



RESOLUTIONS

October 23-26, 2022

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Workplace Issues and Benefits

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RESOLUTION 1

Perfecting the Civil Service and Merit System

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3 WHEREAS: The mission of NYS Civil Service is to build the New York State workforce by
4 promoting a diverse, inclusive, and talented workforce, based on merit, fitness, and equality of
5 opportunity; and,

6
7 WHEREAS: All New Yorkers have the right to expect that the Civil Service rules that affect
8 hiring, promotions, layoffs, transfers, and other aspects of holding state employment will be fair,
9 supportive of the merit system, result in the best candidate/employee for the job, and open to
10 public scrutiny; and,

11
12 WHEREAS: There are inherent problems within the current, ancient system, including the length
13 of time between administering tests, limiting places where the tests can be given, all of which
14 effect the hiring and promotion of needed employee; and,

15
16 WHEREAS: New York State employees/PEF members have seen firsthand that there are many
17 hiring and promotional practices by agency management that manipulate the loopholes and
18 weaknesses of the current system resulting in hiring and promotion that can be inherently
19 subjective, resulting in cronyism, discrimination, and favoritism, and lead to many highly
20 qualified members unfairly losing the opportunity for promotional experiences.

21
22 THEREFORE, BE IT RESOLVED: That PEF's civil service and the legislative department will
23 form a work group to analyze the current Civil Service law, rules and practices that create the
24 most difficulty for our members to have access to a fair and equitable hiring and promotional
25 practices. This will include NYS civil service agency budget needs, member and public access
26 to examinations, transfer determinations, Selective Certification Hiring and Promotional process,
27 as well as other civil service concerns identified within our 2022 State legislative agenda.

28
29 BE IT FURTHER RESOLVED: This work group will include input from members via survey as
30 to their concerns and experiences within various agencies to assess the scope of the problem in
31 each agency.

32
33 BE IT FURTHER RESOLVED: This group will report back to the executive board by the spring
34 of 2023 with recommendations for legislative and political advocacy.

35
36 FISCAL IMPACT: The fiscal impact should be minimal as PEF already has an appointed civil
37 service committee that can work with the PEF legislative and civil service
38 department. Additionally, the survey can be done "in house" with support from the training,
39 communications and organizing departments.

40
41 Wayne Spence, PEF President
42 Joe Donahue, PEF Secretary-Treasurer
43 Darlene Williams, PEF Vice President
44 Randi DiAntonio, PEF Vice President
45 Sharon DeSilva, PEF Vice President
46 Bruce Giddings, PEF Trustee

- 47 Christopher Buman, PEF Trustee
- 48 Shelby Wisneski, PEF Regional Coordinator R2
- 49 Leisa Abraham, PEF Regional Coordinator R3
- 50 Nora Higgins, PEF Regional Coordinator R12
- 51 Danielle Bridger, PEF Regional Coordinator R8
- 52 Michele Silsby, PEF Regional Coordinator R1
- 53 Gina Corona, PEF Regional Coordinator R4
- 54 Bernadette O'Connor, PEF Regional Coordinator R11
- 55 Radhakrishna Mohan, PEF Regional Coordinator R10
- 56 Barbara Stransky, PEF Regional Coordinator R7
- 57 David Dubofsky, PEF Regional Coordinator R5
- 58 Conrad Davis, PEF Executive Board

59 Gregory Salamida, PEF Executive Board

60

61 **Resolution 1 Staff Comments:**

62

63 This Comment was prepared by the Civil Service Department

64

65 The Civil Service Department welcomes the opportunity to educate and engage members on the
 66 tenets of New York State Civil Service Law, rules, and regulations. We support efforts to bring
 67 PEF staff and members with an interest in the NYS merit system together in conversation.

68

69 This Comment was prepared by the Legislative Department

70

71 No comment

72

73 Comment on Fiscal Impact

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75 There would be minimal direct cash expenses for this resolution.

