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## THE COMMUNICATOR

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# The President's Message

By WAYNE SPENCE



## Working toward budget solutions

Your union is hard at work sifting through the [162-page budget book](#) the governor unveiled the first day of this month. The good news? It's a second consecutive budget with no proposed cuts or closures. And on page 126 it contains a stark admission that PEF has sounded the alarm about for years: "The state workforce is facing a shortage of more than 12,500 workers, with more than 26 percent of the state workforce eligible to retire within the next five years." Our task is making sure the enacted budget and the associated laws passed address those chronic shortages while appropriately compensating and respecting PEF's public employees. Keep an eye on your personal email for letter writing campaigns and other actions you can take to help us push PEF priorities in the months ahead.

February is Black History Month and in this issue we have a feature on [Isaac Myers](#), a remarkable 19th century leader who formed one of the first African American trade unions in the U.S., organizing dock workers in Baltimore. Here at PEF, I kicked off a new initiative in partnership with our international parent union SEIU called "Criminal Justice and Us: Looking at Criminal Justice Reform in N.Y. Through a Racial Justice Lens." Dozens of members are taking part and some of us will be traveling to Montgomery, Alabama, in early April to visit [The Legacy Museum](#), which provides visitors a comprehensive history of the U.S. with a focus on the legacy of slavery. Closer to home, we know criminal justice reform is on the agenda this legislative session and we will be advocating for common sense solutions that allow PEF members (parole officers, judges, etc.) to both ensure public safety and help formerly incarcerated individuals lead productive lives.

A bit of housekeeping – we have printed in this issue the [Delegate Rules for the 45th PEF Convention](#), to be held Oct. 15-18, 2023, in Syracuse. Petitions for nominations will be available starting March 13, but I encourage all members interested in serving as a delegate to read over the rules now to familiarize yourself with the election process. Convention is this union's highest-ranking deliberative body, and the work accomplished there affects the entire membership.

Lastly, a tip of the PEF hat to [Tanye Halse](#), who recently retired as a research scientist at the Department of Health's Wadsworth Center after a 32-year career. Halse was the recipient of a prestigious award in her profession for her lab work focusing on tuberculosis. I am constantly impressed by the dedication of PEF members, and it makes me so proud to lead a union of such professionals.

Stay warm, stay healthy, and thank you for being part of this union.

In Unity,

A handwritten signature in blue ink that reads "Wayne Spence". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wayne Spence  
PEF President

# Hochul releases Executive Budget; PEF begins analysis and proposals

By KATE STICKLES

Gov. Kathy Hochul released her FY 2024 Executive Budget on February 1, following on the heels of her State of the State address that outlined an ambitious course for the year.

PEF's Legislative Department completed a preliminary analysis of the budget, drilling down into the governor's proposals for civil service, health and mental health programs, criminal justice, and more.

"The governor has adopted many of the pillars of PEF's [Fund Our Future](#) campaign, including multiple civil service reforms and investing significant resources to address the mental health epidemic," said PEF President Wayne Spence. "We look forward to working with her and our partners in the State Senate and Assembly to enact a budget that addresses chronic workforce shortages so that all New Yorkers can access the services they need and deserve."

## State workforce

The governor said the State faces a shortfall of 12,500 workers across key agencies and that more than a quarter of the workforce (26%) will be eligible to retire in the next five years. Those alarming statistics are why PEF started its "Fund Our Future" campaign almost three years ago, so the union welcomes the governor's proposals to reinvigorate the Civil Service system by allowing for continuous exams, modernizing the pay structure, and establishing new recruitment centers.

There is also a proposal to review the statewide civil service structure for all job titles to ensure they meet the needs of State employers, align with the job market, consider pay equity, and level the playing field with the private sector.

"But more needs to be done," said Spence. "The compensation and benefits packages for licensed or professional staff are far below the private sector. We need to further fix Tier 6 so the state's pension plan can do what it was always intended to do – attract and recruit talent."

## Mental Health

The governor's budget also includes PEF's Fund Our Future proposal for addressing the growing mental health needs of New Yorkers by funding inpatient psychiatric services across the state, calling for 1,000 additional inpatient psychiatric beds at mental health facilities. One-hundred-and-fifty would be new state-operated beds and 850 would come back online.

## Criminal justice

Again mirroring language from PEF's Fund Our Future campaign, the budget proposes \$7.7 million in additional funding for community supervision re-entry programs, for a total of \$11.5 million, to provide behavioral, health, employment and educational services for formerly incarcerated individuals.

"We fully support re-entry services for the formerly incarcerated, but we would like to see a network of integrated state services established through OMH, OASAS, DOL and other service agencies so that a comprehensive suite of services is available across the state for everyone regardless of their circumstances. This approach would also help the state collect data to inform best practices and to gauge the overall efficacy of these rehabilitation programs moving forward," Spence said.

## SUNY hospitals

Hochul's budget earmarks an additional \$72 million, bringing the total to \$106 million, for Disproportionate Share Hospital payments for under- and uncompensated care at the three SUNY hospitals, Upstate, Downstate and Stony Brook.

PEF supports the proposal but believes the total allocation should be \$175 million to best serve the community.

## Get involved

In the days and weeks ahead, PEF will continue to further analyze the governor's budget proposal to see where it aligns with the best interests of PEF members and the New Yorkers they serve, and where it does not.

"Keep an eye on your email because we will be actively moving forward our agenda," Spence said. "We will ask you to send letters to your elected officials and support other campaigns as we do the work of the union and advocate for you."





Members can download the 162-page budget book [here](#).



## PEF, State continue contract talks

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The PEF Contract Team, led by Contract Chair Darlene Williams with Chief Negotiator Mark Richard and Contract Administration staff, met again with representatives from the state's Office of Employee Relations on Jan. 10, 2023.

PEF made detailed presentations on five proposals related to new and existing articles in the Collective Bargaining Agreement (CBA). Many of the proposals focused on ways to improve the recruitment and retention of the state workforce, as well as benefits the union feels will keep current members of the Professional, Scientific and Technical unit on the job for years to come.

In addition, PEF proposed eliminating important sunsets in the current contract that apply to valuable benefits like tuition reimbursement and the Productivity Enhancement Program (PEP). The PEP proposal also sought improvements and expansion of the program.

The State and PEF agreed to meet again on Feb. 7 and 8 and also have meetings scheduled in March, April and May.



# Labor History: From caulker to labor leader

By KATE STICKLES

The name Frederick Douglass is well known. But what about Isaac Myers?

Douglass and Myers have several things in common. Both were caulkers in the Baltimore shipyards. Both were leaders in their respective movements – Douglass as an abolitionist and Myers as an early leader in the African American labor movement.

## Organizing on the docks

In 1838, African American workers at the Baltimore shipyards formed the Caulkers Association, one of the first African American trade unions in the United States. The union helped bring about better pay for its members – so much so that it caught the attention and the anger of white coworkers on the docks.

As the situation soured, white workers struck in 1865, forcing shipyard owners to fire their African American workers. More than 1,000 were let go. While Myers wasn't on the docks at the time, he kept in touch with many of his former coworkers.

Using his experience in the business world as a high-ranking clerk at a wholesale grocery business, Myers organized a group of African American and white business owners to create a new shipyard in 1866 that functioned as a cooperative.

The Chesapeake Marine Railway and Dry Dock Company employed more than 300 African American workers and Myers served as a board member until the company lost its lease and shuttered in 1884.

## Taking the movement further

Myers ramped up his involvement in organized labor following that setback. In 1868, he was president of the Colored Caulkers' Trade Union Society of Baltimore and began outreach to African American labor leaders in surrounding cities and in other trades, seeking to gain them entrance into the growing National Labor Union (NLU).

At the NLU's 1869 Convention, Myers and a delegation of African American labor leaders addressed the session and made the case for equal treatment and acceptance of black leaders.

"I speak today for the colored men of the whole country ... when I tell you that all they ask for themselves is a fair chance; that you shall be no worse off by giving them that chance .... The white men of the country have nothing to fear .... We desire to have the highest rate of wages that our labor is worth."

