailto:JCarpenter@pef.org) for the latest information about new hires.

Regarding the PEF Convention held in Niagara Falls from Oct. 24-27, Spence reported the union came in under budget for the annual event. "I was amazed. The convention ended up costing PEF \$857,411, which was approximately \$136,000 under the budgeted amount."

## PEF financial reports

In his Secretary-Treasurer report, Joe Donahue gave details of the union's unaudited balances, assets and expenses at the end of September. PEF's net balance of cash and investments was \$19.5 million. The total assets were \$28,969,696 and were offset by \$16,614,185 in total liabilities. The state hiring freeze was still holding PEF membership levels down at the end of September. PEF's financial position benefitted from the continuing curtailment of in-person meetings and events because of the pandemic, as well as the return on its investment portfolio.



The board approved a budget amendment shifting employee organizational leave (EOL) amounts among the PEF regions. Board members also debated, amended and approved a new PEF expense policy that combines and organizes various expense policies. They amended the proposed policy to extend the time allowed to submit expense claims from 60 days to 90 days. The most recent PEF Policy Manual can be found [here](#).

In addition, the board debated, amended and approved a policy requiring regional coordinators to document, inventory

and report on equipment purchases and items they receive from PEF Organizing or the Membership Benefits Program. The board also heard reports from PEF's external auditor, the Bonadio Group, which recommended the union continue to update and invest in its information technology resources and be on guard against cyber crime, and from the union's internal auditor who is reviewing the finances of PEF divisions. The first Executive Board meeting of 2022 will be held March 24 and 25.



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[www.pef.org/ecommunicator-signup/](http://www.pef.org/ecommunicator-signup/)





# PEF nurses to Assembly Committee: Health care sector needs better pay, better benefits and an end to outsourcing

By KATE MOSTACCIO

As the saying goes, “Don’t make the same mistake twice.” That’s why PEF nurses appeared before the New York State Assembly Standing Committee on Health, Higher Education and Labor last month to highlight the impacts of the COVID-19 pandemic on the health care sector and the health care workforce.

## Short staffing and hazard pay

At the top of the list: the pandemic exacerbated the long-standing issue of short staffing.

“We were short staffed before the pandemic, now it’s even worse,” said Amy Lee Pacholk, a nurse at Stony Brook University Medical Center and a professor of adult health. “My unit used to have 70 FTEs (Full-Time Equivalent staff). Now we have 55. That disparity is huge.”

Pacholk testified that state positions are down tremendously, with 7,000 fewer jobs than in 2019 and 16,000 fewer than 2011.

“People are leaving for a variety of reasons,” Pacholk said. “Staffs are hemorrhaging. There is mental fatigue and trauma. There is only so much you can take as a human. I love my job. People come to me when they’re dying and I love to save them.”

Adding to the burnout is mandated overtime, Pacholk said. “You plan to come in for eight hours and then you are stuck there for 16,” said Pacholk. “A colleague at a psychiatric center upstate, his staff are being mandated for 24 hours. Imagine you have a family at home. What does that mean for your children? What does the mean for your nursing license – if you leave, they can write you up for abandoning your patients. It happens all the time, every week, every day.”





In 2020, state workers put in 19 million hours of overtime – costing the state \$850 million.

PEF posed the question: instead of spending \$850 million on overtime, how many staff could be hired with that money? How could the resources be better used to improve continuity and quality of care?

Pacholk said nurses are appreciative of the nurse staffing committee law passed this year, but some of the fine print is obtuse, allowing hospital management to set the ratios if nothing has been determined before January 1, 2022. Hospitals setting their own staffing ratios is already the problem, Pacholk said.

“The law should expand to include all other facilities,” she added. “OMH, OPWDD, OCFS, DOCCS, they all rely heavily on mandated overtime.”

Fellow PEF member and SUNY Downstate transplant nurse, Abdallahi Diop, joined Pacholk before the committee panel and talked about the lack of recognition for health care workers on the frontlines of the pandemic. Diop said his facility served as the only COVID-only hospital downstate and health care workers reported to work not knowing a lot about COVID-19 as the pandemic first gained a footing in New York.

“We decided to go in and to do the best we can to save lives,” he said. “At the end of the day, there was nothing. There has never been a thank you for putting themselves and their family at risk. It’s a shame. The state should take action by giving these people hazard pay for all that they do.” PEF has developed legislation to attract and retain nurses and help to develop a pipeline for new people to enter the profession. The “Nurse Employment, Enhancement and Dignity Act” (N.E.E.D.) would provide hazard pay, a loan forgiveness program, an annual tax credit and preferred entry into SUNY and CUNY schools for state-employed nurses. “The state has already received more than \$12 billion in unfettered federal support through the American Relief Plan,” the hearing testimony states. “Unfortunately, few of these resources have been dedicated to addressing the ongoing staffing shortage.”

### **Outsourcing and agency nurses**

The use of “agency” or contract nurses rose exponentially during the pandemic as the need for skilled health care professionals to fill staffing gaps rose. While nurses were grateful for the help, that help also brought pitfalls.

“It’s a Catch-22,” Pacholk said. “I’m grateful for them when we are short staffed, but if you have 10 nurses, two might have my skill set, but most don’t have the skills they need to take care of our patients. You give them the easiest jobs on purpose.” To meet pandemic need, New York employed agency nurses from in and outside the state. They were paid more and had fewer responsibilities.

“Many of these workers come from out of state, have no connection to the facility or the patients and earn \$250 per hour for their work,” PEF President Wayne Spence wrote in testimony submitted to the Assembly. “They do not maintain caseloads and often demand the most favorable shifts before on-boarding. As you can imagine, it is incredibly demoralizing for the state’s nurses to see their co-workers earning multiples of their hourly overtime as they are repeatedly asked to work more and more.”

PEF maintains the overreliance on overtime to meet long-term staffing needs has broader implications on the culture of work at the state’s hospitals, mental health facilities, and homes for the developmentally disabled. It also hampers the ability of agencies to attract and retain talent, especially highly-trained workers in high demand fields (i.e., nurses, psychiatrics, etc.).

### **Improve pension benefit**

Salary and pension are two things once synonymous with a good state job, but salaries have not kept pace with the industry.

“Salaries are \$10,000 lower,” Diop said. “We believe Civil Service should undertake an analysis of the salary grade system and make recommendations.”

### **State jobs were once sought-after.**

“Public service was valued and public servants were respected,” Spence’s written testimony stated. “While our members love the work they do, they are telling us that they can no longer afford to work for the state – the hours, the low pay, the marginal pension benefits. They see the agency nurses in their facilities and they know that they are not being paid at market rate.”

PEF believes reviewing and reforming salary grades and improving the pension plan will entice more people to enter state employment and reduce staffing shortages.

“Now is the time to right size the benefits of the pension plan so that it can serve as an additional inducement to attract and retain sorely needed professional staff,” PEF wrote.

To view Pacholk and Diop’s testifying, [click here \(starting at 2:19:00\)](#). To view the full submitted testimony, [click here](#).



# Union steps in to protect local leader from agency rebuke

By KATE MOSTACCIO

When a PEF member at an Office of Children and Family Services (OCFS) facility in South Kortright, N.Y., was injured on the job and transported by ambulance to a local hospital, it was his union steward and council leader who followed him to the hospital and called his emergency contacts.

Daniel L. Manning, a PEF field representative who served as steward in 2018 when the incident took place, was a lifelong friend of the injured member.

"When I got to the hospital, he's on a back brace with a neck brace in a room by himself," Manning said. "He couldn't see what was going on. His phone was in another room. He couldn't call his parents or his girlfriend."

Disturbed by the situation, Manning sent an email to management, specifically, Facility Director Bernard S. Smith and Assistant Director Robert Paolerti, in the following days, calling them out for their inadequate response.

"I'm concerned with the lack of notification to any of [member's] family members," the email stated. "What I'm overly concerned about is about [member] left the [facility] by way of ambulance to be rushed to [local hospital] with a possible neck and back injuries and the Administrative Team ... all of which were noted to be on duty at the time of the incident did not deem this to be an emergency."

He went on to state: "I'm personally appalled by the lack of professionalism that took place. ... [member] was placed in an ambulance and left to fend for himself. ... Hopefully this email will inspire you to correct the deficiencies in regard to medical emergencies so no other family has to endure what [member's] family had to yesterday."

Instead of taking the communication as it was intended, a union leader speaking out of concern for a member, OCFS issued Manning a counseling memo, which was placed in his personnel file, directing him to refrain from further "derogatory emails and/or engage in other communication with the Administrative Team or employees" at his facility and threatening possible additional administrative action if he failed to comply.

"Every time I do something for the union, I get a memorandum," Manning said.

PEF went to bat for Manning, taking OCFS to arbitration in front of a Public Employee Relations Board administrative law judge.

"President Wayne Spence supported me the whole time," Manning said. "Every time I have an issue when it comes to OCFS and union activity, I have been supported."

In this case, the judge agreed with PEF's assertion that Manning's email was appropriate for a union representative protected under the Public Employees' Fair Employment Act (the Taylor Law), and that OCFS's "deliberate act to include a threat of reprisal of exercising a protected right constitutes unlawful coercion against Manning..."