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<input type="checkbox"/> Adopted as Printed <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Postpone Indefinitely <input type="checkbox"/> Referred to _____

RESOLUTION 2

Ending Hostile Workplaces

1
2 WHEREAS: PEF believes that all employees of the State of New York have the right to be
3 treated with respect, dignity, and fairness in the workplace; and,

4 WHEREAS: PEF further believes that all employees have the right to a workplace free of
5 workplace impediments, dangers, or actions of aggression, harassment, discrimination,
6 unwarranted discipline, intimidation, demeaning, or degrading actions that could be considered a
7 hostile or unsafe work environment; and,

8 WHEREAS: NYS established the Workplace Violence Law in 2006, recognizing workplace
9 violence as actions that negatively effects the workplace and employees, and limit the
10 employees' ability to perform the services needed for NYS residents and agencies. NYS only
11 recognizes Workplace violence as physical assault or actions of aggression or intentional display
12 of force or wrongful physical contact or stalking an employee; and,

13 WHEREAS: NYS has long refused to acknowledge or to define bullying, or a hostile work
14 environment as part of the definition of work place violence, despite the fact that the negative
15 effects of a toxic work environment of bullying, demeaning, offending, intimidation or degrading
16 actions can be at least, if not more, damaging for the health of the worker and for the
17 workplace, as physical actions of violence; and,

18 WHEREAS: PEF and PEF members in certain agency and facilities know firsthand the
19 prevalence of the hostilities in the work environment, and continue to express to these agencies
20 said prevalence and the effects on the workers and their work, hostile actions are tolerated by the
21 agency or facilities and result in increased stress, illness, accidents, workers compensation, and
22 ultimately has led to problems with recruitment and retention as good employees leave their jobs;
23 and,

24 WHEREAS: New York State public employees have worked under an outdated law that has not
25 recognized toxic work environments that has led to significant issues of retention and
26 recruitment of workers, poor mental health of workers who have been targeted or otherwise
27 affected and is in violation of the rights of all workers to have a workplace free of hazards to
28 health and well-being.
29

30 THEREFORE, BE IT RESOLVED: PEF Health and Safety, PEF Legislative department along
31 with PEF Contract Administration will form a work group to discuss, evaluate, and work on
32 enforceable contractual or legal definitions and remedies to these toxic encounters that will
33 include, but are not limited to:

- 34 1. The ability to file a toxic workplace, or bullying, complaint
35 2. Movement of complaints to Executive Labor management
36 3. Quick resolved for members who are suffering in an environment of hostile/toxic
37 situation

38 FISCAL IMPACT: would be minimal, as staff already has these departments, and the contract
39 team is actively meeting.

40
41 Wayne Spence, PEF President
42 Joe Donahue, PEF Secretary-Treasurer
43 Darlene Williams, PEF Vice President
44 Randi DiAntonio, PEF Vice President
45 Sharon DeSilva, PEF Vice President
46 Bruce Giddings, PEF Trustee
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56 Barbara Stransky, PEF Regional Coordinator R7
57 David Dubofsky, PEF Regional Coordinator R5
58 Conrad Davis, PEF Executive Board
59 Gregory Salamida, PEF Executive Board

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64 **Resolution 2 Staff Comments:**

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66

This Comment was prepared by the Contract Administration Department

67

68 From a Contract Administration standpoint, if this resolution is adopted, we know of no
69 contractual reason PEF cannot make such a proposal in Contract Negotiations. We also note that
70 there are currently no New York State or Federal laws that prohibit bullying or creating a hostile
71 work environment (unless the bullying/hostility involves workplace violence or if the
72 bullying/hostility occurs because of certain protected class characteristics). We do note that in
73 2020, Puerto Rico passed a law to prohibit abusive conduct against employees in the workplace
74 that affects worker performance, alters workplace peace, and threatens the dignity of employees.
75 If the resolution passes, and PEF decides to make a contractual proposal, we can use the
76 requirements and definitions in that law as a model if the workgroup agrees, or of course use
77 other sources/authorities.

78

79 We suggest one technical change: In lines 32, 34 and 36, the resolution uses the word “toxic” a
80 synonym for “hostile.” We would recommend using the word “hostile” throughout the
81 resolution, to avoid confusion as to what “toxic” is intended to mean in this context.

82

83 This Comment was prepared by the Legislative Department
84 PEF has already developed and had legislation introduced to define “abusive conduct/workplace
85 bullying” and providing for required training for all state employees to identify inappropriate
86 conduct (S.9437).

87
88 This Comment was prepared by the Health and Safety Department

89
90 We have no concerns with the resolution as written. The PEF H&S Department has a long
91 history of helping PEF members, officers, and staff on bullying and hostile work environments.
92 We have participated with various credentialed universities and government public health
93 organizations on studying the prevalence and impact of bullying on the State workforce and
94 developed and delivered high quality training materials and intervention programs on workplace
95 bullying and conflict. Our department has been involved in various bullying bill proposals over
96 the past 10 years. We were an integral part of developing workplace violence prevention
97 legislation that led to the Workplace Violence Prevention law. At the initial hearings for the
98 promulgation of the Workplace Violence Standard, we testified and lobbied for bullying and
99 conflict to be in the final rule. We also testified at the OSHA hearings on developing a Federal
100 Workplace Violence Standard to include bullying and conflict in a national standard. We have
101 strongly advocated for that approach as bullying and co-worker conflict, if left unaddressed, will
102 escalate, and may lead to physical violence. Our factsheets and trainings have focused on how to
103 define bullying, identify, and respond to workplace violence and hostile workplaces, as well as
104 developing systems to address the issues in the agency/work location. These systems should
105 include among other things: management commitment/employee involvement, worksite risk
106 evaluations/determinations, hazard prevention and control, policy development, reporting
107 systems, impartial investigations, support systems, action plans, and training.

