

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.

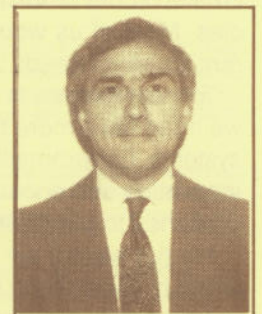
The roundtable panel, moderated by Lewis Kadin, of the final morning was highlighted by the invaluable perspectives of distinguished professionals

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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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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