The Taylor Law, among other things, defines and prohibits improper practices by public employers and public employee organizations.

As a result of the union win, OCFS was ordered to remove the memo from Manning's file, stop coercing the union with threats of reprisal for the exercise of rights protected by the act, stop interfering with the union's rights and notify all members of the bargaining unit at that location of the decision.

"In this case, although many portions of the email may reflect observations and feelings that are personal to him, many other portions of Manning's email express concern regarding the application of policies and protocols that impact employees' current and future terms and working conditions," the decision stated. "Although portions of the email may be imprudent, I find they do not rise to a level sufficient to remove them from the protection of the [Public Employees' Fair Employment Act]."

Manning said PEF members who believe they are being bullied, intimidated or threatened should immediately contact their local PEF leaders and field representative.

"The more people that stand up, the stronger the union is going to be in every location," he said. "This behavior needs to be addressed sooner rather than later. If you let management and these state agencies get away with it, they will keep doing it."



# NOTICE TO ALL EMPLOYEES

PURSUANT TO  
THE DECISION AND ORDER OF THE

NEW YORK STATE  
PUBLIC EMPLOYMENT RELATIONS BOARD  
and in order to effectuate the policies of the

NEW YORK STATE  
PUBLIC EMPLOYEES' FAIR EMPLOYMENT ACT

We hereby notify all employees of the State of New York (Office of Children and Family Services) (OCFS), in the unit represented by the New York State Public Employees Federation at the Sergeant Henry Johnson Youth Leadership Academy, that the OCFS will:

1. Rescind the Counseling Memo dated March 20, 2018 and remove it from Daniel Manning's personal history file;
2. Stop coercing the Union president with threats of reprisal for the exercise of rights protected under the Act; and
3. Stop interfering with the Union president's rights under § 202 of the Act.

Dated . . . . .

By . . . . .  
on behalf of the STATE OF NEW YORK (OFFICE OF  
CHILDREN AND FAMILY SERVICES)

*This Notice must remain posted for 30 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.*





# ‘Less is More’: Less resources, less services, less funding, more crime

By KATE MOSTACCIO

ROCHESTER, N.Y. — PEF parole officers and victims’ advocates rallied outside the Hall of Justice in Rochester November 22 to denounce the “Less is More” parole reform law and call out its serious repercussions for community safety, parole supervision and crime victims.

“Less is More requires that we turn our eyes away from those who are still serving their court-imposed sentences, who continue to demonstrate behaviors that negatively impact themselves, their families and the community,” said Division 236 Council Leader and 16-year parole officer, Gina Lopez. “Language like ‘simple technical violation’ is misleading. All violations of parole are technical violations, except a new arrest. Parole violations are not meaningless. This law removes all meaningful consequences and accountability for parolees.”

The “Less is More” bill unilaterally prohibits parole officers from using their experience, training and knowledge to protect communities from parolees who are willfully and despite repeated warnings continuing down a path toward re-violating the law. It irreparably harms the rehabilitation process for many parolees and eliminates the authority of parole officers to counsel or issue violations for issues such

as illegal drug use, alcohol use, skipping curfew and failing to report.

“We supervise approximately 34,000 New Yorkers on parole with only 800 parole officers across the state,” Lopez said. “Sixty percent of parolees are convicted of A1 violent felonies, such as assault, robbery and criminal possession of a weapon.”

Parole officers face staggering caseloads, with one parole officer responsible for supervising 48 parolees. Less is More does nothing to mitigate those caseloads and fails to fund or restore mental health, alcohol and drug treatment, job placement and other services that parolees desperately need for successful reintegration into the community.

Current sentencing guidelines require all parolees be afforded the same level of supervision, regardless of individual circumstances. Less is More does not address the need for change allowing expertly trained parole officers to dedicate appropriate resources to the parolees with the most need.

“What we’re fighting for is life and death,” said PEF President Wayne Spence, a longtime parole officer. “PEF believes meaningful parole reform must impact all aspects of reintegrating parolees into their communities. That



includes providing adequate funding for low-cost education, technical training, mental health and wellness, addiction services and housing. PEF would like the state to consider amending its sentencing guidelines, which have not changed since 1995 and review the legislative risk assessment process that too often saddles parole officers with high caseloads.”

### **Victims matter**

Less Is More is also a slap in the face to crime victims.

“Less is More means less accountability, more fear, more trauma and a growing awareness that the scales of justice are becoming very unbalanced,” said Patricia Huntington-Sigel, a victim advocate in the Rochester area for 35 years. “Fewer victims are taking part in the system. We as a people are heading in the wrong direction and more victims and citizens will choose not to participate.

“This sends a bold message to victims, witnesses and law-abiding citizens,” she said. “We need to include the voices of victims and advocates when making sweeping changes to the law. Parole is not a right – it’s a privilege.”

### **It’s a consequence**

Less is More is meant to benefit parolees, but for many it amounts to a disservice.

Randy Cimino, on parole for 30 years and now the president of Gates to Recovery, an addiction services group in the Rochester area, said he wouldn’t be attending the rally if it wasn’t for his parole officers and their dedication to their jobs and their parolees.

“If it wasn’t for parole, I wouldn’t be standing here today,” he said. “Every one of my parole officers was a pain in the ass, but without them I wouldn’t be here and able to live by the rules. When you get out of jail, you are not free. Parole is part of your sentence. This isn’t helping them. You’ve got to stop this law before more men and women are dead.”

Parole Officer Gabriela Franklyn, the assistant council leader of Division 236, reminded attendees that parole is a consequence that needs to be in place to protect the community and parolees.

“When community safety is at risk, what do we do? We fight back,” she said. “Where is it ever the case that you can commit a crime and think that you don’t have a consequence? Community supervision is a consequence. Parole officers are the unsung heroes who promote community safety. We’re going to stop the lie. Victims matter.”

### **Legislative support**

New York Senator Pam Helming, who represents District 54 east of Rochester and voted against the legislation, said: “Less is More; what a joke. It’s another radical bill that’s been passed in Albany that caters to criminals but does nothing to keep our community safe. This bill provides no funding for resources like drug treatment or behavioral health services. It provides nothing.”

“The Less Is More act is well intentioned, and it is critical that we help provide newly released individuals with the support and resources they need to succeed,” said State Assemblymember Monica Wallace, in a written statement provided to PEF. “But, we must also make sure that we don’t hamstring our professional officers, whose job it is to keep our community safe. I voted against the act because I believed it would further strain our already overburdened officers by eliminating some of the tools they have to ensure compliance with post-release conditions. Now that the law has been signed, I’ll be fighting to add more officers to reduce their excessive caseloads (48-1) and to expand access to the mental health, alcohol and drug treatment, and job placement services that individuals need to succeed.”

PEF will continue actively advocating for amendments to the law when the next New York State legislative session begins in January.

To view a video of the rally on Facebook, [click here](#).





# PEF, other unions help members, families with financial burden of higher education

It has been a tough few years, physically, mentally and financially.

For students graduating high school this summer, the race is on to secure financial aid and scholarships to lighten the monetary load of higher education and it's more important than ever in the current financial climate.

Average student debt at graduation in 2020 ranged from \$18,350 in Utah to \$39,950 in New Hampshire, and new graduates' likelihood of having debt varied from 39 percent in Utah to 73 percent in South Dakota, according to The Institute for College Access and Success ([TICA](#)). In 19 states, average debt was more than \$30,000, and it was more than \$35,000 in six states.

"Despite flattening levels of student loan debt in recent years, the debt of graduating classes has remained near an all-time high, and the debt borrowers hold continues to make their lives financially perilous," noted TICA president Sameer Gadkaree.

To ease some of the financial burden for families, PEF, along with some individual divisions and regions, offers [scholarships](#) to members, retirees, and their families.

## PEF scholarships

PEF's statewide Joseph Scacalossi Scholarship has helped students since 1988, when it was founded as a tribute to a state Department of Labor member who helped form PEF and fought for the rights of his members in Manhattan. The Joseph Scacalossi scholarship program is merit-based and open only to dependents of PEF members, PEF retirees and

deceased members. Applicants must be high school seniors or college freshmen. Each year, 10 students are awarded \$1,000 annually for up to four years.

The preliminary application is due March 18, 2022. It can be accessed [online here](#). Upon verification, a final application will be mailed to students, which is due back April 30, 2022. The Jean DeBow Women in PEF Scholarship was created to honor the memory of former Vice President Jean DeBow. There will be one scholarship award of \$1,000, given annually at the PEF Convention, for an active female PEF member, who is pursuing an accredited post-secondary education in any field. [Click here for details](#).

Scholarships are also sometimes offered by individual PEF regions and divisions.

Contact your regional office or your council leader for information about divisional and/or regional scholarships and deadlines for applying. [Click here for PEF regional office contact information](#).

## Union Plus

Since 1991, the [Union Plus Scholarship Program](#) has awarded more than \$5 million to students, assisting more than 3,400 families with higher education costs.

Current and retired members of participating unions, their spouses and their dependent children are eligible for the scholarship. The union member must complete at least one year of continuous union membership by May 31 of the scholarship year.