The impassioned plea was discussed for two days among Convention delegates, but ultimately rejected. Myers and his fellow unionists didn't let that defeat define them and immediately began organizing again – this time into the Colored National Labor



Union (CNLU). In the final days of the CNLU, Myers launched the Colored Men's Progressive and Cooperative Union, which despite its name admitted women, and advanced membership to workers without regard to race. It was a true industrial union that welcomed members of all occupational backgrounds.

Both the NLU and the CNLU folded during the 1873 Depression.

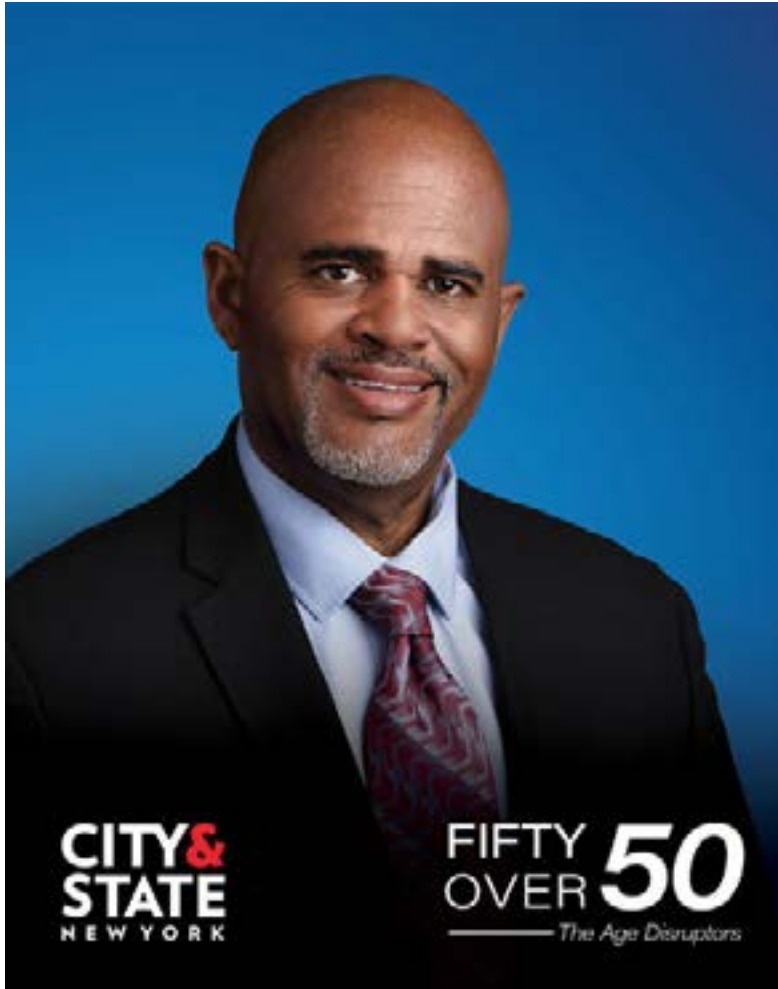
## A lasting impact

Myers went on to become involved in the Republican Party under Abraham Lincoln and served as a Customs Service agent and a postal inspector, before returning to Baltimore in 1880 to operate a coal yard. He served as a leader of several community organizations, and was editor of the Colored Citizen, a weekly newspaper. He died in 1891, at the age of 56.



# Spence honored for leadership, accomplishments

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President Wayne Spence made City & State's 50 Over 50 list, which honors leaders over the age of 50 who have achieved numerous and lasting accomplishments over decades of service to the community.

"It is an honor to be recognized," Spence said. "I will continue to work tirelessly to ensure fair wages, improved staffing, and health and safety protections on the job for all PEF members. We have started the year off strong, advocating for investment in public services and we will continue to do so."

Before being elected PEF's first African American president in 2015, Spence rose through the union's ranks, serving as a PEF Vice President, Shop Steward, Division Health and Safety Chair, Executive Board Member, Long Island Political Action Co-Chair and Assistant Council Leader of Division 236 (DOCCS/Parole).

Under his leadership, the union has negotiated three successful contracts that included across-the-board raises and no givebacks for the membership.

# PEF scientist honored for work in the field of TB molecular diagnostic testing

A PEF research scientist at the Department of Health's Wadsworth Center received a prestigious honor for her work and research on tuberculosis (TB).

Tanya Halse was the 2022 recipient of the [Ed Desmond Award from the National Tuberculosis Controllers Association \(NTCA\)](#), which honors the exemplary service, dedication, or leadership of a tuberculosis laboratory professional.

"I was honored and extremely excited that all of my hard work over the years was recognized amongst my peers and colleagues," Halse said. "It was a wonderful way to end such a rewarding career, as I retired in November."

"I'm proud of the fact that our lab is currently the only public health lab in the U.S. that offers whole genome sequencing of TB as a clinical test, which offers not only identification but also drug resistance prediction and genotyping for surveillance of transmission. We've been offering this test to New York patients since 2016."

## The importance of the work

When you're in need of medical treatment – the faster the better. And when you don't know what infection you have – accurate testing becomes critical.

Scientists at Wadsworth's Bacteriology Laboratory are behind the creation of numerous infectious disease molecular tests, including tests for *E. coli* shiga toxin, *Bordetella pertussis*, *Chlamydia trachomatis*, among more than a hundred others.

"An accurate diagnosis can be made rapidly, and patient treatment can begin earlier than if we wait for the organism to grow," said Halse, who supervised a unit of the Bacteriology Lab before retiring. "Many organisms require special culture media, grow extremely slow, or may die quickly while being transported, which may result in a negative culture, ultimately leading to no diagnosis and thus no treatment, or worse, the wrong treatment."

Halse and fellow research scientists at Wadsworth developed and validated numerous molecular diagnostic tests to detect bacterial DNA in specimens. In 2006, she developed a molecular test for the detection of *Mycobacterium tuberculosis* complex (TB) DNA in respiratory specimens – work that earned her recognition in professional circles.

"Over the next 16 years, I continued to work on new molecular tests for TB diagnostics," Halse said. "As these tests were becoming recognized within the field, I was invited by the Association of Public Health Labs and Centers for Communicable Disease to teach other public health labs these tests in an annual workshop."

"Many other labs were using outdated technology that required more staff time and were more costly than the methods our lab was using," she said. "Today, many labs both nationally and



internationally use the same methods that Wadsworth Center uses."

The tests are an integral part in combatting infectious disease.

"Rapid treatment for patients with infectious diseases means quicker recovery and less transmission," Halse said. "TB is particularly difficult to treat with standard drug regimens of four drugs for at least six months. If drug resistance is detected, treatment must be altered to eliminate the resistant drugs so it's important to have an accurate resistance profile as early as possible."

## Getting into the laboratory

Halse's journey toward her eventual career began early.

"I've always enjoyed science, even as a young child," she said. "It was a strong subject for me, and I took as many advanced courses in science in high school as were available. As I started preparing for college, I knew my interest was in the health field, but I didn't necessarily want to have hands-on contact with other people, which ruled out nursing or a physician as careers."

"Medical Laboratory Technology seemed to be the perfect path for me," she said. Halse attended SUNY Geneseo as a biology/medical laboratory technology major and graduated with a bachelor's degree in biology. "I knew I wanted to work in a laboratory and applied to New York state soon after graduating."

She started her career in 1990 as a CSEA member, and in 2001, when she became eligible as a bacteriologist, she joined PEF.

"I've always felt that joining a union leads to better lives not only for me and my coworkers, but for all Americans," she said.

For those trying to figure out where they want to land in their career, Halse has some advice.

"I would say pursue whatever interests you, and if that's science, then go for it," she said. "There are so many opportunities these days that you are bound to find something that will make you happy. Ultimately, you want a career that makes you feel rewarded – like you are making a difference."



# PEF Division 332 members: Spring 2023 scholarship applications due by February 28

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PEF Division 332 at the New York State Gaming Commission will award scholarships to eligible full-time students pursuing academic degrees at accredited colleges or universities.

Applications for spring 2023 scholarships should be dropped off or postmarked on or before February 28 to: Mike Skelly, P.O. Box 7500, NYS Gaming Commission, 6th floor, One Broadway Center, Schenectady, N.Y. 12301-7500.