108
109 This Comment was prepared by the Legal Department

110 We do not see legal or constitutional impediments to the Resolution.

111
112 Comment on Fiscal Impact

113 There would be minimal direct cash expenses for this resolution.

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Adopted as Printed
Adopted as Amended
Defeated
Postpone Indefinitely
Referred to _____

RESOLUTION 3

Midterm Changes to Executive Board Constituencies

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3 WHEREAS: at each annual convention held immediately prior to a regular election of Executive
4 Board representatives the delegates representing any department allocated more than one
5 executive board seat must prior to the close of that annual convention present to the Secretary-
6 Treasurer that department's plan for the allocation of the executive board representatives to
7 specific constituencies within their department; and,
8

9 WHEREAS: the constituencies may be based on facility location, workstation, professional
10 function, title, classification groupings, regional areas, any combination of these, or any other
11 basis acceptable to a majority of a quorum of the delegates attending the departmental meeting;
12 and,
13

14 WHEREAS: after the apportionment is completed, changes are not made until the next
15 apportionment meetings three years later; and,
16

17 WHEREAS: events may occur which deprive a member or members from executive board
18 representation, including, but not limited to, apportionments done by job title when a new title is
19 created, a new agency or appointing authority is created and the agency code is not within a
20 defined EBoard constituency, or a work location is added that is not defined in a constituency.
21

22 THEREFORE, BE IT RESOLVED: that it be recommended to the President to direct the
23 Constitution and Bylaws Committee to review and evaluate the problem and propose solutions,
24 including any necessary constitutional amendments to insure membership representation in such
25 cases.
26

27 FISCAL IMPACT: Minimal, as the Committee already meets, and this would be an agenda
28 item.
29

30 Wayne Spence, PEF President
31 Joe Donahue, PEF Secretary-Treasurer
32 Darlene Williams, PEF Vice President
33 Randi DiAntonio, PEF Vice President
34 Sharon DeSilva, PEF Vice President
35 Bruce Giddings, PEF Trustee
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45 Barbara Stransky, PEF Regional Coordinator R7
46 David Dubofsky, PEF Regional Coordinator R5

47 Conrad Davis, PEF Executive Board
48 Gregory Salamida, PEF Executive Board

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52 **Resolution 3 Staff Comments:**

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54 This Comment was prepared by the Divisions Department

55 The Divisions Department sees no issues with the adoption of this resolution and agrees that this
56 is an issue which needs clarification.

57

58 This Comment was prepared by the Legal Department

59 We do not see legal or constitutional impediments to the Resolution.

60

61 Comment on Fiscal Impact

62 Agree with stated fiscal impact.

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RESOLUTION 4

Single Payer Health Care Plan Legislation

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3 WHEREAS: legislation has been introduced in New York State over the past years to provide for
4 a single payer health care plan; and,

5
6 WHEREAS: the policy behind a single payer health care plan may be laudable; and,

7
8 WHEREAS: versions of this proposed legislation lack specificity in the details of the level of
9 benefits for participants and the cost of the plan and may allow for unilateral imposition of
10 higher costs and lower benefits over time; and,

11
12 WHEREAS: versions of this proposed legislation give the Executive, the state's chief employer,
13 inordinate power of appointment on the board set with developing health plan benefits and
14 increasing the payroll tax to fund such benefits; and,

15
16 WHEREAS: versions of the proposed legislation do not provide PEF with direct, specific
17 representation on the board charged with developing health plan benefits and increasing the
18 payroll tax to fund such benefits; and,

19
20 WHEREAS: versions of this proposed legislation provide no benefit protections or out-of-pocket
21 cost controls for in-service members or retirees; and,

22
23 WHEREAS: versions of this legislation would remove the ability to collectively bargain these
24 benefits under the Taylor law; and,

25
26 WHEREAS: there remain questions around the effect of this plan on PEF members who are
27 retired and live out-of-state; and,

28
29 WHEREAS: PEF members have in the past traded potential wage increases for a health care plan
30 with predictable and dependable benefits.