The Union Plus scholarship is competitive and applicants are evaluated according to academic ability, social awareness, financial need and appreciation of labor. A GPA of 3.0 or higher is recommended. Applications must be received on or before noon Eastern Standard Time on January 31.

Scholarship awards range from \$500 to \$4,000 and are one-time cash awards.

PEF is SEIU Local 4053.

### **SEIU scholarships**

#### [SEIU Lottery Scholarships](#)

Fifteen \$1,000 scholarships are awarded annually and are renewable for up to four years of study. In addition, SEIU provides 33 scholarships of \$1,500 for one year of study.

#### [The Bonnie Ladin Scholarship](#)

The Bonnie Ladin Scholarship is available to SEIU members, their children and local union staff who are attending the National Labor College. Bonnie Ladin was an organizer at SEIU for 20 years and played an integral role in building SEIU to make it the union it is today. In honor of her tremendous contributions to the labor movement, SEIU created a scholarship in her name.

#### [SEIU Jesse Jackson Scholarship](#)

One \$5,000 scholarship renewable for up to four years is given to a student whose work and aspirations for economic and social justice reflect the values and accomplishments of the Rev. Jesse Jackson.

#### [SEIU Moe Foner Scholarship](#)

One \$5,000 nonrenewable scholarship is available to students who are pursuing a degree or training in the visual or performing arts, and who believe the arts are a vehicle to advance social change.

# RECOMMIT TODAY!

**NEW + EXISTING PEF MEMBERS**

**SIGN NOW!**



# Professional Development programs now available

Article 15 of the PS&T contract provides money for training courses, grants, reimbursement for workshops and licensure exam fees. The PEF/State Joint Professional Development Committee (PDC) works together to assess the professional development and training needs of PEF members and establishes training that improves the skills and knowledge needed for job performance. The State is required to meet and confer with PEF within the PDC with regard to expenditures of these monies.

The PDC is pleased to announce the following negotiated professional development programs for PEF-represented employees. These programs, except the new pilot program, Certification and License Renewal Fee Reimbursement (CLRFR) Program, are retroactively reimbursable back to Jan. 1, 2020. The pilot CLRFR program is retroactive back to April 1, 2020. Details for each program described below can be found here:

<https://goer.ny.gov/public-employees-federation-afl-cio-pef>

## College Tuition Reimbursement (CTR) Program

Employees can apply for full or partial reimbursement for as many as two qualifying, credit-bearing courses per calendar year at any accredited college or university. You submit for reimbursement after the course ends and you have paid the school.

## Nurses' Enhanced College Tuition Reimbursement (NECTR) Program

Nurses who meet eligibility requirements may use an additional CTR toward extra courses, or they may apply an enhanced CTR to a single qualifying course where the cost of tuition exceeds the maximum value of a CTR under the regular CTR program. Applications are now being accepted.

## Workshop and Seminar Reimbursement (WSR) Program

Employees can apply for reimbursement of up to \$1,600 per calendar year for qualifying non-credit-bearing courses, seminars, and workshops. Applications are now being accepted.

## Nurses' Enhanced Workshop and Seminar Reimbursement (NEWSR) Program

Nurses who have exhausted benefits under the WSR Program (see above) can apply for additional reimbursement up to \$1,600 per calendar year for workshops or seminars that will enhance their performance in their current job or further their nursing career. Applications are now being accepted for eligible non-credit-bearing courses, seminars, and workshops.

## Certification and Licensure Exam Fee Reimbursement (CLEFR) Program

Employees can apply for reimbursement up to \$1,100 per calendar year for qualifying fees associated with examinations leading to initial licensure or certification. Applications are now being accepted.

## NEW Certification and License Renewal Fee Reimbursement (CLRFR) Pilot Program

Employees can apply for reimbursement of up to \$100 per fiscal year for qualifying fees associated with certification and license renewals. Applications are now being accepted.

Lastly, New York State provides training opportunities, including some offered through the Article 15 Professional Development Committee, on GOER's Statewide Learning Management System (SLMS). You can obtain information about those programs by clicking on the following website and logging into the SLMS: <https://nyslearn.ny.gov/>

Members can also contact staff in the PEF Training and Education department with any additional questions at (518) 785-1900, ext. 254.





# AFT Convention Election and Rules

## American Federation of Teachers

Boston, MA | July 14–17, 2022

### FOR THE AFT CONVENTION THE FOLLOWING RULES APPLY:

1. In order to be nominated, a dues-paying member must obtain the signatures of fifty (50) other members from within the designated title groupings for this convention (see listings).
2. A nominee may not sign his/her own petition.
3. A member may sign only one (1) nominating petition.
4. The accuracy of the information contained in the petition is the responsibility of the person filing the petition.
5. Nominating forms will be posted by 9:00 AM on **February 7, 2022** at [www.pef.org/elections](http://www.pef.org/elections). Faxing is not allowed. All petitions must be returned by via email to [Divisions@pef.org](mailto:Divisions@pef.org) or by United States mail as follows:

**Mailed:** Original petitions must be returned to PEF-Albany Headquarters c/o Divisions Department at PO Box 12414, Albany, NY 12212-2414 no later than 5:00 PM on **March 1, 2022**.

**Petitions may not picked-up or returned to PEF Headquarters or any PEF Regional Office.**

6. Petitions may be returned by certified mail (return receipt requested), although this is not required. Certified mail can take longer than regular mail. Postal failures or inadequacies are a matter between the mailer and the post office, not the Elections Committee. PEF sends each nominee a notice of receipt.
7. Per the PEF Constitution and Executive Board policy, the five (5) statewide officers are automatic delegates to the AFT Convention.
8. In addition to the statewide officers, a minimum of ten (10) elected delegates will comprise the PEF delegation to the convention AFT convention.
9. If ten (10) or fewer valid nominating petitions are received, those individuals who submitted a valid petition will be deemed duly elected for AFT.
10. The Secretary-Treasurer will estimate the cost of sending one delegate to the forthcoming AFT Convention. In addition, the Secretary-Treasurer will provide the committee with a cost estimate for holding an election. The committee will determine the breakdown of the total number of delegates that could attend the convention, compared with the cost of holding an election. This will be determined by dividing the cost of holding an election by the cost of sending one delegate to the convention. If the total number of valid petitions received is equal to or fewer than the

break-even number, all eligible members who submitted valid petitions up to our maximum number of delegates allotted will be deemed duly elected.

11. If the number of valid petitions received is greater than the break-even total (see #10), an election will be held. Alternates will fill the delegate openings by rank order of the number of votes received in the election. Ties will be broken by random drawing.
  - No EOL (Employee Organization Leave) will be provided for delegates attending the AFT Convention
  - Travel and lodging will be arranged and provided by PEF.
  - A per-diem allowance for meals will be provided by PEF.

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### AFT CONVENTION

**Site:** Boston, MA

**Dates:** July 14 - July 17, 2022

**PEF title groups eligible to attend the AFT convention:** A, B, C, D, E, Q and S.

Elections (if needed) will begin with ballots being mailed by **March 8, 2022** with a return date of 5 p.m. **March 29, 2022**.

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### AFT PEF JOB-TITLE GROUPINGS

**A.** Nurses and related nursing titles.

**B.** Engineers, right-of-way agents, designers, architects, drafting and related engineering technicians, pilots and conservation titles.

**C.** Teachers, librarians, trainers and related educational titles.

**D.** Doctors, dentists, psychiatrists, psychologists, dieticians, veterinarians, pharmacists, health-care, home-economists and related medical researchers.

**F,Q,S.** Chaplains, scientists, cultural affairs specialists, related artists and sciences professionals, management personnel and related administration specialists, planners and supervisors. ■





# PEF helps new Colorado employee union ratify first contract

By **SHERRY HALBROOK**

In an act of solidarity, PEF sent its two top organizers to Colorado to help the state's new employee union win ratification of its first contract. PEF Director of Organizing Dan Carpenter and Jessica Carpenter (no relation), PEF's member engagement administrator, traveled to Denver in November for the Colorado Wins effort, in which they were joined by organizers from unions across the country.

Colorado's new state employee union is, like PEF, an affiliate of both the Service Employees International Union and the American Federation of Teachers. The new union differs from PEF, however, in that it represents all 28,000 non-managerial and confidential employees of the state.

At the start of the visit, about 3,000 of those 28,000 employees had joined the union. By the time the organizing blitz was over, the union had about 4,000 members.

Dan Carpenter said members were vulnerable until their first contract was ratified. It provides them their negotiated due process rights as well as raises and benefits.

For nearly two weeks, PEF staff knocked on doors and spoke at state worksites about the tentative agreement and answered questions. They found many Coloradans were not as familiar as New Yorkers with the importance and value of organized labor.

"When you talk to people in New York, they know what a union is and what it can do," Dan Carpenter said. "Our conversations in Colorado laid the groundwork and foundation for what union strength can do to positively impact them and their workplace."

The contract campaign paid off for the rookie union and the contract was ratified. As more members join, they will bring their skills and commitment as well as their dues to keep bolstering the union's resources and ability to serve and enhance its members' lives and working conditions.

"AFT wants to conduct a blitz here in New York next year and let the Colorado union see how that works. It's important for us to be out there and help them have those discussions," Dan Carpenter said.