#### **To be eligible, applicants must be:**

A child or dependent of a PEF member of Division 332 who is 25 years of age or younger.  
Students must be enrolled a minimum of 12 credit hours in an accredited college or university for the spring semester 2023. Proof of registration should accompany the application. Examples would include a class list, tuition bill, etc.  
Only one application per student will be considered.  
PEF members should include an email address where they can be notified if their applicant is awarded a scholarship, and a mailing address to receive a scholarship check.  
Applications for eligible candidates received by the deadline will be entered into a random drawing held in the Schenectady Central Office. The drawing will be conducted and certified by the Scholarship Committee. Winners will be announced prior to March 15, 2023. Each student may be awarded only one PEF scholarship per academic year.

#### **Spring 2023 Scholarship Application:**

Name of Student: \_\_\_\_\_

Name of PEF Member: \_\_\_\_\_

Student's relationship to PEF member: \_\_\_\_\_

Name of College / University: \_\_\_\_\_

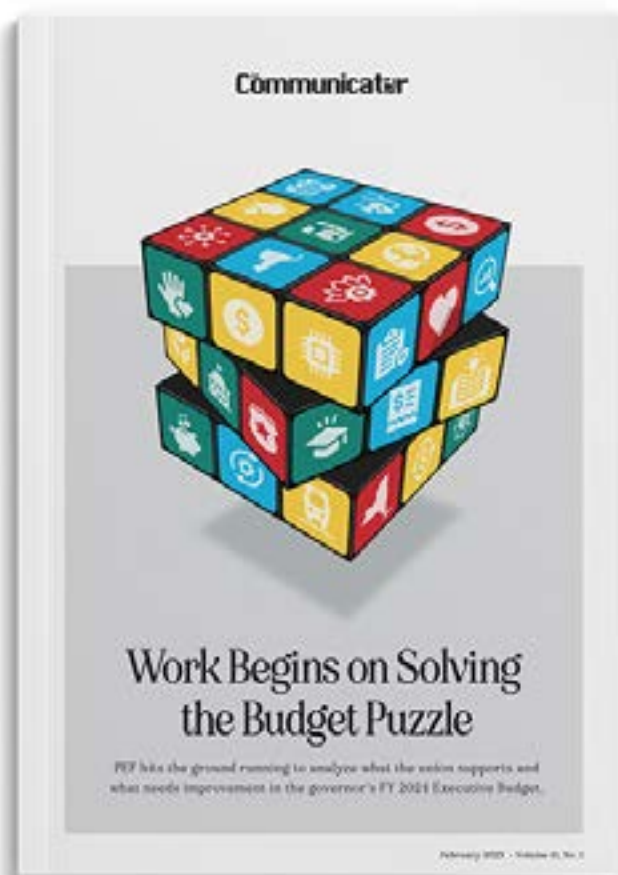
# of credit hours enrolled for Spring 2023: \_\_\_\_\_

PEF member's email \_\_\_\_\_

PEF Member's mailing address: \_\_\_\_\_

*\*proof of enrollment must be attached.*





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PEF news, emailed to your mobile device or  
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# Telephone Town Hall: Where PEF stands on the contract, legislative priorities, organizing efforts

By KATE STICKLES

President Wayne Spence, joined by fellow union leaders and staff, updated members on the status of negotiations for a successor agreement to the PS&T 2019-2023 contract, recent legislative wins, upcoming legislative and advocacy initiatives, and an opt-out campaign targeting PEF members.

Just over 8,000 members tuned in for the Telephone Town Hall on January 12. If you missed it, you can hear an audio recording of the hour-long conversation, [here](#).

## Negotiations

"This week we presented changes that we want to some of the contract articles as well as some new articles we'd like to see in our next contract," Spence said. "This was just our first meeting where we were negotiating in earnest." The Contract Team has set additional bargaining dates through May 2023.

[RELATED: Meet your PS&T Contract Team](#)

Debra Greenberg, the director of contract administration for PEF, said the team is focused on the priorities that members identified in the contract survey last fall. Main economic items include across-the-board pay increases, health and dental insurance, longevity and location pay. Non-economic contract items are in the mix as well, such as work-life balance, alternative and flexible schedules, telecommuting and the ability to use vacation accruals.

Members on the call also heard from chief negotiator Mark Richard, who is helping the union negotiate its contract for the fourth time. He praised leadership for jumping into negotiations with smart strategies, membership input, and political awareness.

"Ultimately, this is member driven," he said. "Your voices are at the table. Your incredibly talented and hardworking bargaining team takes what you say, and they go page by page through the contract and work hard to see what we can change and what we can get.

"They are working offensively and defensively," he said. "You need member voices, unity, a strategic plan, and great leadership to get a contract worthy of your support."

Because negotiations are a delicate balance, getting into too much detail on a call that could be shared with non-union members is risky, Spence said. But he did pledge to get members the recognition they deserve.

"We cannot go into the next round of negotiations and not get something that is unique to PEF members who are professional, scientific, and technical workers," he said. "Our members came up with the first COVID testing. It was PEF members who overnight transformed open fields and parking lots into testing sites and then vaccination sites. That couldn't have been done without our education.

"We need to be compensated for that," he said. "I'm not walking away from that contract table until they start recognizing what we do."

## Wins outside of negotiations

Greenberg outlined some of the wins PEF achieved for members outside of contract negotiations in the last year, including geographic pay differentials (GEOs), 2.5x overtime agreements, increases in employer contributions to Dependent Care Advantage Accounts (DCAA), and increases in the license renewal reimbursement program.

For positions the state has difficulty recruiting for, GEOs can attract applicants. PEF advocated with Civil Service and secured GEOs for some nurses, clinical physicians, licensed psychologists, and psychiatric examiners, as well as some equipment operator instructors and maintenance supervisors, among others. Emergency medical technicians at SUNY Stonybrook also saw GEO pay.

PEF led the way and negotiated and secured 2.5x overtime agreements with seven agencies for certain titles. Unfortunately, the state did not agree to PEF's request to extend the rates into 2023 and they expired on Dec. 31, 2022.

Employer contributions to DCAA increased by \$200 and the [license renewal reimbursement](#) rose to \$200.

### Legislative updates

PEF has taken recruitment and retention to the floor of the legislature, proposing improvements and winning changes to Tiers 5 and 6 of the pension plan, advocating for increased Civil Service exams and testing sites, fighting for hazard pay, and taking aim at resolving toxic workplaces.

"Right now, the state is not a competitive employer," said PEF Legislative Director Pat Lyons. "It doesn't pay market rates and the Tier 6 pension plan benefits are too low to attract and retain staff."

In her State of the State address, Gov. Kathy Hochul said she intends to set up regional Civil Service testing centers and recognized the huge staffing shortage facing the state.

The union helped achieve a reduction in vesting from 10 years to 5 years and to remove all the overtime earned during the pandemic from calculating the employee contribution to Tier 6. This year, PEF wants the State to standardize a 3 percent contribution for all members of the pension plan, and down the road will push for an enhanced pension calculation and reducing the retirement age to equate to Tier 4.

"We are trying to build a career ladder in the pension plan to attract and retain staff," Lyons said. "We know this is a huge issue for our members and it's a top priority for the union."

The governor's Healthcare Workforce Bonus only applied to PEF titles who directly face patients, but the union continues to fight to expand hazard pay to all members deemed essential workers during the pandemic.

"PEF led on this," President Spence said. "We didn't get everybody. PEF submitted more than 300 titles that we believe should have received it. We're not going to give up. It's not forgotten by me what we lived through during COVID and what we did."

The union has crafted legislation to define bullying, cyberbullying, and abusive conduct, mirroring what has been done in schools across the state, in an effort to eliminate toxic workplaces. It would require every state employee to undergo training, provide a process to identify workplace issues and make a claim, and the potential for disciplinary action.

Other [budget wins](#) secured in 2022 include:

- Creation of a nurse loan forgiveness program
- Getting 200 inpatient psychiatric beds back online

- Securing funding for SUNY hospitals
- Additional mandated overtime protections for nurses, including greater employer reporting and oversight and the potential for employer penalties
- [A three-quarter disability benefit](#) for fire protection specialists
- Military service credit for LGBTQ members
- Extension of the COVID vaccine time-off benefit
- Permanent Extension of Injunctive Relief
- Excused leave for blood donation of up to four hours annually

### Get involved

Vice President Randi DiAntonio, who chairs the Statewide Political Action Committee, urged members to make their voices heard and help the union move its agenda forward.