31
32 THEREFORE, BE IT RESOLVED: that PEF make it a legislative priority to make sure that if
33 any such single health care plan is proposed in New York State it either: (1) carve out state and
34 local employee unions; or (2) pass a New York State Constitutional amendment to expand the
35 existing provisions of Article V, Section 7 that prohibit the diminution of pension benefits to
36 include health insurance benefits.

37
38 FISCAL IMPACT: Minimal, as PEF already has a Legislative department which works on
39 protecting PEF's members interests and a PAC which proactively advocates for such interests.

40
41
42 Wayne Spence, PEF President
43 Joe Donahue, PEF Secretary-Treasurer
44 Darlene Williams, PEF Vice President
45 Randi DiAntonio, PEF Vice President
46 Sharon DeSilva, PEF Vice President

- 47 Bruce Giddings, PEF Trustee
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- 54 Gina Corona, PEF Regional Coordinator R4
- 55 Bernadette O'Connor, PEF Regional Coordinator R11
- 56 Radhakrishna Mohan, PEF Regional Coordinator R10
- 57 Barbara Stransky, PEF Regional Coordinator R7
- 58 David Dubofsky, PEF Regional Coordinator R5
- 59 Conrad Davis, PEF Executive Board
- 60 Gregory Salamida, PEF Executive Board

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Resolution 4 Staff Comments:

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This Comment was prepared by the Legislative Department

This resolution represents PEF's current position on the "New York Health Act"

69

This Comment was prepared by the Contract Administration Department

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This resolution notes the significant problems with proposed legislation to establish a single payer health plan in New York State and resolves that PEF make it a priority to assure that if any such legislation is proposed in New York State that it includes a carve out for state and local employee unions or that a Constitutional amendment is passed expanding the existing provision that prohibits the diminution of pension benefits to include health insurance benefits. We know of no contractual impediment to the adoption of this resolution and recognize its effort to protect our contractually negotiated health benefits and the ability to continue to negotiate these benefits.

78

Comment on Fiscal Impact

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There would be minimal direct cash expenses for this resolution.

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<input type="checkbox"/> Adopted as Printed <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Postpone Indefinitely <input type="checkbox"/> Referred to _____

RESOLUTION 5

Elimination for Overtime Restriction for Healthcare Workers Based on Salary Grade

Whereas: Healthcare workers are essential workers

Whereas: Healthcare workers care for stable and unstable patients

Whereas: Sick calls can necessitate overtime

Whereas Unexpected events may require sudden increase in workload and time worked

Whereas the recent pandemic has illuminated the importance of having Healthcare workers available to meet the needs of patients

Whereas: There is currently a stipulation that NYS PEF members are deemed overtime ineligible above a salary grade 22

Therefore be it resolved that union shall put for efforts to eliminate the salary grade restriction for overtime among HealthCare workers.

Be it further resolved, that above efforts can be born out of contract negotiations, civil service, and legislative avenues.

Fiscal Impact: Negligible for staff and committee members that work/meet to enhance working conditions, be it contractual, legislative, or via civil service avenues.

Susan Billi
Vincent Cicatello
Carolyn Cole
Nora Higgins
Michele Silsby
Joseph Donahue

Resolution 5 Staff Comments:

This Comment was prepared by the Contract Administration Department

This resolution provides that PEF shall put forth efforts to eliminate the Salary Grade 22 restriction on overtime eligibility for healthcare workers through contract negotiations, civil service, and legislative avenues. As a general matter, eligibility for overtime is controlled by Federal law. Eligibility may also be provided through collective bargaining and that is how the Salary Grade 22 and below eligibility as contained in the PEF/State Agreement was achieved. If this resolution is adopted, we know of no contractual reason PEF cannot make such a proposal. Of course, we certainly cannot assure that such a contractual proposal would be agreed to by the State in our negotiations for a successor agreement. Although the application of this resolution to only health care workers could be divisive within our union, the rationale is clearly articulated and would not run afoul of PEF's bargaining obligations. Moreover, as written, it would not

47 prohibit the Contract Team from seeking to expand overtime eligibility for more than health care
48 titles as has consistently been proposed in past rounds of negotiations.
49