# Region 8 coordinator, 23 vacant PEF Executive Board seats filled in special election

By **SHERRY HALBROOK**

PEF fourth quarter special elections filled the post of Region 8 coordinator and 23 vacant seats on the PEF Executive Board. Balloting is still underway to determine who will fill two more of the vacant seats. Ballots will be counted December 17 by the American Arbitration Association in the contested races for seats 210 and 455.

The candidates who filled the Region 8 coordinator vacancy and the 23 board vacancies were automatically seated as the only eligible candidates nominated for those seats.

They are:

- Danielle Bridger, Region 8 coordinator;
- Catherine Dell'Angelo, Seat 3;
- Raymond Moroz, Seat 5;
- Daniel Winkler, Seat 7;
- Kelly Nadeau, Seat 9;
- Douglas Wilburn, Seat 40;
- Laura Cloidt, Seat 45;
- Mohammed Chowdhury, Seat 70;
- Sean Dobbin, Seat 75;
- Ved Shrivah, Seat 77;
- Heather Kammer, Seat 102;
- James Desso, Seat 175;
- Prakash Lal, Seat 176;
- Christopher Ford, Seat 177;
- John Ingram, Seat 180;
- Kenneth Ferro, Seat 195;
- Serena Fallon, Seat 202;
- Prashant Singapura, Seat 217;
- Annette Panzironi, Seat 220;
- William Clingersmith, Seat 225;
- Stacy Morey, Seat 315;
- James Reppert, Seat 460;
- Brian Dubois, Seat 510; and
- Scott Wendt, Seat 530.

The remaining 23 vacancies that were not filled in 2021, plus two new vacancies, and any additional vacancies that occur in December 2021 will be available in the special election held during the first quarter of 2022.

Nominating petitions will be available January 10 and must be returned by February 1. Members will find petitions at [PEF.org/Elections](https://www.pef.org/Elections). If more than one eligible candidate is nominated for a seat, ballots will be mailed to that constituency February 22 and must be returned by March 15 for counting March 16 by the American Arbitration Association in New York City.

The current vacancies to be filled are:

- Seat 1, Agriculture and Markets;
- Seat 15, Civil Service;
- Seat 80, certain members at SUNY;
- Seat 81, SUNY Downstate;
- Seat 85, certain members at SUNY Upstate;
- Seat 90, Higher Education;
- Seat 95, certain members at SUNY Upstate;
- Seat 97, certain members at SUNY Upstate;
- Seat 161, State Police;
- Seat 165, Housing, Veterans Affairs and Justice Center;
- Seat 172, certain members at Information Technology;
- Seat 173, certain members at Information Technology;
- Seat 174, certain members at Information Technology;
- Seat 185, Health;
- Seat 200, Helen Hayes, Veterans Homes;
- Seat 255, Law;
- Seat 310, certain members at Mental Health;
- Seat 395, certain members at Mental Health, Developmental Disabilities;
- Seat 425, Public Service
- Seat 435, certain members at Children and Families;
- Seat 440, certain members at Children and Families;
- Seat 490, certain members at Transportation;
- Seat 545, Albany County;
- Seat 550; certain members at Roswell Park; and
- Seat 560; certain members at Roswell Park.

Those who are elected will serve the remainder of a three-year term that began August 1, 2021, and ends July 31, 2024.



# PEF tells lawmakers services for mentally ill falling seriously behind growing need

By **SHERRY HALBROOK**

The state must hire more mental health nurses and other professionals to meet the mounting demands of New Yorkers throughout the state. But the state can't recruit and retain enough staff to meet the challenge until it greatly improves pay and benefits enough to compete in a marketplace driven by labor shortages and increasing service needs.

Those were the key messages delivered to state legislators when PEF spoke at a November 9 hearing on state workforce issues held in Albany by the state Assembly Committee on Mental Health. PEF Vice President Randi DiAntonio delivered the union's oral testimony, which expanded upon the written testimony submitted by PEF President Wayne Spence.

The union also voiced the need for the state to provide hazardous duty pay to its mental health employees who were deemed essential and have worked throughout the continuing pandemic to provide direct services.

After DiAntonio spoke, Assemblywoman Aileen Gunther, who chairs the committee, and Assemblymen John McDonald and Angelo Santabarbara, thanked DiAntonio and expressed their strong agreement with many of the concerns she raised in her testimony.

Gunther, who is a registered nurse, said she understands very well how difficult it is for the state's nurses to work next to traveling nurses whom the state pays a rate of \$250/hour, plus full coverage of their hotel and food costs.

DiAntonio said she recently took an anguished phone call from a PEF member in pension Tier 6 who felt she had to leave her state job to become one of those highly paid traveling nurses. While strong pension benefits and secure employment and pay were enough to hold on to state employees in the past, those factors have been eroded to the point that they can no longer compete in the labor market for high demand positions.

"The pay difference is absolutely ludicrous," Assemblyman McDonald said.

"It's enough to attract nurses out of state service, leaving our neediest citizens without care," DiAntonio said.

DiAntonio thanked the committee members for their efforts to slow the state's divestment from public to private service providers, and for rejecting the plan to close Rockland





Children's Psychiatric Center, as well as the proposed merger of the state Office of Mental Health with the state Office of Addiction Services and Supports.

PEF also drew lawmakers' attention to a plan that would move children's services from Hutchings Psychiatric Center to SUNY Upstate University Hospital, where fewer beds would be available for youths who need in-patient mental health services. PEF's requests for data on the use of existing beds and related information have not been met.

The state has tried to patch over its chronic underfunding and understaffing, with a combination of outsourcing services to private agencies, merging state agencies and services, working state employees massive amounts of overtime, and bringing in highly paid private-sector nurses to plug the staffing gaps, DiAntonio said. It's not practical, not efficient and not cost-effective and it doesn't meet the need that has picked up additional momentum from the disruptions and stress of the COVID-19 pandemic.

The combined effect has been to lengthen the waiting lists for services and disproportionately harm low-income, uninsured, underinsured, undocumented and severely handicapped New Yorkers who suffer from acute mental illness.



Prolonged and irresponsibly heavy overtime demands accelerate burnout and drive employees off the job and sometimes out of their professions. "Healthcare professionals are being put into unsafe situations where they are working alone at times," DiAntonio said.

"This places them at risk as well as the patients." Nevertheless, OT has been a favorite go-to strategy at state psychiatric facilities and services.

In 2020, state employees worked more than 19 million hours of overtime at a cost of more than \$850 million. Staff at OMH worked an annual average of 220 hours of overtime compared to 148 hours in 2011, a 33 percent increase. Moreover, total overtime costs at OMH totaled \$128 million in 2020. This is not simply a product of the COVID-19 pandemic – on average, staff at OMH facilities worked 211 overtime hours in 2019 and 185 hours of overtime in 2018.

DiAntonio said PEF recognizes there is a need and a role for private-sector-based services, but the state has shifted too much of the work onto them and it has underfunded

those services as well. The state's overreliance on the private provider network diverted too many resources away from the public mental health service delivery system and left too many New Yorkers and their families alone to deal with their illnesses.

Numerous other speakers at the hearing, who represent those private agencies and mental health advocacy groups, verified that they, too, are experiencing the underfunding and understaffing that plagues state agencies. Reimbursements from insurance and Medicaid are not keeping pace with rising operating costs and a very tight labor market, they said. As a result, some said they are losing money at an unsustainable rate and the quality of their services is being seriously eroded.

PEF cited studies showing that New York state has been cutting services and reducing its patient bed capacity in spite of the growing need. According to the 2020 Census, New York state grew by more than 800,000 people from 2010 and the state's population now exceeds 20 million residents. The Treatment Advocacy Center, a national think-tank and advocacy group for eliminating barriers to effective mental health treatment, recommends states maintain 50 in-patient beds for every 100,000 residents. According to this formula, New York state should maintain at least 10,000 in-patient residential beds. However, it currently has just 2,523 funded beds – 2,209 for adults and 314 for youths.

It's not just about numbers, DiAntonio said, reducing local mental health services, especially for children, has a devastating effect on families and impairs their ability to be supportive and active in treatment efforts. This is most true for families with the least financial and other resources. PEF remains concerned that the state will continue to seek to further reduce state-supported psychiatric beds and staffing despite the fact that we are in the midst of a mental health crisis. OMH lost 2,916 staff between 2010 and 2020. The agency had planned to decrease its workforce by another 446 staff this year.

"We need more staff and more services, not fewer," DiAntonio said. It's one of the main demands PEF is making in its New York State Fund Our Future campaign, which aims to spotlight the vital work public employees and advocate for improved staffing, funding and other resources. If you'd like to get involved, please visit the [Fund Our Future website](#).

#### Media Coverage:

- [Albany Times Union: New York's mental health sector 'in trouble'](#)
- [The Oneonta Daily Star: Mental health advocates say state system in deep crisis](#)
- [Niagara Gazette: New York mental health system stressed to the max](#)



# Workshop details telecommuting agreement in contract

By KATE MOSTACCIO

Many PEF members continue to face challenges due to the ongoing COVID-19 pandemic, especially fear of returning to increasingly occupied offices.

