

Eva Robins — Port Authority ER Panel Chair

In March, 1992, Pauline Kinsella and James Mastriani, Chair of the New Jersey PERC, made a joint recommendation that the Port Authority of New York and New Jersey appoint Eva Robins as Chair of the Employment Relations Panel. That appointment has now been made and approved by Governors Cuomo and Florio. A vacancy had existed on the panel due to the untimely death of David C. Randles.



Eva Robins

Ms. Robins is a distinguished labor attorney who has mediated and arbitrated labor disputes in both the public and private sectors since 1957 and who is a past president of the National Academy of Arbitrators. Ms. Robins served with the New York State Board of Mediation for 10 years until 1967. Until 1972, she was Deputy Chair and Executive Director of the New York City Office of Collective Bargaining. Ms. Robins has been the recipient of many honors including the Distinguished Service Awards of AAA and FMCS. She was honored last year as an outstanding labor relations professional in this Newsletter in celebration of Women's History Month. She has authored numerous publications including articles on labor-management, arbitration ethics and professional conduct as well as the highly regarded text, *A Guide for Labor Mediators*. The Port Authority is indeed fortunate to have Ms. Robins on the Employment Relations Panel. William Weinberg and Joel Weisblatt continue to serve with Ms. Robins as members of the Panel.

Taylor Law Conference— A Great Success

On May 7 and 8, the Albany Law School Government Law Center, with PERB and the Labor and Employment Law Section of the New York State Bar Association, held a conference to commemorate 25 years of the Taylor Law. As our subscribers who were in attendance know, the conference was well attended and enjoyed by all. The approximately 400 people who attended — advocates, practitioners, government and union officials and individual representatives — found the program to be an enriching experience in that a great range of views was expressed by both panelists and audience. High points of the conference included the luncheon speech by Dean David Lipsky of Cornell ILR and the dinner speech by Lieutenant Governor Lundine. A summary of the Lieutenant Governor's speech appears in this newsletter. Dean Lipsky offered statistics and commentary to show that the Taylor Law has been very successful, not only in keeping labor peace but also in contributing to the productivity of the public sector. He urged us to look to the challenges ahead.

Presentations of three thought-provoking papers were made on: Scope of Bargaining by Professor Mary Helen Moses, Duty of Fair Representation by Professor Vincent Bonventre and Impasse Procedures by Professor Anthony Baldwin. The presentations and panel and audience responses were enhanced by the participation of many well-known figures who expressed their candid views.

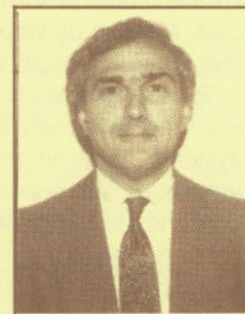
The roundtable panel, moderated by Lewis Kadin, of the final morning was highlighted by the invaluable perspectives of distinguished professionals

who have had a significant impact in the labor field in New York and elsewhere, such as Professor Reginald Alleyne, University of California Law School; Eva Robins; Donald Wollett, a former Director of OER; and Professor John Dunlop, Harvard University. Professor Dunlop, the only surviving member of the original Taylor Committee, commented on the changes in the Taylor Law over the last 25 years and the impact on appropriation authority that the Taylor Law now has through interest arbitration.

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Notes on PERB Staff

We are pleased to announce that the latest addition to PERB staff will be Anthony G. Insogna. Tony will join the Office of Conciliation in June as a Public Employment Mediator, filling the vacancy created by the retirement last year of Ben Falcigno. Tony comes to us from the State Labor Department, where he assisted in the development of labor management committees and the implementation of the tremendously successful Governor's Excelsior Award program. Tony has over twenty years' experience, much of it at the local level in the area of human resources and labor relations. In the



Anthony G. Insogna

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Flexibility Needed in Personnel Systems

A Perspective on the Taylor Law

A Summary of Remarks

By Lt. Governor Stan Lundine

At the 25th Anniversary Conference on the Taylor Law

May 7, 1992

The Taylor Law, which New York State enacted 25 years ago, has created fundamental changes in public service — both in terms of the protection it offers public employees and how it impacts all of us in the public sector.

The Taylor Law has enhanced relationships between employers and employees, fostered growth in public sector unionization and created a fairer system of bargaining and decision-making.

The Law has helped ensure the delivery of vital services to the people of this State. And it is a real source of pride for New York. The Taylor Law became the model for public sector bargaining acts in other states.

Now is the time to take another step forward. The Silver Anniversary of the Taylor Law provides us with a golden opportunity to reexamine the Law and explore ways to improve it.

