

Michael R. Cuevas (Chair, 1998-2006)

On June 16, 1998, the New York State Senate confirmed Governor George Pataki's nominee, Michael R. Cuevas, as the fourth Chair of the New York State Public Employment Relations Board, to fill the unexpired term of the previous Chair, Pauline Kinsella.

A native of Brooklyn, NY, Michael received his Bachelor's Degree in Economics from New York University and his Juris Doctor Degree from Albany Law School of Union University. After privately practicing law in Schenectady, NY, he served as Corporation Counsel for the City of Schenectady from 1992 to 1995. In 1996, he was appointed as Chair of the New York State Unemployment Insurance Appeal Board, where he served until his appointment as PERB's Chair.

When Michael arrived at PERB, the Chair's position had been vacant for over six months. That vacancy, coupled with the vacancy in the position of one of the Board's per diem members, had left the agency without the ability to render decisions on any appeals taken from the decisions of the Director of Public Employment Practices and Representation and that section's Administrative Law Judges. There was a growing backlog of seventy-five cases ready for Board action. In a statement that was to be indicative of Michael's approach to his role as PERB Chair, he was quoted in his first message in the PERB News: "I'm ready to roll up my sleeves and get to work."

Over the next six months, the Chair conducted several meetings throughout the State where he, along with PERB per diem member, Marc A. Abbott, Esq., met informally with various clients of PERB at receptions co-sponsored by PERB, Cornell ILR and Cornell/PERC Institute on Conflict Resolution, to discuss both employee and employer concerns. These meetings were held in New York City, Long Island, Buffalo and Albany and set the tone of increased access by PERB's clientele to the Board that was to continue throughout Michael's tenure.

From July to October 1998, Chairman Cuevas and Board Member Abbott met regularly and intensively with Deputy Chair John M. Crotty and Assistant Counsel to the Board, Deborah A. Sabin, to address the backlog of cases awaiting Board action. By the end of October 1998, the Board had issued sixty-eight decisions, while staying current with incoming caseload, thus eliminating the case backlog. John T. Mitchell, Esq. joined the Board later in 1998 to bring it back to its full complement.

Almost from his first day in the Chair's office, Michael undertook a review of PERB's procedures and processes to determine how to better deliver PERB's services expeditiously and economically. Early on, he and Director of Public Employment Practices and Representation, Monte Klein, revamped that office's procedures for the scheduling of hearings.

On June 15, 1999, the New York State Senate unanimously confirmed Governor Pataki's appointment of Michael Cuevas to a new six-year term. In his first year at PERB, Michael had already begun instituting the changes that were to be emblematic of his time as PERB's Chair. Small changes, such as setting the hearing date in the hearing notice for cases in the Office of Public Employment Practices and Representation, were followed by more sweeping changes in the requirements for the initial and responsive pleadings received by that Office. Ever mindful of PERB's duty to process cases brought before it in a timely manner, as Chair, Michael constantly strove to afford the parties due process while reducing the expense of litigation.

Michael was not only interested in improving the services rendered by PERB's staff to its clientele but he also sought to improve the conditions under which PERB staff labored. From new office space in Buffalo to modern furnishings at all PERB offices, PERB became a more comfortable and attractive place in which to work. In February 2000, due to the efforts of PERB under Michael's leadership, the per diem rate for panel mediators and factfinders was increased from \$200 per day (inclusive of expenses) where it had been since 1984, to a more reasonable \$500 per day. The increase was made a budget priority at PERB and the Office of the Budget was convinced of the merits of PERB's arguments.

The new century brought a number of changes to PERB. In March 2000, Michael announced in PERB's News that the PERB website had been launched. He stated that with the creation and implementation of the website, PERB had taken a huge step forward in fulfilling one of its statutory functions to act as a clearing house of information relating to, conditions of employment of public employees throughout the state. He went on to note that "[w]e believe that we have built a web site that provides information regarding nearly every aspect of the issues we deal with at PERB. As our research capability expands, so too will information, statistics and analyses that we will be able to provide on these pages." In the following years, PERB's internal practices were revised and revamped to take advantage of new technology that would eliminate duplicative paper files that resulted in additional tasks for clerical staff, streamline scheduling and provide a broader database for case management.