The PS&T contract contains a Memorandum of Agreement (MOA) that requires state agencies to develop telecommuting policies in collaboration with PEF within nine months of the July 27 ratification of the contract, but members need to get involved in the process and suggest changes for improvement.

“The contract provides a framework,” Statewide Director of Field Services Katie Vorwald told delegates attending a telecommuting workshop at the 2021 PEF Convention. “It’s all about the advocacy and the strength of the data you have.” Agency telecommuting policies must be developed with PEF and should include provisions for where within the agency telecommuting is programmatically feasible. Policies should also contain provisions mutually agreed upon, such as employee removal from a telecommuting program. If access to the employee’s home worksite by management is permitted, specific reasons for access and specific notice requirements must be developed in the labor/management forum.

## What’s Allowable?

Members should understand that the other provisions of the PEF contract are still in effect, which can impact the leverage PEF has in discussing telecommuting agreements.

“Telecommuting is not license to flex time or work overtime. Members need to maintain their schedule, submit time off requests for the use of sick and vacation time,” said Regional Director of Field Services Eric Kwasniewski.

The state cannot assign members out-of-title (OOT) work under the MOA.

“If it’s getting inappropriate, file an OOT claim,” Kwasniewski said. PEF can work toward getting owed back pay or a cease and desist order against the agency.

“They should not be giving you extra work,” Vorwald said. “Take that up at your labor/management.” Time keeping is also prohibited.

“The purpose of reports and work plans should be clearly identified for record keeping, not time keeping,” Kwasniewski said. Work logs can list assignments for periods of the day, but these cannot be an hourly log that could be used to track time.



Members are required to follow all work rules and policies while telecommuting.

“Even though you are not in the office, while working on a state computer you should continue to abide by computer usage policies, such as appropriate internet usage and email correspondence,” Kwasniewski said. “You will be required to maintain expected work product and productivity standards.” Telecommuting may not be feasible for all job titles, but specifics related to employee involvement must be developed with PEF at the agency labor/management table. Members had many questions about specific issues they face at work.

One detailed how employees with higher productivity were getting more days to work from home. That is not appropriate, said PEF Vice President Sharon DeSilva.

“Telecommuting should not be based on arbitrary work product,” she said. “Agencies must have overall standards. Some departments will have independent discretion based on their needs, but starting to pick one person over another could be problematic.”

“Criteria must be objective and consistently applied,” Vorwald agreed. “If there is any sense of favoritism, that may not be objective.”

In some cases, when short-term needs arise, temporary work-from-home plans can be made independent of longer-term telecommuting arrangements.

### **Grieving the MOA**

When reasonable accommodations for continued telecommuting are denied, members are understandably upset.

You can file an appeal under the processes in the agency-wide telecommuting policies. Additionally, if the denial is related to your own health issues, or you feel the denial was discriminatory, you can file a complaint with the Division of Human Rights, EEOC and/or directly with GOER’s Anti-Discrimination Department. Contact your Steward or Field Representative for more information.

“If you appeal a denial, it’s PEF’s position that an appeal process in the telecommuting agreement should include a union representative,” said Vorwald. “We also don’t want to see it fall to people who control your department. These are the people who said no already.”

**RELATED STORY:** [NYSIF claims requests for reasonable accommodations are ‘hardship’; members in need left hanging](#)

“The person who makes the initial review should not be the person doing the appeal,” Downstate Field Director Ricardo Cruz reiterated. “Identify who those people are.”

Disputes arising out of the interpretation of the MOA are grievable up to Step 3 of the grievance procedure, except where underlined and italicized in the agreement: those can be appealed through Step 4, arbitration.

It is extremely important that PEF Labor/Management Chairs work with their respective Field Representatives, and can also contact Vice President Sharon DeSilva (who is responsible for training members on labor/management advocacy), to help plan for appropriate discussion of telecommuting policies at the labor/management table.



# Tools and standards to hold employers accountable for health and safety

By KATE MOSTACCIO

Health and safety in the workplace is on all of our minds as the COVID-19 pandemic continues to impact our lives.

Which is why holding an employer accountable for health and safety at the worksite is so vital.

"It is your employer's responsibility to provide a healthy and safe workplace," said PEF Health and Safety Specialist Veronica Foley during a workshop at PEF's 2021 Convention on October 26.

The foundation of a healthy and safe workplace includes reporting and recordkeeping of injuries and illnesses; union participation in hazard identification and risk assessment; research of rules, laws, best practices and guidance; union participation in implementing mitigation strategies; and enforcement.

"When this foundation is laid, you, the members, can ensure a safe and healthy workplace together with management," Foley said. "There is never a cure all. You must become aware of and comfortable with working within a paradigm of multiple stakeholders, rules, regulations and best practices." OSHA and PESH

Federal law requires employers to furnish places of employment "which are free from recognized hazards that are causing or are likely to cause death or serious physical harm," according to the Occupational Safety and Health Act (OSHA) of 1970.

OSHA covers the private sector, so in 1980 a state plan was created -- the Public Employee Safety and Health Act (PESH) -- to enforce OSHA standards for the public sector and by law it must be at least as effective as OSHA protections.

But enforcement under PESH is unfortunately limited and there isn't a standard for every workplace hazard.

"What we do have may not perfectly cover our concerns, but it could be a start," Foley said. "New laws in New York could create enforcement opportunities for PESH that go above and beyond what exists in OSHA standards."

Either way, it's important for PEF to connect with PESH, Foley said.

"Union contacts are crucial for PESH inspections," she said. "They always ask for the union representation on site and you can join inspections and be a part of interviews. Show





management that you are watching and that you understand how to harness what you have a right to.”

Some standards governed by PESH include hazard communication, blood-borne pathogens, sanitation, respiratory protection and recordkeeping.

“These are useful because they are widely applicable and there is information you can request,” Foley said.

### **The Importance of Records**

Documentation of all injuries and illnesses in the workplace is crucial to effecting change.

“If you’re hurt, have it recorded,” Foley said. “You don’t need to fully understand the hazard that resulted in the injury or illness right away, but you do need to make sure it’s recorded because these records are incredibly useful to the union, as well as PESH inspectors. They show trends and support efforts to advocate for safer and healthier workplaces.”

Recordable incidents include those that result in death; days away from work; restricted work or transfer to another job; and medical treatment beyond first aid. Loss of consciousness or significant injury or illness diagnosed by a physician or licensed health care professional must be recorded, per PESH.

Health and safety committees can request this information for use in mitigating concerns.

### **Other Standards**

Members should be aware of what their agency must provide, including sanitation provisions like potable water, soap and hand towels, housekeeping, pest control, running water and the number of bathrooms.

They also have a right to be informed of chemical hazards in the workplace and what those hazards could mean for their health. A written Hazard Communication Program under PESH should include how chemical hazards are determined; a chemical inventory; a labeling procedure; safety data sheets; employee training; and personal protective equipment (PPE) protocols, among others.

A respiratory standard in a workplace covers procedures to select respirator use; medical evaluations of those required to wear respirators; fit testing procedures; maintenance; and proper use provisions.

When applicable, a blood-borne pathogen exposure control plan should also be in place, including universal precautions, training, a Hepatitis B vaccination offer, PPE and post-exposure follow-up.

### **PEF Contract**

Another tool for holding employers accountable is Article 18 of the PS&T Contract, which states: “The state remains committed

to providing and maintaining healthy and safe working conditions, and to initiating and maintaining operating practices that will safeguard employee health and safety in an effort to eliminate the potential of on-the-job injury/illness and resulting workers’ compensation claims.”

The process under Article 18 begins with local-level health and safety committees and can be escalated to agency-level and then statewide committees.

“When members identify hazards, they are brought to the attention of the committees,” Foley said. “The committees are ground zero, where all our tools can be identified, researched and utilized.”

The committees develop and implement programs to identify and correct concerns; develop and implement grants programs to support committee work; and identify concerns around toxic exposures, among other things.

### **What If They Don’t Cooperate?**

In the event an agency fails to comply with requests for information, there are steps to take, such as working with the labor side of the health and safety committee to strategize; reaching out to PEF, with the support of your council leader; or considering a PESH complaint.

For questions or concerns, contact PEF health and safety at [healthandsafety@pef.org](mailto:healthandsafety@pef.org) or 1-800-342-4306, ext. 254.



## Deadline extended for using carried over vacation accruals

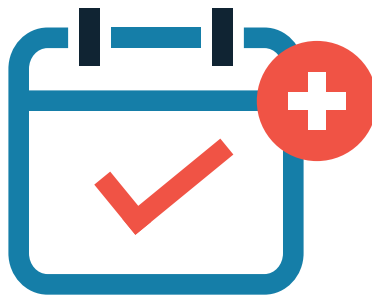
During the course of the COVID-19 pandemic, PEF and the State reached multiple agreements allowing eligible employees to carry over unused vacation accruals that would otherwise have been forfeited on April 1, 2020, and April 1, 2021. Employees had until December 31, 2021, to use those carried-over accruals. Now, pursuant to a further agreement with the Governor's Office of Employee Relations, employees have until December 31, 2022, to use those carried over accruals.

In addition, eligible employees may again carry over accruals beyond the contractual cap in April 2022. Those accruals will also have to be used by December 31, 2022, in order to avoid forfeiture.