For example, when the Taylor Law was enacted, existing Civil Service Law remained in place. This overlay has created some problems and inefficiencies. Most of us would agree the current structure needs to be streamlined.

To meet the needs of today's society, we must have more flexible personnel systems. Governments should practice innovation and encourage creative approaches to public service.

I'm not saying we should throw out either of the existing systems. I believe very strongly in collective bargaining. But beyond labor agreements, we need a more comprehensive, integrated human resources system in the public sector.

As a first step towards change, Governor Cuomo has introduced a program bill which attempts to rationalize our state personnel system. I think this is one important proposal we must em-



brace. All of us — unions and management — must have the courage to step forward and solve the problems that plague the current system.

We can preserve and strengthen public employees' rights, while creating a more rational structure within which those employees work.

In the long term, I envision a new era of higher quality public service, with better-skilled, motivated workers and satisfied taxpayers.

Today's pervasive dissatisfaction with government is not just a result of a faltering economy and difficult budgets. It comes from a growing belief that government is unresponsive and ineffective. People don't believe their taxes are being put to good use — or *any* use that improves their lives.

We should focus on two specific goals. First, labor-management cooperation. As the years ago by, it seems more and more obvious that cooperation, employee involvement in decision-making and open communication should be the cornerstones of every workplace.

In the public sector, this type of

cooperation is more the exception than the rule. Union-management discussion frequently comes only at contract time, not when policies and procedures are developed.

Second, a spirit of cooperation should be part of an even broader commitment to quality. Total quality management is a way to run an organization through flexible, decentralized, streamlined operations. In the quality workplace, the employees are skilled and empowered. The aim is to prevent errors, complaints and waste, and to ensure higher productivity and, of course, satisfied customers.

In the public sector, quality is more complex. There's no profit motive. But quality is equally important in government. It's *especially* critical today given the deterioration of the economic and fiscal condition at all levels — national, state and local. The public is demanding government efficiency and accountability.

The times demand creativity, not business as usual, and New York can be in the forefront of nationwide change. Together, we can build on the foundation of the Taylor Law and leave a legacy of high-quality effective public service to the people of this State.

Erratum Note

In our March Newsletter, we had two errors in our brief biographies of the women honorees. Dr. Clara Friedman attended Columbia University but is not, as was indicated, on the graduate faculty. The book, *A Guide for Labor Mediators*, was authored by Eva Robins, with Tia Denenberg serving as researcher and editor; i.e., Eva Robins (with Tia Denenberg). We had inadvertently reversed this order.

Notes . . .

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early 80's, he served as City Manager for the City of Schenectady. We look forward to having Tony with us to help handle our growing mediation caseload.

We also note the shift of two existing staff. David Quinn, Administrative Law Judge, as of the end of May, will have joined our Office of Counsel. Sandra Nathan, formerly of our Counsel's Office, will have moved to the Office of Representation. We anticipate that these shifts will enable us to share talent across offices and provide opportunities for change and variety.

Finally, we are proud and pleased to offer congratulations to Marilyn D. Zahm, our Buffalo Regional Director. Marilyn was honored this month by the Western New York Chapter of the Industrial Relations Research Association as

its "Person of the Year." We think Western IRRRA made a great choice!

Taylor Law . . .

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The primary consensus that emerged from the conference was that, on the whole, the Taylor Law has been successful and no major changes are called for. There were, however, a number of themes which repeatedly emerged. These include the following — the parties must take more responsibility in the collective bargaining process; more information and research is needed; all parties, including neutrals, must be well prepared; "scoping out" still poses problems. We will be working with the Law School to provide opportunities for further discussion of these issues. In the meantime, the papers and conference proceedings will be published. We are grateful for the effort put forth by many to create a successful conference.

PERB NEWS

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New York State
Public Employment Relations Board
80 Wolf Rd., Albany, NY 12205-2604

Pauline R. Kinsella, *Chair*
Walter L. Eisenberg, *Member*
Eric J. Schmertz, *Member*
Rosemarie V. Rosen, *Executive Director*

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Published monthly by PERB

ALJ DECISIONS

COUNCIL 82, AFSCME—STATE OF NEW YORK (DOCS) David P. Quinn found that the employer violated the Act when one of its senior officers informed unit members that the continued filing of grievances might precipitate the closing of Summit Shock Correctional Facility. (U-12364, 3/17/92)

CSEA, INC.—STATE OF NEW YORK (OFFICE OF STATE COMPTROLLER) Monte Klein dismissed a charge which alleged that the State had violated the Act by failing to promote a union officer, and by unilaterally restricting the number of union officials who could utilize employee organizational leave on any specific grievance. (U-12270, 3/18/92)