"We need to raise our visibility with the communities we live and work in, to tell them who we are and what we do," she said.

The Fund Our Future campaign partners with community groups, political allies, neighbors and friends to do just that. Members have recorded more than 150 videos of who they are and what they do. PEF plans to post one every Friday in 2023 on [Facebook](#) and the [Fund Our Future web page](#). If you want to participate, contact your local leaders.

Another way to get involved: attend regional [Political Action Committee meetings](#). Any member is welcome.

"Political action is important in every single thing we do," DiAntonio said. "The only way to be successful is to be part of the process."

### Organizing efforts

PEF Organizing Director Dan Carpenter updated members on the opt out campaign conducted by an anti-union group funded by the Freedom Foundation. The group has repeatedly emailed and mailed PEF members trying to convince them to drop out of the union and save their dues.

"They want to weaken strong unions like PEF by lying to you about the value of union membership," he said. "They're boasting that 'thousands' of you have left the union as a result of their efforts. We've had 20 people drop out. That's it. And we've signed up more than 4,400 new members since January 2022."

[PEF produced a document exposing the group](#) and outlining the tangible benefits of union membership. Carpenter encouraged members to click the unsubscribe link at the bottom of each unwanted email they receive.

President Spence ended the call thanking PEF members for their tireless efforts to deliver services to New Yorkers and said he plans to hold Telephone Town Halls every quarter in 2023. At the next Town Hall in the Spring, the union will answer questions submitted in advance by members.



# PEF-supported mandatory overtime law protecting nurses signed by governor

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At the urging of PEF President Wayne Spence, Governor Kathy Hochul signed into law a measure to increase transparency and accountability for certain health care employers, including state agencies, who continue to rely on mandatory overtime to meet their nurse staffing needs. ([S.850 by Senator Jackson/A.970 by Assemblymember Gunther](#))

PEF successfully lobbied for the inclusion of PEF nurses at the NYS Office of Children and Family Services for coverage under this law. PEF nurses at OCFS have been excluded from protections against mandatory overtime since the original law was first enacted in 2008.

Additionally, employers are now required to make a “good faith” effort to have overtime covered on a voluntary basis before mandating overtime. A “good faith” effort includes the use of per diems, agency nurses, assigning floats, or requesting an additional day of work from an off-duty employee. Failure to make such “good faith” effort constitutes a violation of the law.

After such “good faith” effort is made, employers who use mandatory overtime are required to notify the Department of Labor (DOL) that they are mandating overtime for their nurses. Employers who use mandatory overtime for 15 days or more in a month must file a report with DOL outlining: (1) the number of days mandatory overtime was required, (2) the number of employees required to work overtime, and (3) the times and dates overtime was utilized.

If the employer utilizes mandatory overtime for any 45 days over a consecutive three-month period, the employer must file a written report detailing the reason for such overtime and when such employer plans on ending the use of such overtime.

A special enforcement officer shall be established in the DOL to oversee investigations into potential violations of the overtime law. Any employee required to work mandatory overtime in violation of the law may file a complaint with the enforcement officer at the DOL for possible investigation.

If an employer is found in violation of this law, the commissioner shall issue an order directing the employer to comply. The commissioner may also institute a fine of up to \$1,000 for the first violation; \$2,000 for a second violation if within a 12-month period; or \$3,000 for a third or subsequent violation within a 12-month period.

The law takes effect 180 days after enactment, but employers are required to make a “good faith” effort to have overtime covered voluntarily on the 90th day after enactment.

PEF thanks State Senator Robert Jackson, Assemblymember Aileen Gunther and Governor Kathy Hochul for delivering these important additional protections for our nurses. And a special note of thanks to the PEF Statewide Nurses Committee and the thousands of PEF members who lobbied their legislators and the governor to get this bill signed into law.

Working together, PEF did it!





## PEF does it for fire protection specialists!

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In a legislative win for PEF, Gov. Kathy Hochul signed a bill that provides a three-quarter accident disability benefit for PEF fire protection specialists.

The new law allows fire protection specialists to receive an accidental disability benefit provided that the injured individual is physically or mentally incapacitated as a natural and proximate result of an injury sustained while actually employed as a fire protection specialist.

"Fire protection specialists put their lives on the line serving as frontline workers in every emergency situation and are deployed to wherever the need arises. This law now recognizes the unique and dangerous jobs they perform," said PEF Vice President Randi

DiAntonio, who chairs the union's Statewide Political Action Committee. "Fire protection specialists are often exposed to the very same toxins as firefighters and therefore have a heightened risk of developing debilitating health conditions."

PEF will continue to lobby and advocate for member needs through legislative action.

"Working together, we got it done," she said. "A special thank you to the members who called their representatives and the governor in support of this important bill."

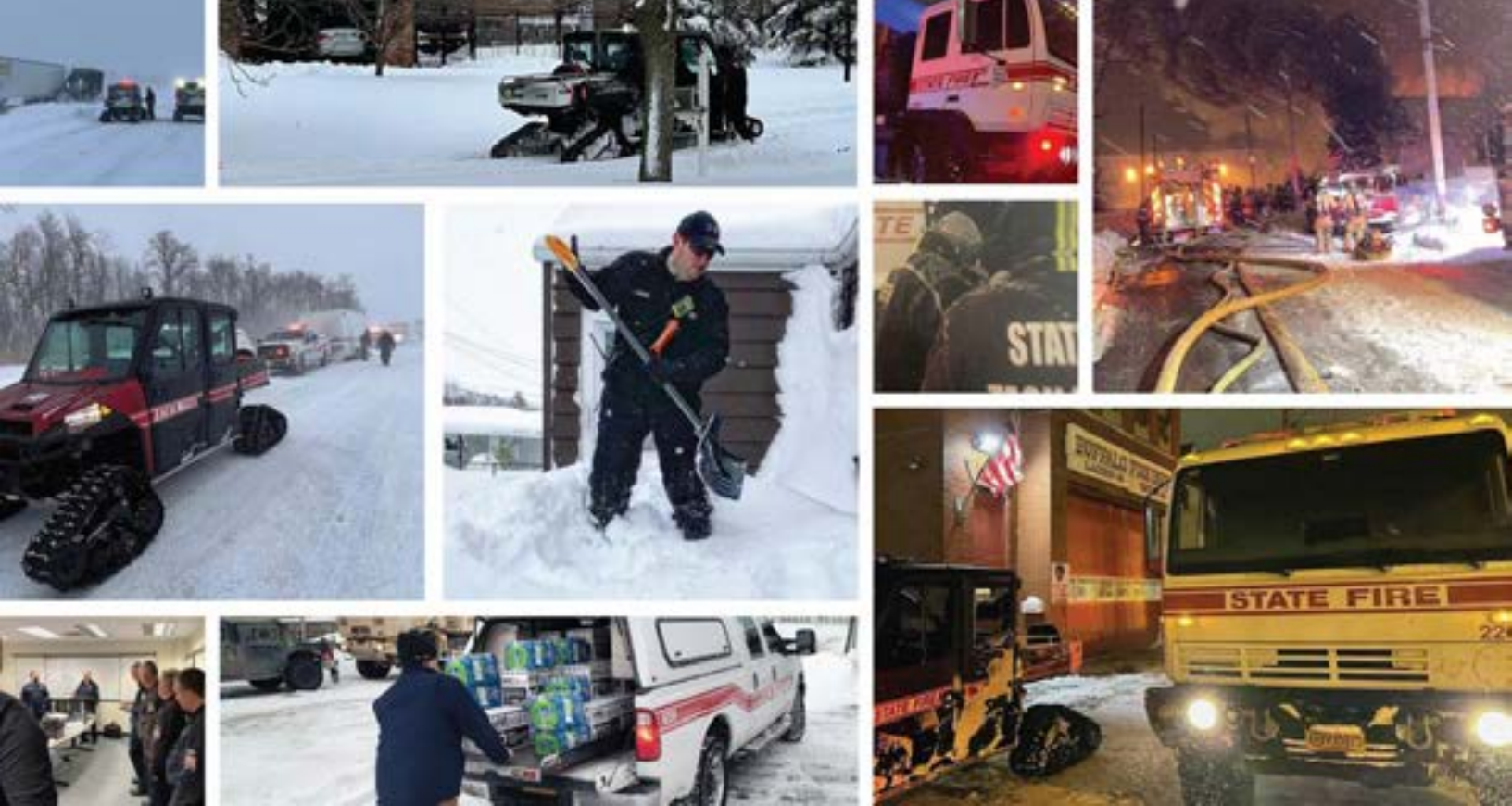


Photo credit: John Buttino

# When the snow hit Buffalo, PEF members were there to help

By KATE STICKLES

Buffalo and the surrounding area were slammed over the Christmas holiday by one of the worst weather-related disasters ever to hit western New York, dumping more than four feet of snow in some areas and leaving dozens dead.