It should also be noted that pursuant to a side letter contained in the 2019-2023 PEF/State Agreement, the Article 12.4(c) vacation accrual cap of 40 days was increased to 50 days for one year effective April 1, 2022, and will revert back to 40 days on April 1, 2023. Vacation credits earned on or after April 1, 2022, are not impacted by these extensions or the December 31, 2022, deadline to use carried over accruals, but rather, will be subject to the April 1, 2023, contractual cap, which at that time, reverts back to 40 days as noted above.

If you are unsure about your balance of accruals which were carried over beyond the contractual cap in April 2020 and April 2021, you should request that information from your agency. If you have any questions, please contact your Field Representative.





# Make choices by Dec 31 for your 2022 health benefits

By ERIKA FRAZIER

Time is running out to continue or change your health benefit choices for 2022. You have until December 31, 2021, to do so.

Missing the Option Transfer Period deadlines can be very costly. You have until December 31 to change your NYSHIP health plan option for next year, including enrolling in the Opt-Out Program if eligible and you can choose to use pre-tax income to pay for your health insurance premiums. In addition, the same deadline applies for your eligible adult children to apply for coverage in 2022.

In late September, the Planning for Option Transfer flyer was mailed to active employees enrolled in the New York State Health Insurance Program (NYSHIP). This flyer describes the requirements and enrollment procedures for several benefits and programs, including NYSHIP health benefits, the Pre-Tax Contribution Program (PTCP), and the Opt-Out Program. By now, you should also have received the Rates & Deadlines for 2022 flyer that provides the biweekly premium rates, the December 31 deadline for changing health plan options, and other important dates, such as payroll-deduction dates.

If you are considering changing your health insurance option for 2022 or wish to review your current option, ask your health benefits administrator (HBA) — usually located in your personnel office or the New York State Business Services Center — for a copy of Health Insurance Choices for 2022, your guide to NYSHIP options.

You also may find Choices and other option-transfer publications on NYSHIP Online at [www.cs.ny.gov/employee-benefits](http://www.cs.ny.gov/employee-benefits). Select your group and plan, if prompted. On the NYSHIP Online home page, select Health Benefits & Option Transfer, and then Rates and Health Plan Choices for the most up-to-date Option Transfer Period information.

If you are currently enrolled in the Opt-Out Program, it is no longer necessary to re-enroll in the Opt-out Program each year. No action is required for current Opt-Out enrollees who are still eligible and wish to remain in the Program for 2022.

December 31, 2021, also is the deadline to enroll in the Pre-Tax Contribution Program (PTCP) for 2022. Under the PTCP, your share of the health insurance premium is deducted from your wages before taxes are withheld, which may lower your tax liability. In exchange for this reduction in your tax liability, you agree to maintain the same pre-tax health insurance deduction for the entire plan year, unless you provide timely notification (within 30 days) of a qualifying event, which would allow you to make a change or cancel your coverage.

If you are enrolled in PTCP, you can make the following changes during the Option Transfer Period:

- Change your PTCP election;
- Change from family to individual coverage, while your dependents are still eligible, when there is no qualifying event;
- Change from individual to family coverage without a qualifying event (late-enrollment provisions will apply); and
- Voluntarily cancel your coverage, while you are still eligible for coverage, when there is no qualifying event.

Requests made during the PTCP Election Period, which ends December 31, are effective beginning with the 2022 plan year.

The December 31, 2021, deadline also applies to enrollment in the Young Adult Option (YAO). The YAO provides coverage to the children of NYSHIP enrollees up to age 30. Eligible adult children of NYSHIP enrollees may enroll or switch plans by December 31. For more information, visit [www.cs.ny.gov/employee-benefits/young-adult-option/](http://www.cs.ny.gov/employee-benefits/young-adult-option/).



# Work with people who have special needs? Protect yourself from charges

By **SHERRY HALBROOK**

Among the many physical hazards PEF members face on the job is the additional risk of being charged with abusing or neglecting the individuals they help.

This is especially true for members who work at state agencies that are subject to oversight from the state Justice Center for the Protection of People with Special Needs. Those six agencies are the Health Department, Education Department and four state offices: of Mental Health; for People with Developmental Disabilities; of Children and Family Services; and of Addiction Services and Supports.

PEF provided expert advice on how to avoid and if necessary respond to Justice Center investigations and charges at a PEF Convention workshop in October. PEF field representative Meghan Keegan and attorney Emily Hannigan conducted the workshop.

The first advice they gave attendees: You can be pro-active in heading off possible incidents that might result in charges. You should report any unsafe conditions in your work area. Report it in writing, and/or grieve it. For instance, if a door is supposed to automatically lock when it is closed, but it does not do so every time, report it in writing. The report might protect you if an individual who should not go through that door does get through it.

Keegan and Hannigan said you should always take any interactions with the Justice Center very seriously. "Even if the state Justice Center finds that charges against you are unsubstantiated, your agency may still go after you," Hannigan said.

Any time a Justice Center investigator approaches you (in person, phone or email) and wants to talk, always ask: "Is this voluntary?" If they say yes, you should politely decline to participate. If you're unsure what to do, ask to speak to your PEF field representative first.

Hannigan, who represents people who face such charges, said these cases can take three tracks: administrative; disciplinary; or criminal.

In administrative cases, she said, there can be three levels of findings:

- Category 1 involves serious physical or sexual abuse, or other serious acts such as abuse or neglect. If you are found guilty of a Category 1 offense, you may be permanently added to a "Staff Exclusion List" that will bar you from working with persons who have special needs.
- Category 2 involves abuse or neglect that seriously endangers the health, safety or welfare of an individual. Such a finding will put you on a "Vulnerable Person Central Registry" (VPCR) for five years. If you get two Category 2 findings in three years, you may be permanently barred.
- Category 3 covers lesser levels of abuse or neglect and although you will be on the VPCR for five years, it will not be viewable in a background check. Multiple Category 3 findings may not be upgraded to a Category 1 or 2.

You have rights and PEF will be there to ensure your rights are respected. These rights include:

- Protections provided in the PS&T contract;
- You have a constitutional right to remain silent and have an attorney present during a criminal interrogation. However, your employer may deem your refusal to answer insubordination;
- Representation by PEF in some instances when the Justice Center questions you;
- "Use immunity" for any compelled statement you made to the Justice Center; and
- Representation by an attorney if you receive an administrative charge from the center. That legal representation will cover such things as requesting an amendment, pre-hearing and final status conferences, and an administrative hearing.





"If you get a substantiated report, get a copy of that letter to your PEF field representative as soon as possible and request an appeal," Hannigan said. "I will write that request for an appeal for you." Don't take your time. Move quickly because if it goes past 30 days, "you may have waived your chance for a timely appeal."

Interactions with the Justice Center usually involve their investigator (Keegan used to be an investigator for the center) asking you questions. These interactions are either an interrogation or an interview. You need to know which it is and should ask: "Is this an interview or an interrogation?" Essentially, it is an interrogation if you are being questioned about something that could result in discipline. If you are directed to speak with the Justice Center, it is compelled. PEF members are only entitled to union representation during interrogations.

"An interview is not when you are asked to do an incident report," Hannigan said. "An interview is different and it may be with any person who the center's investigator thinks may have information about a reported incident and who is not the individual named in the report as having committed an act of abuse or neglect. The center refers to such persons as "non-targets," "non-subjects" or "witnesses."

"It is always crucial to ask, 'Is this voluntary?' and if they say yes, you should say that you do not want to participate," Hannigan said.

If the investigator insists on speaking to you, then you should state that you need union representation and must reschedule the interview so that you can obtain that representation. Your right to union representation is set forth in Article 33 of the PS&T Contract, which contains your "Bill of Rights." Your request for union representation should be stated on the record or documented.

This may be a criminal investigation and any voluntary statement you make can be used against you in a criminal proceeding.

If you can't get a straight answer on whether the questioning is voluntary, tell them, "Based on your questions, I believe I am entitled to representation." And get that statement on the record or documented.

"Try to get the questioner's response in writing as to whether your participation is voluntary or compelled," Hannigan advised.

"You are never under any obligation to speak to law enforcement," Hannigan said.

If the investigator says you are a witness and are not entitled to representation, then ask them to put that in writing, and call your PEF steward or field representative for further advice.

If you are not allowed to obtain representation, you may still be compelled to answer questions under penalty of insubordination. In this scenario, you will want to call your PEF steward or field representative as soon as possible.

If the investigator says the interview is not voluntary you must answer the questions truthfully or risk being charged by your employer with insubordination. Although your compelled statement may not be used against you in criminal prosecution, it may be used against you in a disciplinary or administrative matter.

What starts out to be an interview with you as a witness, can turn into an interrogation with you as the subject or target. If the person questioning you decides at some point that you are a likely subject for discipline, the questioner must tell you that.

"If the questioner suddenly decides that you are not just a witness and you may be charged, they are supposed to stop and alert you to that," Hannigan said, "but that usually does not happen."

Prior to the formation of the Justice Center, there was no requirement that people be notified of investigations into alleged abuse or neglect. Now the Justice Center must provide written notification to subjects of investigations except in limited criminal matters.

If you are the target or subject of an investigation, it is all the more important to protect yourself.