BUFFALO TEACHERS FEDERATION—BUFFALO CITY BOARD OF EDUCATION Jean Doerr dismissed a charge which alleged that the employer had violated the Act by repudiating the parties' collective bargaining agreement with regard to adherence to the grievance procedure. (U-11506, 3/19/92)

CSEA—BURNT HILLS-BALLSTON LAKE CSD Kenneth J. Toomey found that the District violated the Act when it unilaterally abolished the position of computer operator and assigned those duties to nonunit positions. He ordered that the position be restored. (U-12418, 3/20/92)

SCHENECTADY PBA—CITY OF SCHENECTADY Kenneth J. Toomey conditionally dismissed a charge which alleged that the City had violated the Act by subcontracting certain unit work. He deferred the matter to the parties' grievance procedure. (U-12459, 3/23/92)

JOHN LABARBARA—AFSCME, COUNCIL 66—ERIE COUNTY WATER AUTHORITY Jean Doerr dismissed a charge which alleged that the union had breached its duty of fair representation in failing to pursue a grievance filed by the charging party. (U-12167, 3/23/92)

BUFFALO PBA—CITY OF BUFFALO Jean Doerr dismissed a charge which alleged that the City had violated the Act by unilaterally issuing a rule and regulation for the government and discipline of the police department. (U-11851, 3/23/92)

TOWN OF WEBB TEACHERS ASSN—TOWN OF WEBB UFSD Gordon R. Mayo found that the District had violated the Act when it unilaterally extended the work year of unit employees to 185 days. He ordered that the longstanding 182 day calendar be immediately restored. (U-12653, 3/23/92)

LUCY D. WALLER—ATU, LOCAL 1342—NIAGARA FRONTIER TRANSIT Jean Doerr dismissed a charge which alleged that the union violated the Act by failing to respond to the charging party's grievances. (U-12637, 3/23/92)

CSEA—HEWLETT-WOODMERE UFSD Philip L. Maier conditionally dismissed a charge which alleged that the District violated the Act by unilaterally changing an established past practice regarding overtime. He deferred the matter to the parties' grievance arbitration procedure. (U-13188, 3/27/92)

WAPPINGERS CSD—CSEA Kenneth J. Toomey dismissed a charge which alleged that the union violated the Act by unilaterally attempting to change a term and condition of employment. (U-12304, 4/3/92)

CSEA—COUNTY OF NASSAU Philip L. Maier found that the County violated the Act by unilaterally abolishing an established past practice of providing free coffee during work breaks to unit employees at the County Geriatric Center. He ordered the prior practice restored. (U-12695, 4/10/92)

ROCKVILLE CENTRE ADMINISTRATORS ASSN—ROCKVILLE CENTRE UFSD Philip L. Maier found that the District violated the Act when it unilaterally assigned teaching duties to the District Director of Music and Performing Arts, in addition to his administrative duties. He ordered the teaching assignment rescinded. (U-12589, 4/10/92)

COUNCIL 66, AFSCME—CITY OF LOCKPORT Jean Doerr conditionally dismissed a charge which alleged that the City had violated the Act by unilaterally changing a provision of the parties' collective bargaining agreement. She deferred the matter to the parties' arbitration procedure. (U-13129, 4/20/92)

JAMESTOWN SUPPORT STAFF ASSN—JAMESTOWN PUBLIC SCHOOLS Jean Doerr conditionally dismissed a charge which alleged that the District violated the Act by laying off custodial workers and subsequently changing the job descriptions of the remaining employees so as to cause an increase in workload. She deferred the matter to the parties' grievance arbitration procedure. (U-13103, 4/20/92)

TOWN OF GREENBURGH—POLICE ASSN OF THE TOWN OF GREENBURGH—Susan A. Comenzo found that the union violated the Act by submitting certain non-mandatory negotiation proposals to interest arbitration. She ordered that the non-mandatory demands be withdrawn. (U-12815, 4/21/92)

CSEA—COUNTY OF NASSAU Deborah A. Sabin dismissed a charge which alleged that the County had violated the Act by denying a unit employee's request to return early from childcare leave and by unilaterally terminating the employee's supplemental sick leave, both in violation of an established past practice and because of anti-union animus. (U-10752/U-11826, 4/21/92)

PERB DECISIONS

Board

Improper Practice

SCHENECTADY PBA—CITY OF SCHENECTADY The Board denied the parties' exception, affirmed the ALJ's decision and ordered the City to cease implementation of unilateral procedures in the implementation of payment to injured officers under the General Municipal Law. (U-11559, 4/30/92)