PEF has members living and working in the area who were impacted by the massive storm, as well as members from around the state and from multiple agencies who responded to assist in its aftermath.

## Snowed in

At Roswell Park Comprehensive Cancer Center, members began “code white status” on December 22 and were still in that status days later. Others were snowed in at DOCCS facilities, OMH locations, OPWDD group homes, and more.

At the Western New York Children’s Psychiatric Center (WNYCPC), more than half the staff remained at the facility – some having made plans to stay and others unable to travel home as snow began to fall fast. They slept on an empty ward and everyone from nurses to therapy aids to maintenance staff pitched in.

“It was like a hurricane of wind,” said Division 167 Council Leader Patricia Moran, who spent 69 hours at WNYCPC during and after the

storm. “The snow was coming through the windows. The kids never felt the impact because the staff worked together and planned activities, like gingerbread houses and a visit from Santa.”

PEF member James Hoinski donned the iconic red suit. Michael Palmowski, the plant supervisor, spent more than 70 hours at the facility to make sure everything ran smoothly.

“All our PEF brothers and sisters deserve recognition for their work,” Moran said. “They did what they had to do to keep everybody safe and to serve our community. I’m really proud, everybody went above and beyond.”

## On the ground

PEF members across the area, as well as across the state, hit the ground running as soon as possible to clear roads, rescue people stranded in cars, dig out ventilation at homes, and assess and assist people dealing with the trauma.

Fire protection specialists and State Fire personnel from the Department of Homeland Security and Emergency Services (DHSES) turned out in force, bringing the work they do into the national spotlight.



They checked hundreds of vehicles and houses in one day.

"The people of Buffalo were in need, and we answered," said Benjamin Giles, a Division 179 steward and fire protection specialist. "One man was brought out to the street on a mattress. Fire protection specialists were there, and he was taken to the hospital. People were stranded in cars without heat and not knowing what their future had in store, but fire protection specialists were there to help."

"We showed up," he said. "During this event, shifts were 12 hours and depending on where people were and their roles, they were deployed up to eight days, including Christmas day. Our office was engaged in 24-hour operations from beginning to end. We saved many lives."

Among their tasks, crews assigned to Buffalo Fire assisted with response to multiple structure fires, getting firefighters to inaccessible areas; restocking firehouses with water and food; conducting welfare checks and cleaning furnace exhausts; assisting emergency medical service transport by Utility Terrain Vehicles (UTV) shuttles, and more.

There was an outpouring of thanks from officials, area residents and fellow first responders, including Gov. Kathy Hochul, who recognized their efforts during a virtual storm briefing on December 26.

"We had a situation where the head of surgery at ECMC (Erie County Medical Center) was trapped in a vehicle with his elderly mother, and they're running out of fuel, and they're rescued by our State Fire teams as well, who have been doing an extraordinary job," Hochul said. "I don't think a lot of people talk about the State Fire teams, but they have been everywhere, really the backbone of this operation for us."

Two emergency medical technicians stuck in the snow for 12 hours took to social media to share their gratitude. "State Fire saved us and they are forever my heroes," one wrote. "We are safe and warm now."

Members with the Department of Transportation (DOT) also mobilized, activating their Regional Operations Center (ROC) and coordinating the response.

"PEF members responded tirelessly throughout the event in the ROC and the field," said Executive Board member Paul Uebelhoer, a DOT engineer. "Members fulfilled roles as inspectors/assessment team members. Hundreds of resources, including DOT employees and equipment, were brought into the region to assist with response coordination, mission assignment and completion."

DOT members stepped out of their day-to-day roles to assist with storm response, he said.

Like their union brothers and sisters in health care facilities and with State Fire, DOT members faced challenges on the ground and at home.

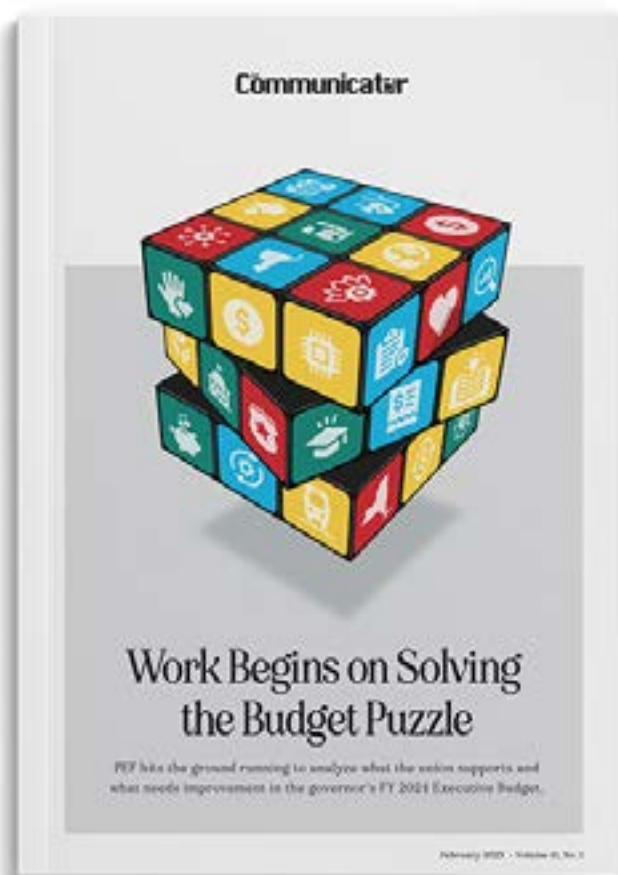
"Due to travel bans and impossible travel, I have heard from members who couldn't get home for days," Uebelhoer said. "There were many without power for days. DOT employees, including dozens of PEF employees, once again stood up to the challenge, on a holiday weekend away from their families, to ensure life safety missions were identified and responded to. The NYSDOT and other agencies are here for the people of New York. Through storms, flooding and other natural disasters that arise."

### Union steps in

President Wayne Spence was on the phone with commissioners at the Department of Corrections and Community Supervision (DOCCS), the Office of Mental Health (OMH) and the Office for People with Developmental Disabilities (OPWDD) in the days immediately following the storm.

PEF moved quickly to help members impacted by the storm, contacting them via the text app Hustle to check in on their safety and sharing a [list of resources](#), from trauma counseling, to insurance, to power outage safety tips, as well as activating the PEF Relief Fund.

"Many of our members who were working and scheduled to go home Friday were stuck at their worksites and sheltered in place," he said. "Members were generous with their donations to the PEF Relief Fund and we are in the process of figuring out how best to distribute the money raised directly to impacted members."



## Sign up **TODAY** for the eCommunicator

Keeping PEF members current on  
PEF news, emailed to your mobile device or  
home computer monthly.

<https://www.pef.org/emailme/>





Protesters chant slogans outside Mount Sinai Hospital in Manhattan, New York on Jan. 11, 2023. (photo credit: New York Post)

## Strike ends at two NYC hospitals

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As more than 7,000 nurses from two of New York City's largest hospitals entered the fourth day of a strike, the nurses' union and hospital administration reached a tentative agreement on Jan. 12, 2023.

The New York State Nurses Association (NYSNA) and nurses at Mount Sinai Hospital and Montefiore Medical Center staged a walkout at 6 a.m. January 9 protesting working conditions and demanding safe staffing.