If it is an interrogation, it should be recorded. There should be nothing "off the record." Point out if you can't recognize yourself or others in a video or hear clearly what is being said in an audio recording.

Here is how best to protect yourself in a compelled interrogation:

- Meet with your PEF representative or attorney privately before the questioning begins and "walk through" your recollection of the incident;
- Be truthful;
- Be brief and stay on topic. Answer yes, no, I don't know, or I don't remember;
- Testify to the best of your recollection and stick to what you know firsthand;
- Take your time. Wait until the investigator has asked their entire question before you start to answer. You can take notes as it goes along;
- If you aren't sure whether you understand the question, ask them to clarify it;
- If you need to speak privately to your union representative during the questioning, ask to caucus with him or her outside of the room where the questioning is taking place;

- If you have not been allowed to have a union representative with you, ask for one at the beginning of the questioning to get that request on the record, or if the questions start to look like you are being targeted then say that you believe you may be subject to disciplinary action and you want union representation.

Those are the things you should do at an interview or interrogation. Here is a list of things you should not do:

- Don't bring any documents with you unless you are ordered to do so;
- Don't refuse to answer questions if the interview or interrogation is compelled;
- Don't guess or speculate about what someone was thinking during an incident or why they did or did not do something;
- Don't claim that you have not read the employee manual, facility policies or procedures. (Your employer likely has a document that's signed by you saying you have read them.);
- Don't claim that you are not a "mandated reporter." You have signed a code of conduct that acknowledges you are.

After the questioning ends, do not discuss it with anyone but your PEF representatives. If you do, it could be viewed as obstruction.

If you receive a Report of Investigation Determination, do not ignore it. Get a copy of it quickly to your PEF field representative. Again, you have just 30 days to file a formal appeal if the finding in the report is substantiated.

Do not copy confidential patient information or records or remove them from the facility.

Things you should do after the questioning is over, include:

- Ask for a copy of your recorded statement;
- Provide any work-related documents that the Justice Center orders you to provide;
- Save copies of any non-confidential policy, procedure or document that supports your actions; and
- Save copies of any notifications from your employer regarding changed policies or procedures following the reported incident.

Additional information that was covered at the Convention workshop is available here. If your PEF division would like to have training on this issue, please contact the PEF Education and Training Department or PEF Field Services at (800) 342-4306.





# Union ready to help members affected by DOCCS closing plans

By **SHERRY HALBROOK**

PEF is moving quickly to help members affected by the state's plan to close five correctional facilities and a drug-treatment center by March 10, 2022.

The correctional facilities being closed are Moriah Shock, Ogdensburg, Downstate, Southport and Rochester, as well as Willard Drug Treatment Center.

The facilities are all operated by the state Department of Corrections and Community Supervision (DOCCS), which has said that it will avoid any layoffs from the closings by transferring affected employees to work at other locations. The DOCCS Bureau of Personnel has scheduled visits to each facility and PEF will follow up and meet with impacted members in December. Keep an eye on your email for information on those meetings.

"PEF will work tirelessly to hold the agency to the terms and conditions of your contract and help you every step of the way as you transition to other facilities," PEF President Wayne Spence told members in an email when the closings were announced.

"If you have any questions, please reach out to your field representative," Spence said. "If you don't know your field rep, contact your [regional office](#). For information on the Reduction in Force process and the Agency Reduction Transfer List, visit the [PEF website](#)."

# Danielle Bridger, Region 8 Coordinator

By KATE MOSTACCIO



Danielle Bridger is a Region 8 native, born in Troy, N.Y., and a resident of the Capital District her entire life. As a graduate of Lansingburgh High School, Bridger went on to receive a Bachelor of Science degree in Accounting and an MBA with a Concentration in Finance.

A PEF member since January 2013, Bridger believes every members' individual rights are just as important as

the next; and she plans to fight hard for every person in her region. "I am proud to be your Regional Coordinator," she said. "I believe that you can only truly succeed when you are able to help others succeed."

Bridger became a union steward in the Office of the State Comptroller in April 2017 and joined the Executive Board in April 2019. She also served as secretary of Division 263. Her job as an auditor in the Bureau of State Expenditures under the Office of Operations affords her the opportunity to work on all types of audits and she enjoys her role as a public servant.

"I love being a public servant because I am able to see not only where my tax dollars are being spent, but also those of all of the constituents in the state," she said. "I am then able to audit those tax dollars and ensure that they are being used properly to ensure public trust and integrity is maintained." She brings a fresh point of view to the Region 8 Coordinator position with her auditing background.

"I have a keen sense of structure and a driven desire to put the needs of members first," she said. "That builds a foundation for a long-lasting platform to support leaders in this role for years to come."

Her goal going forward is "to become a great leader in the union, who is able to influence, inspire and motivate a future full of leaders who will continue our work for generations to come. I am truly honored and grateful to be part of the PEF family."





# Justice Center honors PEF member Evelyn Wilson

By KATE MOSTACCIO

The New York State Justice Center for the Protection of People With Special Needs honored PEF member Evelyn Wilson, a social work assistant at Pilgrim Psychiatric Center in Brentwood, N.Y., as a 2021 Code of Conduct award winner.

Awards are presented to “dedicated members of the workforce” and highlight the “monumental role direct care professionals play in protecting people with special needs,” said Justice Center Executive Director Denise Miranda. “As the COVID pandemic has continued to impact all of our lives, our Code of Conduct award winners have risen to the challenge, taking on each day with the renewed spirit to help individuals receiving services live their fullest lives.”

Wilson, a 33-year direct support professional and PEF member since 2014, began her career working on the floor before transitioning to discharge planning. She focuses on helping reintegrate patients back into their community and is one of the founding members of the CONNECTIONS Team.

The CONNECTIONS Program assists patients “transitioning from the inpatient to outpatient setting and aims to establish a relationship with the patient necessary to providing effective transitional/community supports which are based on individual needs and recovery goals,” according to Pilgrim’s

website. “Using person-centered planning, program staff meets with the resident for a four-week period. Collaboration between the staff of the CONNECTIONS Program, residence staff, and [the] client is encouraged and essential to making the successful transition to community living.”

Wilson said her patients are the best part of her job.

“I like the patients,” Wilson said. “I like helping people. I have a good team that works with me and we can help the patients as they move through discharge and help them succeed in the community.”

Wilson said she was surprised when she was selected for the award.

“I was speechless, and I’m never speechless,” she said. “I was shocked. This has been a very challenging and rewarding job. I love my patients. I learn so much from them. They will always have a special place in my heart.”

“I want to thank my family, friends and coworkers,” she said. “I couldn’t do this without them.”

To view a video of Wilson and her fellow winners accepting their awards, [click here](#).



# Ailing members need your leave donations

The following PEF members have reported a need for leave donations due to the need for medical treatment or recuperation from illness or injury.

Donations are made from annual leave and donors must retain at least 10 days of annual leave after donating. To donate leave, obtain a leave-donation form from your personnel or human resources office and submit it to that office. You may donate leave to employees at both the agency where you work and to those working at other state agencies.

To help facilitate donations, we list an HR contact number for each person needing donations on the list below.

- **Diane Aleksandrowicz** is a nurse 2 at Rochester Psychiatric Center. Call 585-241-1900;
- **Eddie Lorenzo** is a public health field services representative trainee 1 in Central Islip. Call 518-457-4272;
- **Edward Carey** is a supervising computer operator at the state Office of Information Technology Services in Albany. Call 518-457-4272;
- **Jaquaia Reid** is a licensed social worker 2 at Bronx Psychiatric Center in New York City. Call 929-348-4024; and
- Carol Christiansen is a teaching and research center nurse 2 at Upstate Medical Center in Syracuse. Call 315-464-4943;
- **Lydia Seales-Fuller** is a nurse 2 psychiatric at Hutchings Psychiatric Center in Syracuse. Call 315-426-3600;
- **Lisa Colbert** is an infection control nurse at Sunmount Developmental Disabilities Services Office in Tupper Lake. Call 518-359-4158;
- **Kendra Delorme** is a nurse 2 psychiatric at St Lawrence Psychiatric Center and assigned to St. Lawrence Alcohol Treatment Center in Ogdensburg. Call 315-541-2001;

The rules for making and receiving leave donations (such as leave recipients may not have had any disciplinary actions or unsatisfactory performance evaluations within their last three years of state employment) are set forth on pages 181 and 182 of the 2016-19 PS&T Contract. If you, or a PEF member you know, need leave donations because of a medical issue, you may contact The Communicator to request publication of that need. Send requests to [thecomunicator@pef.org](mailto:thecomunicator@pef.org), or call 800-342-4306, ext. 271. Be sure to provide your contact information.





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[www.pef.org/ecommunicator-signup/](http://www.pef.org/ecommunicator-signup/)



# Letters to the Editor

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### Delegates should have been vaccinated

To the Editor:

PEF should be sanctioned for not requiring vaccination by participants in the recent convention.