50 This Comment was prepared by the Civil Service Department

51 The guidelines of Payment of Overtime Compensation to State Employees are determined by the
52 Director of Budget (Division of the Budget) pursuant to section 134 of the Civil Service Law,
53 and Budget Policy and Reporting Manual. The Director of Budget has an established list of
54 Titles and Positions Ineligible for Overtime Compensation (Appendix B), which excludes “All
55 positions allocated or equivalent to G-23 and above” and an agency’s list of “positions allocated
56 to G-22 and below or are non-graded (NS).” The Director of Budget may waive the restrictions
57 and limitations contained in the list when the Director “determines that strict adherence to the
58 rules to be detrimental to the sound and orderly administration of State government.” The last
59 time the list was updated was in 1986, and as a result many of these titles have been abolished or
60 restructured and the memo has not been updated to include the new titles. As a result, certain
61 PEF titles are receiving overtime pay, and are also included in the exemptions list. Our concern
62 is that by advocating for healthcare workers to be exempt from overtime restrictions, the Budget
63 Director (along with the Division of Classification and Compensation and agency
64 representatives) would be well within their rights to review and update the existing appendix
65 causing some PEF members to lose out on overtime pay they currently receive. We hope this
66 sheds light on the possible unintended consequences of this resolution for PEF members and
67 employees that are not in the healthcare titles under consideration for this proposal.
68

69 This Comment was prepared by the Legal Department

70 We do not see legal or constitutional impediments to the resolution.
71

72 Comment on Fiscal Impact

73 There would be minimal direct cash expenses for this resolution.
74
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Adopted as Printed
Adopted as Amended
Defeated
Postpone Indefinitely
Referred to _____

RESOLUTION 6

PEF Members Not Assigned to a Division

WHEREAS: all individuals in a PEF represented item must be assigned a PEF Division; and,

WHEREAS: there are over 220 PEF Divisions; and,

WHEREAS: membership in a division is defined by each division's constitution; and,

WHEREAS: there are sometimes PEF represented items that are not included within any division constitution.

THEREFORE, LET IT BE RESOLVED: in such cases, the Divisions Department shall inform the PEF Organizing Department of the existence of PEF members not assigned to a Division and in such cases the Organizing Department shall work with the Regional Coordinator and the applicable Executive Board Representatives to identify a division to assign such members to or, in the alternative, work with the Regional Coordinator, Executive Board representatives and the members impacted to form a new Division.

FISCAL IMPACT: Minimal, as PEF already has adequate staffing for these duties and responsibilities.

Wayne Spence, PEF President
Joe Donahue, PEF Secretary-Treasurer
Darlene Williams, PEF Vice President
Randi DiAntonio, PEF Vice President
Sharon DeSilva, PEF Vice President
Bruce Giddings, PEF Trustee
Christopher Buman, PEF Trustee
Shelby Wisneski, PEF Regional Coordinator R2
Leisa Abraham, PEF Regional Coordinator R3
Nora Higgins, PEF Regional Coordinator R12
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Barbara Stransky, PEF Regional Coordinator R7
David Dubofsky, PEF Regional Coordinator R5
Conrad Davis, PEF Executive Board
Gregory Salamida, PEF Executive Board

39 **Resolution 6 Staff Comments:**

40
41

42 **This Comment was prepared by the Divisions Department**

43 The Divisions Department sees no issues with the adoption of this resolution. We note that once
44 a division is identified for these members, the Annexation process will need to be followed to
45 formally assign them to that division.

46

47 **This Comment was prepared by the Legal Department**

48 We do not see legal or constitutional impediments to the Resolution. We note that there is an
49 Executive Board Policy on the Procedures for Annexation that would need to be followed to
50 effectuate the placement of members into a division. Accordingly, as far as the Resolution
51 contemplates working to identify an appropriate Division and then utilizing the Annexation
52 process per policy, we do not see issues with the Resolution. Further, with respect to the
53 possibility of forming a new Division, we observe that Article XX(A)(1) of the PEF Constitution
54 sets forth the process for forming a division.

55

56 **This Comment was prepared by the Organizing Department**

57

58 We agree that ensuring all PEF members are assigned to a division will strengthen our union and
59 allow for the interests of our membership be fully represented. Organizing is willing and ready to
60 work with PEF Division Councils and Regional coordinators to work on the project.