Montefiore's agreement includes a 19.1% wage increase over the next three years and the creation of more than 170 new nursing positions. At Mount Sinai, the contract establishes staffing ratios for the first time on inpatient units and includes a mechanism for enforcement.

NYSNA has reached deals at nearly a dozen private hospitals.

[Click here for more.](#)

# New Region 12 Coordinator

## Bill Holthausen is ready to serve

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Bill Holthausen recognizes the struggles of a state workforce that is understaffed and underfunded, and he is ready to go to bat for the members of Region 12.

"When I began my career with the state in the late 80s, the state was a good job, a good career," he said. "We did good work, necessary for the residents of the state. We were a satisfied, fulfilled workforce."

"We still perform important jobs for the health, safety and well-being of the state's residents and businesses," Holthausen said. "But short staffing impacts the delivery of essential services. After years of hiring freezes, recessions, economic uncertainty, a pandemic and supply chain issues, it's time to bring stability back to the state workforce. I'm here to serve my members."

Holthausen has been a PEF shop steward for more than 30 years; he was his Division's treasurer and council leader; and served on the Executive Board representing members at the Department of Transportation (DOT) in New York City and on Long Island.

"I have been re-elected to that position six times," Holthausen said. "My members know me, and I know them."

Holthausen has served on numerous PEF committees, including the Health Benefits and Contract Negotiations committees, as well as serving on and chairing the DOT Labor/Management committee.

Holthausen joined the state Department of Transportation 33 years ago, first as a construction inspector, then an Engineer-in-Charge of construction projects, and now a member of DOT's Operations Unit, where he oversees special projects.

He lives and works on Long Island. Members can reach the Region 12 office at (631) 360-4360.





# PEF visits NYC Children's Center campuses fostering a love of reading through First Book program

By KATE STICKLES

PEF joined the American Federation of Teachers (AFT) to distribute books to kids at the Bronx and Queens campuses of the NYC Children's Center on January 6 as part of the First Book initiative.

Between the two facilities, 60 kids had their pick of books donated by PEF and could take with them three titles of their choosing. About 70 union leaders and members came out to participate.

"PEF members are dedicated to serving the people of New York and this is a great way to enrich the lives of our children and youth," said PEF President Wayne Spence. "It's great to empower these kids to choose books that speak to them and bring a little joy into their lives."

President Spence was joined by PEF leaders, including Vice President Darlene Williams, Secretary-Treasurer Joe Donahue, Region 10 Coordinator Radhakrishna Mohan, and Division 213 Council Leader Leticia Rivera, as well as AFT Vice President Evelyn DeJesus and Nadia Chanza, the chief of staff for Justice Center Executive Director Denise Miranda.

"It was great seeing the kids select their books with such joy," said Rivera. "The kids really loved being able to look through and pick their own books. They knew what kind of books they like and were able to select it without any objections and were very pleased."

"A few even asked for a fourth book, and who can say no to that?" she said. "The highlight for me was watching the kids recite a speech and poem from Martin Luther King and Maya Angelou. I also loved the thank-you cards the kids made and presented to the First Book committee staff."

Rivera said the meet-and-greet conducted after the event between staff and PEF and OMH leaders was a huge success, as well.

PEF held a couple First Book events before the pandemic and President Spence has recommitted the union to the venture now that it is safer to hold in-person events. AFT awarded PEF a \$5,000 grant from its Solidarity Fund so PEF could purchase the books.

AFT and First Book celebrated 10 years of partnership in 2021 and over that decade distributed 7.5 million books nationwide. Since its founding in 1992, First Book has distributed more than 225 million books and educational resources.

The next PEF First Book event will be January 18 at an Office of Children and Family Services facility in Rochester.



## The Statewide Nurses Committee introduced its first annual scholarship

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The Statewide Nurses Committee introduced its first annual scholarship at the PEF Convention in Oct. 2022. All nurse delegates were asked to bring proof they had attended an education program over the last three years for consideration. Money for the scholarship was set aside before the pandemic. This year's winners were Christina Haggarty, Sara-Jean Leigh, Jared Majeed, and Margaret Dobbins. The SWNC hopes to continue the scholarship next year. They raised more than \$1,200 by raffling baskets at Convention. Pictured here, left to right, are: PEF Nurse Coordinator Nora Higgins, SWNC Co-Chair Carolyn Cole, scholarship winner Margaret Dobbins, PEF President Wayne Spence, and SWNC Co-Chair Amy Pacholk.

# LABOR IN THE NEWS

## USPS celebrates life and legacy of John Lewis

The U.S. Postal Service announced seven new stamps for 2023 – including one honoring U.S. Rep. John Lewis, a key player in the labor movement, who passed away in 2020.



“Devoted to equality and justice for all Americans, Lewis spent more than 30 years in Congress steadfastly defending and building on key civil rights gains that he helped achieve in the 1960s,” the USPS said in its announcement.

While he was perhaps best known for his civil rights activism, he was also a strong advocate for the labor movement and often lent his considerable political strength and stalwart advocacy to fighting for the rights of workers.

[Related: Labor movement loses strong advocate: John Lewis passes away at 80](#)

The photo on the stamp was taken by Marco Grob on assignment for the Aug. 26, 2013, issue of Time magazine.

[Click here for more.](#)

## Funding boost for federal agency overseeing unions

The National Labor Relations Board, which processes union petitions, conducts union elections, makes sure collective bargaining is conducted fairly, and investigates violations of federal labor law, just got a raise.

The agency will have its budget bumped up by \$25 million this year as part of a spending bill passed by Congress – the first change in almost a decade.

“This is particularly important in this moment in history because we’re seeing that unions are more popular than they’ve been in decades,” said Karla Walter of the Center for American Progress.

[Click here for more.](#)

## Labor board: Starbucks illegally forced out union leader

Prosecutors for the U.S. labor board concluded that Starbucks illegally forced out a Buffalo barista who has been a key player in the union campaign that swept through hundreds of its stores this year.



Jaz Brisack resigned in September 2022, alleging Starbucks pushed her out by changing scheduling policies and applying them to her in a discriminatory way. The Buffalo labor board’s regional director determined the company illegally terminated her in retaliation for her union activism.

Brisack, a Rhodes Scholar who got hired at a Buffalo Starbucks in hopes of unionizing it, has been a prominent face of the labor campaign.

[Click here for more.](#)

# New year, new health insurance premiums and time to show support for important legislation

Welcome to 2023, a new year which brings new challenges and new opportunities. Every year between September and December our retirees receive multiple mailings regarding changes and updates to our NYSHIP. This year we saw a significant increase in our health insurance premiums.

Insurance premiums for any retiree member who retired from January 1983 to Dec. 31, 2011, are different from those who retired after Jan. 1, 2012. These Empire Plan rates starting in January 2023 are \$121.69 for an individual plan and \$525.30 for family. That's an \$11.12 increase for an individual and \$47.86 increase for family coverage.

For members who retired after Jan. 1, 2012, the rates for Empire Plan in 2022 were \$147.42 for an individual plan and \$568.64 for a family. The rates for Empire Plan starting in January 2023 are \$162.26 for individual and \$625.67 for family.

Rates for HMOs are all different depending on your location in New York state.

This is the premium payment before any sick leave allotment is figured in. NYS Retirees are guaranteed insurance coverage as a benefit of our state employment, but the rate is based on a premium charge the first of every year and the rates are determined from the cost of care the insurance providers pay.

PEF cannot and does not negotiate on behalf of retirees; our benefits are administered and controlled by the Department of Civil Service. We are subject to changes in coverage that are included in union contacts.

Retirees' cost for health insurance is the same as that of an active enrollee. Currently, the state pays approximately 86% of the cost of individual coverage and 69% of the additional cost for family coverage in the NYS Empire Plan. If you are enrolled in an HMO, the state will pay 84 to 88% for individual coverage and 69 to 73% for family coverage, not to exceed the dollar amount it pays for the Empire Plan. You can use sick leave credits to reduce your cost. The longer you live in retirement your cost increases to insurance will outpace the value of your sick leave credit.