SCOTT D. CICERO  
Ramsey, NJ

**Editor's Note:** *First and foremost, PEF supports vaccination as a critical piece of layered prevention strategies (including masking, enhanced ventilation, etc.) to combat COVID-19. The science is sound and the vaccine does what it was designed to do – prevent serious illness, hospitalization and death.*

*The arrangements for PEF's 2021 Constitution were handled by PEF's Convention Committee and PEF staff. Those responsible for Convention planning were cognizant of the potential risks of holding an in-person convention and took the responsibility of doing so very seriously, and did so with the health and safety of attendees always in the forefront of their considerations.*

*The Convention Committee, with the assistance and support of PEF staff, developed very strict COVID protocols using CDC and New York State DOH guidelines, and in consultation with the Niagara County Department of Health. PEF's COVID protocols were strict and consistent with federal, State and local health department guidance.*

*PEF's protocols for the 2021 convention included, but were not limited to: enhanced ventilation in convention space; mandatory masking for all PEF events; social distancing and density restrictions for PEF events; and availability of hand sanitizer and cleaning wipes at all PEF events. PEF also had a system in place for attendees to report COVID exposures or symptoms prior to and throughout the duration of the Convention.*

*PEF provided details on the COVID prevention controls to Delegates well in advance of the Convention and included contact for testing sites in and around the convention area. Further, PEF encouraged all attendees to get vaccinated in advance of the convention and communicated the benefits of vaccination to all attendees. Additionally, PEF ran a vaccination clinic on site for attendees who were eligible for vaccines or boosters.*

*As a result of the diligent and exhaustive planning and execution of PEF's COVID protocols, PEF's 2021 Convention was conducted in accordance with PEF's Constitutional mandates, accomplishing the business of the members, without a single documented exposure resulting from any member's attendance at the Convention or any related PEF sponsored event.*

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### Fight vaccination mandates

To the Editor:

Please fight the mandates.

JOE CIRILLO  
Mohawk





## **PEF should support mandated vaccination**

To the Editor:

At this stage in the pandemic, PEF should be 100% on board with other forward-looking organizations and employers, and advocate for mandated COVID vaccinations for all PEF members, with only limited medical exceptions the rule.

The current scheme to require weekly testing of those who have, thus far, refused to be vaccinated (for whatever reasons – some political, some based on misinformation, but all clearly misguided), burdens taxpayers who supposedly have to foot the \$75/test bill for the willfully ignorant. It's time for PEF to move to the head of the pack and demand that the governor mandate that all state employees be vaccinated. That's a step that truly represents workers – protecting their health and safety. Will PEF step up to the plate?

JAMES CLOSE  
Mechanicville

***Editor's note:** PEF encourages all members to be vaccinated against COVID. However, the union must and is working to ensure that every members' contractual and legal rights are respected in this matter.*

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## **Did limit for cashing in accruals change?**

To the Editor:

I see the 40-50 hour accrual change. Was there any change to how many hours will be paid upon retirement? I think it is currently 225?

VINCENT GIMONDO  
Sea Cliff

***Editor's note:** There is no change to the contract or attendance rules regarding the amount of accrued hours of leave that may be liquidated upon separation. It's still capped at 225 (or 240 for employees who work a 40 hour week).*

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## **Retirees want Silver Sneakers benefit**

To the Editor:

Our local community center in Vancouver, WA, participates in Silver & Fit and Silver Sneakers. Has PEF ever considered negotiating to have these programs, which emphasize well being and physical fitness, in our Medicare supplement contract?

We pay monthly to belong to our center, but most friends have Silver & Fit included in their Medicare plans. They pay no extra Medicare premium and pay no fees to belong to any facility offering these programs.

PEF is always on the cutting edge of personal wellness programs. Silver & Fit matches PEF's ideology. If you haven't already looked into it, please do!

Robyn Eskenazi Gray  
Dean Gray  
Vancouver, WA

***Editor's note:** Silver Sneakers is offered by some HMOs, but not by the NYS Empire Plan. The coverage provided by the Empire Plan is negotiated by the state Department of Civil Service. In addition, PEF may only negotiate on behalf of employees it represents. It is barred from negotiating on behalf of its retirees.*

## Wants union scholarship info

To the Editor:

I am interested in learning about the scholarships offered within PEF to members' dependents.

My daughter will be graduating high school this coming fall 2022.

LUZ E. STEVENS

Amsterdam

**Editor's note:** Information about PEF and other scholarships for members and their children is included in this issue of [The Communicator](#) and on the [PEF website](#).

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## When is retroactive longevity pay coming?

To the Editor:

When are the retroactive payments for longevity going to be paid?

CHRISTIAN WILLIAMS

Staten Island

**Editor's note:** The Office of the State Comptroller has not yet issued their payroll bulletin, but PEF has been advised that retro longevity payments will be distributed in the Feb. 10, 2022, paycheck for members on the institutional payroll and the Feb. 16, 2022, paycheck for members on the administrative payroll.



# Saluting members on their retirements

By **SHERRY HALBROOK**

PEF's gratitude and best wishes go out to its members who are retiring and moving on to the next chapter of their lives.

The union hopes they will join PEF Retirees and remain active and valued participants in the PEF family.

## **This month, we salute:**

- **Joyce Ernst**, PEF Division 280, Staten Island Developmental Disabilities Services Office;
- **David Graham**, PEF Division 321, state Office of Public Service;
- **Annette Holowka**, PEF Division 275, state Department of Agriculture and Markets;
- **John Munn**, PEF Division 169, state Department of Environmental Conservation;
- **Jane Serritella**, PEF Division 190, state Department of Taxation and Finance; and
- **Annette Wong**, PEF Division 341, state Department of Taxation and Finance.

Are you or PEF members you know retiring? Please send information for this column to [thecomunicator@pef.org](mailto:thecomunicator@pef.org).



# Get your COVID booster and flu shots; they make for merrier holidays!

Have you had your COVID-19 booster shot yet?

Your holidays will be happier if you are healthy.

By the first week of November, only one in seven seniors had received a COVID booster shot. Health experts are recommending that eligible Americans receive COVID-19 booster shots as soon as possible to prevent infection surges this winter

The Pfizer-BioNTech vaccine was the first to be authorized as a booster shot, for use in certain high-risk groups, including seniors, who received their second Pfizer dose at least six months ago. A Centers for Disease Control and Prevention (CDC) advisory committee unanimously recommended boosters for high-risk recipients of Moderna’s and Johnson & Johnson’s COVID-19 vaccines. CDC Director Dr. Rochelle Walensky embraced the panel’s recommendations.

The CDC also allows mix-and-match boosters, so that people may receive a different booster vaccine than the kind they were originally given.

“Booster shots are an effective tool for keeping seniors safe from COVID-19 infection,” said Richard Fiesta, executive director of the Alliance for Retired Americans. “Getting vaccinated protects not only yourself, but also others who are vulnerable.”

Seniors should also consider getting a flu shot as we enter another flu season. We need to maintain our physical, mental and social well-being as we age gracefully. Eat right, exercise, stay physically and socially active. Get regular medical checkups. As PEF retirees we have excellent insurance so there is no excuse for not seeing your doctor when necessary!

Maintain your social and family connections and enjoy your well-deserved retirement!

This is good advice from Msgr. Charles Fahey: “People are interdependent at every moment of life. This interdependence has contemporary, historical, and futuristic elements. It existed for those who have gone before us and will continue after all of us are gone. We have inherited much of what contributes to the good life we enjoy. To help people age well, we need to find a way to manage our miracles. Yesterday’s social structures and public policies will no longer do.”

I wish you all very happy and healthy holidays!







**November 29, 2021**

PEF Region 7 (Barbara Stransky) and Region 7 OPWDD Division 242 (Stephanie Champagne) donating to the St. Nicholas Christmas Truck. "A simple act of Kindness can change a Life"

**December 6, 2021**

Happy Holidays from the PEF Membership Benefits Program (PEF MBP) Trustees!



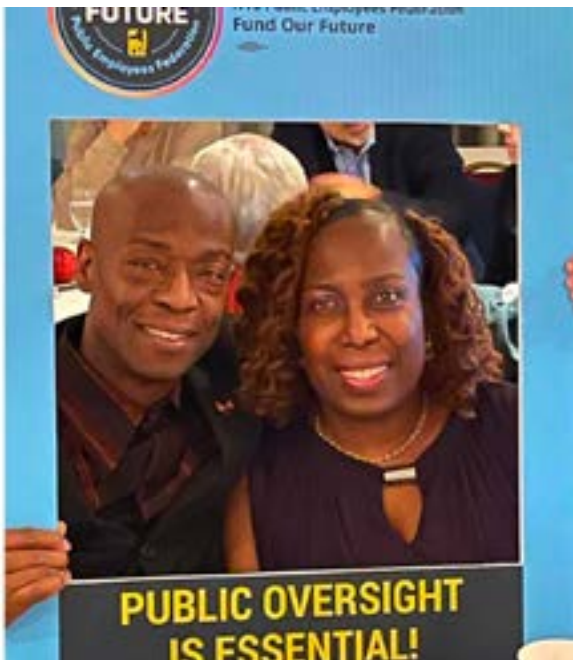




**November 22, 2021**

PEF 236 is a force to be reckoned with!! First Rikers, now ROCHESTER. "Less is More" = More Crime and More victims. Amendments are necessary to preserve community safety!! Union Strong!!





December 13, 2021

Happy Holidays from Region 12!