CSEA LOCAL 1000, MASSENA MEMORIAL HOSPITAL UNIT—MASSENA MEMORIAL HOSPITAL The Board affirmed the negotiability of the Hospital's smoking ban and ordered its rescission except in the main lobby, old chapel and cafeteria. The cafeteria exception was added by the Board on the finding that it was open to patients as members of the public. (U-11846, 4/30/92)

CSEA—STATE OF NY (DEPARTMENT OF LAW) In affirming a decision of the Assistant Director, the Board found that the State had unilaterally imposed a total smoking ban on employees in the Concourse Annex. The ban was ordered rescinded and the prior smoking policy restored to the extent consistent with the Clean Air Act. (U-11849, 4/30/92)

HEMPSTEAD CLASSROOM TEACHERS ASSOCIATION—HEMPSTEAD PUBLIC SCHOOL DISTRICT Dismissed charges and affirmed the ALJ's decision that the District's obligation to make longevity payments ended with the contract by the clear terms of the contract itself. (U-11934, 4/30/92)

CSEA LOCAL 1000, ALBANY COUNTY DSS UNIT—COUNTY OF ALBANY Affirmed the dismissal of the charge of the decision of the Director that the County acted within what it believed to be the terms of its contract with CSEA when it warned the local president of disciplinary action if she continued to post certain materials on the County's bulletin boards. (U-12160, 4/30/92)

Director

Improper Practice

STATE OF NEW YORK (STATE POLICE)—PBA OF NEW YORK STATE TROOPERS The Director found that the State acted improperly in failing to make increment and longevity payments during the negotiations for a successor to the 1988-91 contract. He found no contractual language which would limit the application of the incremental salary schedule. (U-12816, 5/19/92)

CLARKSTOWN ADMINISTRATORS ASSOCIATION—CLARKSTOWN CENTRAL SCHOOL DISTRICT The Director dismissed the charge of a violation of §209-a.1(e) finding the District's testimony convincing in the history and intent of language it interpreted to sunset salary increments. (U-12869, 4/28/92)

CSEA, LOCAL 856, CITY OF KINGSTON UNIT—CITY OF KINGSTON The Director found that the City acted improperly in unilaterally changing the contribution for and provision of health insurance to employees on unpaid leave and ordered restoration of the practice. (U-12887, 5/12/92)

PUBLIC EMPLOYEES FEDERATION—STATE OF NEW YORK The Director found that the State did not act improperly in refusing to continue certain contractual benefits. He found language in the pertinent articles of the expired contract to show a sunset of the benefits. (U-12394 / U-12452, 4/20/92)

Representation

UNITED INDUSTRY WORKERS, LOCAL 424—SOUTH HUNTINGTON UNION FREE SCHOOL DISTRICT The challenge to an election made by Local 144, SEIU was dismissed on the finding that the representative character of the vote was not compromised. (C-3885, 4/30/92)

Certifications

SCHOOL ALLIANCE OF SUBSTITUTES IN EDUCATION has been certified to represent all per diem substitutes who have reasonable assurance of continued employment by the Shenendehowa Central School District. (C-3878, 4/30/92)

CHARLES W. SOULE POLICE BENEVOLENT ASSOCIATION has been certified to represent temporary and full-time patrolmen and officers of the Village of Herkimer. (C-3880, 4/30/92)

UNITED INDUSTRY WORKERS, LOCAL 424 has been certified to represent all custodians, groundskeepers, maintainers and cleaners in the Seaford Union Free School District. (C-3886, 4/30/92)

UNITED INDUSTRY WORKERS, LOCAL 424 has been certified to represent employees in various titles in categories of clerical, custodial, data processing and instruction related in the Second Supervisory District of Suffolk County, BOCES II. (C-3892, 4/30/92)

MIDDLETOWN NURSES ASSOCIATION has been certified to represent all professional nurses in the title of School Nurse in the City School District of Middletown. (C-3910, 4/30/92)

TOWN OF NORTH SALEM POLICE BENEVOLENT ASSOCIATION, based on the results of a mail ballot election, is decertified as the representative of the part-time police officers, sergeants and lieutenants of the Town of North Salem. (C-3913, 4/30/92)

SCHOOL ALLIANCE OF SUBSTITUTES IN EDUCATION has been certified to represent all per diem substitute teachers except those appointed to a temporary position in the Burnt Hills-Ballston Lake Central School District. (C-3915, 4/30/92)

ORANGE COUNTY CORRECTION OFFICERS BENEVOLENT ASSOCIATION (COBA) The Board affirmed the Director's decision to dismiss objections by the Orange County Deputy Sheriff's Association and remanded the case for an election as ordered. (C-3846, 4/30/92)

PERB Newsletter
NYS Public Employment Relations Board
80 Wolf Road, Albany, NY 12205-2604

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