The PEF Legislative office has submitted legislation that would prohibit public employers from diminishing health insurance benefits or the employer contributions for the health insurance of retirees. Unfortunately, elections have consequences and in the last election we lost some good friends and the sponsor of some of our



retiree bills. We recently mailed a letter to all our active dues-paying members. This letter contained information about our efforts and the legislation we are advocating for. Below is an excerpt from our letter which explains the next step in our continued fight to protect and/or improve our secure retirement.

## Legislative news

Since this is a new legislative session and many new legislators will be a part of that session, we do not yet have bill numbers or sponsor information available at this time. We will be sending information by mail when time permits, and especially by email to keep you informed of the changes.

## NYSHIP Corrections Legislation

This legislation sets retiree health insurance premiums at the contribution level they made when they retired and requires excess contributions made since October 2011 to be returned to retirees or their estates. It also sets state employee health insurance premiums at their current rates and provides that any bill introduced to implement terms of a collective bargaining agreement shall be limited to provisions necessary for the implementation of the collective bargaining agreement.

Chapter 491 of the Laws of 2011 amended Civil Service Law section 167(8). This amendment made significant changes to health insurance contribution rates and allegedly gave the president of the Civil Service Commission the power to extend the collectively negotiated contribution rates by regulation, with the consent of the Director of Budget, for state employees not covered by a collective bargaining agreement and retired state employees. We do not believe that this amendment gave the president of the Civil Service Commission this authority. We believe this power rests solely with the legislature.

This legislation recognizes that only the legislature can set health insurance contribution rates for state employees not covered by collective bargaining agreement and retired state employees. It also provides for restitution to retired state employees who were impacted by the improper regulation issued by the president of the Civil Service Commission. The bill also properly clarifies current law, so the legislation enacted to implement collective bargaining agreements is limited to solely implementing those agreements. We will need everyone to support this effort as well as our continuing efforts to improve on the current COLA.

#### **New COLA Bill: Adjust Maximum Base of \$18k for Calculating Annual COLA**

The landmark Permanent COLA law (Chapter 125 of the Laws of 2000) provides important inflation protections for public-sector retirees living on fixed incomes. However, this important protection is limited in its scope and has weakened over time.

The current provisions of the Permanent COLA law provide annual inflation protection equal to 50% of the annual increase in inflation calculated on a maximum base retirement benefit of \$18,000 with a minimum increase of 1% per year and a maximum cap of 3% per year.

The flaw with the current Permanent COLA law is that the maximum base of \$18,000 used for calculating the annual COLA has not increased in 22 years. This has caused erosion in the buying power of current retirees and does not protect the buying power of staff retiring now or in the future.

This legislation would create an annual COLA or escalator for the base benefit amount of \$18,000 equal to 50% of the annual rate of inflation (up to 1% and capped at 3%) to protect the buying power of those who are already retired and to reflect the higher base benefits of staff retiring more accurately now or in the future.

We will be asking for your help in these efforts to call, email, and write to legislators asking support for our issues. There will also soon be a link created on the PEF website to email your legislator directly. It would be helpful in your discussions if you could ask legislators who support the bill to sign on as co-sponsors.

Our letter also contained an ask to support COPE (Committee on Political Education). These are voluntary contributions which are used to educate members and support our friends in federal elections. Our social safety net is under attack from federal office holders with an agenda hostile to seniors: an agenda to cut Social Security and Medicare.

“Democracy is the greatest form of government to my mind that man has ever conceived, but the weakness is that we have never touched it.”

— “Love Your Enemies” Martin Luther King Jr. from The Radical King



# Letters to the Editor

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## Contract questions

Are we going to be entitled to the \$3,000 bonus like CSEA members received?

With the recent increase in cost of living in counties close to the city, could we include members who work in Sullivan County in the Mid-Hudson adjustment? The cost of living mirrors or exceeds Orange County, which is included in the adjustment.

**Rick Ellis**  
Middletown, NY

**Editor's Note:** The \$3,000 CSEA members received was a signing bonus CSEA negotiated in its 2021-2026 contract. PEF is still in the beginning stages of negotiations for a successor agreement to your 2019-2023 contract, which is in effect through April 1, 2023. The Contract Team began meeting with the State in November and will work hard to get you the best contract possible. The Contract Team is also looking to improve several areas of the contract, including location pay. Contract negotiation updates will be published in The Communicator and posted at [www.pef.org/contract](http://www.pef.org/contract).

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## Chief Judge candidate

As it is, forming and keeping unions is an uphill battle. If Judge LaSalle is anti-union as the Wall Street Journal contends in their editorial published on January 13, 2023, his name should be withdrawn from consideration as Chief Judge.

**Tony DiCarlo**  
Venice, Florida





## Ailing members need your leave donations

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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.

- LaShon Boyd is an habilitation specialist 1 at the Metro Developmental Disabilities Services Office in Manhattan.
  - Brian Cellery is an information technology specialist 3 at the Office of Information Technology Services in Albany.
  - Kimberly Ernst-Harris is a supervising offender rehabilitation coordinator at the state Department of Corrections and Community Supervision central office in Albany.
  - Sally Fontana is social work supervisor 1, LCSW at Mohawk Valley Psychiatric Center in Utica.
  - Cherie Griffin is a taxpayer services specialist 2 at the state Department of Taxation and Finance in Albany.
  - Drina Holden is a senior certification analyst at the state Department of Economic Development in Manhattan.
  - Jason McDonald is an information technology specialist 3, systems programming at the state Office of Information Technology Services in Albany.
  - Roxeen Mundy is an information technology specialist 2 at the state Office of Information Technology Services in Albany.
  - Melissa Pine is an underwriter 1 at the state Insurance Fund in White Plains.
  - John Reed is licensed master social worker 2 at Rockland Children's Psychiatric Center in Saugerties.
  - Darlene (Gemma) Rose is an employment counselor for the state Labor Department in Amsterdam.
  - Laquita White is a real estate specialist 1 at the state Transportation Department in Buffalo.
- Caitlin Wilkens is a research scientist 2 at the state Department of Corrections and Community Supervision main office in Albany.

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 189 and 190 of the 2019-23 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 518 396-8201. Be sure to provide your contact information.



**January 31, 2023**

PEF Region 9 Health and Safety Leadership training took place over the weekend at Honor's Haven Resort and members had an opportunity to hear from AFT - American Federation of Teachers President Randi Weingarten and PEF President Wayne Spence. Special thanks to PEF's Health and Safety Staff and Region 9 Coordinator Diane Jaulus for putting this important program together.



**January 26, 2023**

PEF Region 1 Coordinator Michele Silsby is with 9 newly hired Nurses @ Roswell Park Hospital. They joined PEF today and are holding up their Contract books right after their PEF Orientation.



## PEF leaders attend key State events as new legislative session begins

**January 10, 2023**

Team PEF with Governor Kathy Hochul at the State of the State address on Jan. 10 in Albany. Left to right: R8 Coordinator Danielle Bridger, Legislative Dir. Patrick Lyons, Gov. Hochul, President Spence, PEF Political Dir. Leah Gonzalez, Chief of Staff Chris Leo.



PEF leaders are pictured with New York State Attorney General Tish James and Comptroller Tom DiNapoli at the State of the State address on Jan. 10 in Albany. Left to right: President Spence, James, Region 8 Coordinator Danielle Bridger, PEF Political Director Leah Gonzalez, PEF Legislative Director Patrick Lyons, PEF Chief of Staff Chris Leo, DiNapoli.



PEF leaders from the Dept. of Audit and Control attended the swearing-in of NYS Comptroller Tom DiNapoli on Jan. 8 in Albany. Left to right: Kelly Nadeau, DiNapoli, Catherine Dell'Angelo, and Region 8 Coordinator Danielle Bridger.



**January 10, 2023**

PEF Division 280 -- the Developmental Disabilities Service Office in Staten Island -- held a membership meeting on Tuesday, with members hearing from Region 11 Coordinator Bernadette O'Connor, COPE coordinator Don Morgenstern, and Workers' Comp attorneys Aronova & Associates.



**January 8, 2023**

PEF Region 8 Coordinator Danielle Bridger and PEF Executive Board member Martin Robinson (OTDA) were on hand in Saugerties for the district swearing-in of Senator Michelle Hinchey. Congratulations Senator! Let's work together to Fund Our Future for a thriving New York!