61

62 **Comment on Fiscal Impact**

63 There would be minimal direct cash expenses for this resolution.

Adopted as Printed Adopted as Amended Defeated Postpone Indefinitely Referred to _____
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RESOLUTION 7

Resolution for 11:59:59pm deadline time on due date for electronically-submitted materials to PEF

WHEREAS resolutions, agenda items and other materials for convention consideration may be electronically submitted or hand delivered or mailed to the PEF headquarters,
WHEREAS the PEF headquarters closes for business at 5:00pm,
WHEREAS the items delivered to PEF by the due date are not acted upon until at the earliest the next business day,
WHEREAS items emailed to PEF after 5pm would not be acted upon until the next business day in a similar manner to hand-delivered items,
WHEREAS trying to complete and email items before 5pm on a business day could run afoul of the rules against using work resources for PEF business, if the author is in his/her office.
WHEREAS the unions business is often conducted after hours in the various committees meetings in evening, or the volunteerism of PEF members to do the work of the union at times so as not to conflict with work hours or family responsibilities,
THEREFORE BE IT RESOLVED that electronically submitted or emailed resolutions, legislative agenda items and other items for convention consideration be due at 11:59:59pm on the due date of such materials,
AND FURTHER BE IT RESOLVED that should the due date fall before a weekend, a legal holiday or other planned closure of the PEF headquarters, that the due day and time for electronicall submitted or emailed resolutions, legislative agenda items and other items for convention consideration be due at 11:59:59pm of the day immediately preceding the next business day where the PEF office is open for business,
AND FURTHER BE IT RESOLVED that the due time is according to the time-stamp of the item at the point of sending the item.

FISCAL IMPACT: None.

Submitted by: Richard Vehlow
Executive board seat 125, OGS, PEF Division 179, Region 8.

Resolution 7 Staff Comments:

This Comment was prepared by the Legal Department

We do not see legal or constitutional impediments to the Resolution; however, the language of the Second Resolved Clause is not entirely clear to us and raises significant questions.

First, the Second Resolved Clause addresses the situation in which the “due date” falls before a weekend, a legal holiday or other planned closure of the PEF headquarters. The Clause then references a different “due day and time” that would apply in such circumstances for electronically submitted or emailed items. While the language is not entirely clear, the Resolution could establish two different due dates when such due date falls before a weekend, legal holiday, or other planned closure of PEF headquarters – one for items that are not sent

46 electronically, and another for electronically submitted materials. In other words, only the
47 electronically submitted items would receive the benefit of the extended deadline.
48

49 Next, as a technical matter, the language refers to a due date falling before a weekend, etc.,
50 opposed to the day before. We trust that the sponsor is referring to the day before, but further
51 clarification would be helpful. Similarly, “legal holiday” and “planned closure” are not defined
52 which could lead to confusion as to exactly when the Resolution applies.
53

54 Finally, when the due date falls before a weekend, etc., the Resolution provides that electronic
55 items shall be due “the day immediately preceding the next business day where the PEF office is
56 open for business.” As we understand the Resolution, as written, if Friday is the normal due day,
57 “the day immediately preceding the next business day where the PEF office is open for business”
58 would be Sunday (Monday being the next business day when PEF is open and Sunday being the
59 day immediately preceding). Moreover, if the normal due day falls the day before a holiday
60 (Thanksgiving Day, for example), “the day immediately preceding the next business day where
61 the PEF office is open for business” would be Thanksgiving Day (for example, the normal due
62 date being the Wednesday before Thanksgiving, Thursday Thanksgiving Day being a holiday,
63 and Thursday Thanksgiving Day being the day immediately preceding the next business day
64 where the PEF office is open (Friday). While we appreciate the intent of this proposed
65 resolution, it would be advisable to clarify the resolution on these noted issues.
66

67 This Comment was prepared by the Executive Department
68

69 A set time-frame has historically been used by PEF to provide certainty for the submission of
70 documents. Our members work shifts and no matter the time deadline, some of our members
71 could be working at that time. PEF closes its offices at 5 pm which is the usual administrative
72 close of business. In addition, PEF Headquarters closes at 5 pm unless there is a scheduled
73 meeting. Advance notice is provided with plenty of time to submit documents, accordingly, we
74 so no reason to change the long-standing practice.
75

76 Comment on Fiscal Impact

77 None
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Adopted as Printed
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Defeated
Postpone Indefinitely
Referred to _____

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RESOLUTION 8

Solidarity Forever

Whereas PEF is an American union representing approximately 50,000 professional, scientific and technical public employees in the state of New York

Whereas PEF is one of the largest white-collar unions in the United States and is New York's second largest state employee union

Whereas PEF represents members throughout New York State from Buffalo to Long Island

Whereas there is an annual convention where delegates from across the state come together to do the work of the union

Whereas during the annual convention it is meant to bring about solidarity among the members

Therefore Be it Resolved that at the conclusion of the Annual PEF Convention starting with 2022 Convention that "Solidarity Forever" be played to summarize that we all are working together and that the union makes us strong

Fiscal Impact: None

Respectfully Submitted by:

Albert D. Famularo Executive Board #380

Resolution 8 Staff Comments:

This Comment was prepared by the Special Events Department

There is no logistical or financial reason that would prohibit this from occurring. Traditionally, the PEF President, in discussion with the Convention Committee Chair determine the Agenda for the Convention. If this Resolution is passed, it would be a requirement that it be added to the agenda. Additionally, this song is currently listed under "Public Domain" status, so no additional performance fees would apply.