Sadly, the following year, in the aftermath of the terrorist attacks on September 11, 2001, Chairman Cuevas announced revisions in the security procedures adopted by PERB. Stricter security was required at conferences and hearings and safety measures were implemented to handle mail and packages. Unlimited access to staff areas was no longer possible and visitors soon became used to signing in at PERB's offices.

But, even in the new era of stricter security, Michael continued to broaden PERB's accessibility to its clientele and the Board's interaction with its staff in the Buffalo and Brooklyn satellite offices. He instituted the practice of scheduling one Board meeting per year in PERB's Buffalo office and one in New York City. Michael was eager to expand access to the agency via technology as well. PERB forms became available on the website as well as on diskette. PERB decisions were accessible on both

LEXIS/NEXIS and Westlaw, with monthly summaries offered on PERB's website. The annual publication of the Official Opinions and Decisions of the Public Employment Relations Board became available on CD-ROM as well as in print.

As a graduate of Albany Law School, Mr. Cuevas was pleased to welcome the first Albany Law School interns in 1999. Serving as the supervising attorney for the law students who participated in the internships through the Law School's Field Placement Program, Mr. Cuevas noted in 2006 that "I believe as an attorney and as an Albany Law School alumnus, I have a professional and moral obligation to assist in the education of the lawyers of tomorrow. Of course, PERB benefits from participating in the program by having the law student interns do valuable legal research and writing, and by having fresh faces with new ideas, different perspectives, and questioning minds in the office to provide intellectual stimulation and the views of the current generation to our mature and seasoned staff. It's a win-win situation."

On December 27, 2006, Michael Cuevas resigned from his position as PERB's Chair and became the Chief Counsel to the New York State Assembly Minority. In announcing his resignation, he noted "I believe that together we have accomplished much and have served the people of the State of New York well. PERB is in a better position than it was eight years ago: The Buffalo office is set to move into new space, with a floor plan that makes much more sense than that which was originally proposed; all of our offices are better equipped; our agency electronic communication network is more secure and more efficient than most; we all have high speed internet access; our professional staff has on-line research capabilities; our contract database has over 3200 current collective bargaining agreements that we can provide to requestors at the touch of a few keystrokes, along with Interest Arbitration awards, Fact Finder reports, PERB decisions and *PERB News*; we can prepare nearly all publications in-house, at a much lower cost than ever before; survey and arbitration document preparation has been largely automated, 15 law students have served as interns and have learned the basics of public sector labor law; and a body of case law has been developed that explains the mutual nature of collective negotiations and holds both parties to their responsibilities, while protecting the rights of each."

As Assistant Counsel to the Board and Acting Deputy Chair during Michael's term, I was always struck by his quiet and courteous demeanor, even during heated discussions at Board meetings, and his dry sense of humor. With a slight twist of his mustache and an unmistakable twinkle in his eye, he would deliver a wry remark that never failed to elicit a chuckle or diffuse an otherwise tense situation.

Michael's reserved nature sometimes camouflaged his deep sense of loyalty and compassion. He was unfailingly supportive of Deputy Chair and Counsel Robert DePaula during his long illness. I still remember that he traveled several hours to my hometown to attend my mother's funeral. And, an unrivaled fan of the New York Yankees, he shared tickets to the 2001 World Series with staff, and drove us to the November 1, 2001 game. Despite its very late conclusion, with a monstrous Yankee's

win, he got us back to Albany in good time, insisting that none of us be late for the next day's monthly staff meeting. And we were all there, bleary-eyed and hoarse, but grinning.

Michael Cuevas is currently Of Counsel to the law firm of Roemer, Wallens, Gold & Mineaux.

Deborah A. Sabin, Arbitrator and Author
Former Administrative Law Judge, Assistant Counsel to the Board,
Acting Deputy Chair and Assistant Director to the Board