**January 1, 2023**

PEF leaders attended the inauguration of Gov. Kathy Hochul today. Left to right: Region 8 Coordinator Danielle Bridger, Secretary-Treasurer Joe Donahue, VP Randi DiAntonio, Region 9 Coordinator Diane Jaulus and Region 10 Coordinator Mohan Radhakrishna.



**December 21, 2022**

A shout-out to the members of PEF Region 1 for raising more than \$1,500 for a toy drive in Buffalo!



# 45th Annual Convention Delegate Information

SYRACUSE, NEW YORK | OCTOBER 15–18, 2023

## Rules for Delegate Nominations

1. In order to be nominated, you must be a dues-paying PEF member as of **March 2, 2023**. You must obtain the signatures of five (5) other dues-paying PEF members from the specific constituency. Dues-paying PEF members signing a petition must also be a member as of **March 2, 2023**.
2. All petitions will require the signature, printed name, and correct **Petition ID**. **The Petition ID consists of up to the first four letters of your first name and up to the first four letters of your last name AS THEY APPEAR ON YOUR PAYCHECK and the five digits of your home zip code.**
3. The accuracy of the information required in the petition is the sole responsibility of the person being nominated.
4. A nominee may not sign his/her own petition.
5. A member may sign only one (1) petition.
6. Petitions will be available at [www.pef.org/elections](http://www.pef.org/elections) on **March 13, 2023** at 9:00 AM. Petitions can be mailed to you by calling 800-342-4306 or emailing [divisions@pef.org](mailto:divisions@pef.org) to request. Petitions will not be available for pick up at PEF Headquarters or PEF Regional Offices. Faxing is not allowed. Only members submitting a petition have the right to appeal.
7. Only official nominating petitions may be used to gather signatures. Although reproductions of the official form may be used, the Committee will accept only those forms containing original signatures. Reproduced (photocopy, FAX, etc.) signatures will be deemed invalid.
8. All petitions must be received by 5:00 PM on **April 3, 2023**. Petitions must be returned either by email or United States Mail as follows:

**Email:** [Divisions@pef.org](mailto:Divisions@pef.org)

OR

**Mailed – All mailed petitions must be sent to:**  
NYS Public Employees Federation  
c/o the Divisions Department  
P.O. Box 12414, Albany, New York 12212-2414

Mailed petitions must be received no later than 5:00 pm on April 3, 2023. Received means “delivered by mail or email not mailed by or postmarked by.” **Petitions cannot be hand delivered to PEF Headquarters or Regional Offices.** Faxed petitions will not be accepted.

If regular mail is used, please allow ample time for mailing.

If certified mail is used, a return receipt may be requested, although this is not required. Please note that certified mail sometimes takes longer than regular mail.

Postal failures or inadequacies are a matter between the individual submitting the petitions and the post office. Delivery delays and/or failures are not grounds for appeal. Allow five days or more for mailing, to be safe.

Petitioning results will not be given out over the phone. All petitioners will receive a letter by **April 25, 2023** announcing the outcome of the petitioning process.

9. Where the number of valid nominees is equal to or less than the number of authorized constituency delegates, no election will be required. Nominees will be so notified.
10. No PEF or employer resources (staff, office equipment, etc.) may be used for electioneering, and no PEF dues money shall be expended for this purpose. This includes PEF headquarters, regional offices and local divisions or councils.
11. No person shall use the PEF logo or letterhead on any written or printed material for campaign or endorsement purposes in any PEF election.
12. Division newsletters may not endorse or contain material that appears to endorse any candidate for delegate.
13. In addition to the above rules, the PEF Code of Ethics will apply to all election activities, which is found in the PEF policy manual.
14. Failure to meet any of the above requirements or deadlines is not appealable.

## Rules for Delegate Elections

1. No PEF or employer resources (staff, office, equipment, etc.) may be used for electioneering, and no PEF dues money shall be expended for this purpose. This includes PEF Headquarters, Regional Offices and Local Divisions or Councils.
2. No person shall use the PEF logo or letterhead on any written or printed material for campaign or endorsement purposes in any PEF election.
3. Division newsletters may not endorse, or contain material that appears to endorse, any candidate for delegate.
4. In addition to the above rules, the PEF Code of Ethics will apply to all election activities, which is found in the PEF policy manual.

#### A. Appeals to the Delegate Elections Committee

1. Any current PEF member who believes he/she is aggrieved by anyone's alleged violation of the Delegate Election rules or any alleged misapplication or misinterpretation of the PEF Constitution or any PEF policy or procedure concerning Delegate Elections and has filed a petition during the regular election period may appeal such to the Delegate Elections Committee.
  - a. There shall be a time limit of fifteen (15) calendar days following the close of petitioning or end of balloting for filing appeals to the Delegate Elections Committee.
2. The appeal shall be submitted on a Delegate Elections Appeal Form and filed with the Delegate Elections Committee in person or by mail at PEF Headquarters. The appeal shall contain a concise, factual statement of the facts of the alleged violation, misinterpretation, or misapplication. Upon receipt of the appeal, the Delegate Elections Committee shall notify, in writing, persons as may be deemed appropriate, of the appeal. Such persons shall then have 10 working days from notification of the appeal to make a written response to the Committee.
3. The Delegate Elections Committee shall review the appeal, if appropriate, and shall use its best efforts to render a decision in writing within 30 calendar days of receipt of the appeal.

#### B. Appeals to the Credentials Committee

4. The Delegate Elections Committee's decision may be appealed to the Credentials Committee to be heard on the Sunday evening prior to the start of the Convention. The appeal must be submitted to PEF's Secretary/Treasurer via email or mail within 15 calendar days following the date of the written decision of the committee. If a petition was not filed during the regular election period, the member may not appeal to the credentials committee.
5. For Those Constituencies Requiring Elections:
  - a. Ballots will be mailed on **April 21, 2023**.
  - b. Completed ballots must be returned to the PEF post office box in Albany, NY as printed on the nominating petition, by 5:00 p.m. on **May 15, 2023**.
  - c. The ballot count will commence on **May 17, 2023**, at PEF Headquarters in Albany, NY.
  - d. Those wishing to observe their election count must notify the Delegate Election Committee by **May 8, 2023**.
  - e. Ties will be broken by the following method:  
Each candidate's name will be placed in a container, and a random drawing will take place.
  - f. Ballot results will not be given out over the phone. Candidates will be notified by **June 7, 2023**, as to the outcome of the balloting process. A full listing of the convention delegates will be announced on the PEF Website by **June 7, 2023**. Alternate delegates

will be identified by rank as established by order of vote tally.

6. If a delegate leaves his or her constituency between the closing date for nominations and the starting date of the convention, the following rules apply:
  - a. If the move was due to an involuntary transfer or a layoff within the PS&T unit, the delegate may attend the convention.
  - b. If the move was due to a voluntary transfer or promotion within the PS&T unit, the delegate may not attend the convention. If an elected alternate is available, they will be notified.
  - c. If a delegate leaves his/her constituency due to retirement or resignation, the delegate may not attend the convention.
  - d. If a delegate has been off a current payroll (not paying union dues) for more than three (3) months, the delegate may not attend the convention.
7. If any delegate is unable to attend the convention for any reason, including, but not limited to the above situations, written notification must be received by the Delegate Elections Committee, at PEF Headquarters by, **September 6, 2023**, to allow sufficient time to notify any available alternate there may be, to attend the convention in their place.

### Convention Delegate Information

**The 2023 PEF Convention will be held Sunday, October 15 through Wednesday, October 18, in Syracuse, New York.**

Delegate representation to the Convention shall be assigned on a one member/one vote basis with one delegate per fifty (50) regular members or major fraction thereof. Representation for the Convention shall be based on the number of regular members paying dues as of the first pay period in March preceding the Convention.

Apportionment is based on the size and geographic breakdown of the department as described in PEF's Constitution. If there are too few members in an election district, the Committee in consultation with the Executive Board member will combine the district with another district of common interest.

If you are interested in running as a delegate from your department, review the delegate apportionment list and locate your Agency's Name, Delegate Constituency Number and Agency Code Number. Directly across from the name will be the type of apportionment identified for your work site.

Division Convention Stipend – Every division that pays a stipend must pay the same stipend to all delegates from their division.