Comment on Fiscal Impact

None

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RESOLUTION 9

Engagement of New Members and Leaders

WHEREAS: it has been identified by PEF as a union, that is paramount to the functionality and survival, that we engage and maintain optimum levels of involvement by new members and new leaders; and

WHEREAS: more PEF members backfilling positions and joining PEF may be of a younger generation, or may have different needs than those members who are veterans, and are already established leaders; and,

WHEREAS: some of those newer leaders may have families with small children, that may have schedules that conflict with meetings, and that scheduling may also conflict heavily with a school calendar agenda.

THEREFORE, LET IT BE RESOLVED: that scheduling of meetings by PEF for Executive Board, as well as committee meetings, will consider the NYS school district calendars and avoid important markers to the greatest extent possible.

FISCAL IMPACT: Minimal, as this is to offer considerations and guidance, and ultimately will need fiscal considerations upon scheduling at the time.

Gina M. Corona, Region 4 Coordinator
Leisa Abraham, Region 3 Coordinator
Barbara Stransky, Region 7 Coordinator

Resolution 9 Staff Comments:

This comment was prepared by the Special Events Department
Special Events has several concerns regarding this Resolution. Currently, the Executive Board and committee meetings are planned around the PEF President’s schedule, federal, state, and religious holidays. Once these dates have been determined, we must then consider venue availability. Not all school calendars in New York State follow the same schedule. Therefore, the requirement to consider an average of forty additional school calendars is not feasible. This would require prioritizing which school schedule takes precedence and would be problematic.

Comment on Fiscal Impact

Changing meeting dates could change the cost of holding meetings as certain days may cost more than others.

Adopted as Printed
Adopted as Amended
Defeated
Postpone Indefinitely
Referred to _____

RESOLUTION 10

Digitalization Awareness and Training

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3 WHEREAS, PEF workers have and continue to work diligently to provide needed services to
4 residents of New York State, and

5 WHEREAS, the introduction of digitalization and artificial intelligence (A.I.) in New York State
6 and throughout the world has caused concerns for many public workers, and

7 WHEREAS, PEF members work with algorithms that have impacted how individuals are treated,
8 and

9 WHEREAS, it is extremely important for PEF members to have awareness and knowledge
10 regarding the use of digitalization in the workforce, and

11 WHEREAS, Labor-management representatives address many employment concerns of
12 members, and

13 WHEREAS, PEF members should receive valuable information and training regarding the use of
14 digitalization and A.I., and

15 WHEREAS, American Federation of Teachers (AFT) has worked diligently with the Public
16 Service International (PSI) to help train some PEF Leaders regarding the use of digitalization and
17 A.I in public employment, and

18 WHEREAS, PEF should work with PSI and AFT to discuss, introduce and help educate PEF
19 leaders regarding use of digitalization and A.I in public employment, and

20 WHEREAS, PEF Labor-management Chairs and teams should be ready, able and willing to
21 discuss the use of digitalization and A.I in their respective state agencies, and

22 WHEREAS, PEF has a Labor-Management Advisory Council (LMAC) and PEF Training
23 Department that can work collaboratively to help prepare and train PEF Labor-management
24 Chairs and Teams to discuss the implementation of digitalization and A.I in public employment,
25 thereby giving them a VOCIE at the labor-management table, and

26 WHEREAS, the use of digitalization and A.I in public employment, has already resulted in the
27 decrease of public sector employment, now

28 BE IT RESOLVED, that PEF should work collaboratively with Leaders from PSI (only if
29 available), AFT(only if available) , LMAC, and the PEF Training Department to establish
30 proper and sufficient training to help labor-management Chairs and Teams prepare for discussion
31 of the use of digitalization and A.I in public employment; respective agencies, and

32 BE IT FURTHER RESOLVED, that PEF should start working on this training initiative before
33 the end of the year 2022.

34
35 **Fiscal cost/impact:** the LMAC and PEF Training Department perform training already, so this
36 new subject matter regrading digitalization and A.I should not cost any money. Both PSI and
37 AFT may be quite interested in working with PEF to discuss and provide useful information
38 regarding the use of necessary documents to help train and educate Labor-Management teams
39 and all PEF members (website info?) regarding digitalization and A.I in public employment.
40

41 Submitted by: Sharon V. DeSilva, esq./PEF Vice President

42 Ken Ferro, DOH, Executive Board

43 Ade Oluwo, DFS, Executive Board

44 Rosalie Takor, OCFS

45 Engel Rojas, OITS

46 David Takor, OCFS/Executive Board

47 Fatmata Hilton, OCFS
48 Angelina Rodriguez, SED/Executive Board
49 Janice Anderson-small, SED
50 Mithilesh Kumar, OITS
51 Charla Anderson, DOH
52 Pam August, OTDA
53 Myron Getman, DOH/Executive Board
54 Gustavo Santos, DOT/Executive Board
55 Joe Ugino, OSC
56 Erika Flood, DOH
57 John Ingram, DOH
58 Mihir Vasavada, OITS
59 Himanshu Dhamdhare, OITS
60 Catherine Dell'Angelo, OSC/Executive Board
61 Prakash Lal, OITS
62 Kelly Nadeau, OSC/Executive Board
63 Reissa Alderman,
64 Christopher Buman, PEF Trustee
65 Erika Flood, DOH
66 John Ingram, DOH
67 Mithilesh Kumar, OITS
68 Mihir Vasavada, OITS
69 Himanshu Dhamdhare, OITS
70 Bruce Giddings, PEF Trustee
71 Barbara Stransky, Regional Coordinator
72 Wayne Spence, PEF President
73 Darlene Williams, PEF Vice President
74 Randi Di 'Antonio, PEF Vice President
75 Vivian Falto-Lequerique, SED
76 Michele Silsby, Regional Coordinator
77 Gina Carona, Regional Coordinator
78 Danielle Bridger, Regional Coordinator
79 Leisa Abraham, Regional Coordinator
80 Joe Donahue, PEF Secretary-Treasurer
81 Radhakrishna Mohan, Regional Coordinator

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85 **Resolution 10 Staff Comments:**

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87 This Comment was prepared by the Civil Service Department

88 This resolution is in support of an ongoing training initiative through the Labor-Management
89 Advisory Council and the PEF Training Department. We have no comments to add beyond
90 expressing our willingness to support this initiative.

91

92 This Comment was prepared by Statewide Field Services Department

93 Field Services agrees that leaders and staff would benefit from digitization awareness and
94 training. This knowledge would be beneficial to PEF leaders and staff as the State modernizes its
95 operations.

96

97 Comment on Fiscal Impact

98 There would be minimal direct cash expenses for this resolution.

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RESOLUTION 11

Reproductive Rights and the Protection of Women

- 1
- 2 WHEREAS, one of the objectives of the New York State Public Employees Federation (PEF)
3 constitution is exposing and fighting all forms of bigotry and discriminatory practices that tend to
4 deprive persons of their human and/or civil rights
- 5 WHEREAS, bodily autonomy is essential to liberty and self-determination; and
- 6 WHEREAS, the right to liberty is guaranteed under the U.S. Constitution; and
- 7 WHEREAS, at this juncture, the Supreme Court justices used the *Dobbs v. Jackson Women's*
8 *Health Organization*, to overturn long-standing precedent in *Roe v. Wade*; and
- 9 WHEREAS, this decision takes away already established rights for women; this ruling will
10 undermine all other freedoms and disparage women as second-class citizens; and
- 11 WHEREAS, pregnancy-related mortality in the United States affects approximately 700 women
12 per year at various stages of gestation, with one-third of pregnancy-related deaths occurring
13 during pregnancy, one-third occurring at delivery or one week after, and one-third occurring one
14 week to one year postpartum, per the Centers for Disease Control and Prevention; and
- 15 WHEREAS, women of color are the primary victims of pregnancy-related mortality despite their
16 minority representation in the general population, with Black women accounting for 41.7
17 percent, Indigenous women accounting for 28.3 percent, Asian and Pacific Islander women
18 accounting for 13.8 percent, and Hispanic or Latino women accounting for 11.6 percent, per the
19 CDC; and
- 20 WHEREAS, pregnancy and child-rearing are a lifelong responsibility, and their own source of
21 trauma, which should not be forced on victims of existing trauma or people otherwise unwilling
22 or unable to assume this responsibility; and
- 23 WHEREAS, several states, including Alabama, Arizona, Arkansas, Florida, Kentucky,
24 Louisiana, Missouri, New Hampshire, Ohio, Oklahoma, South Dakota, Tennessee, and Texas,
25 have enacted or are contemplating ultra-restrictive abortion bans without exemptions for rape,
26 incest, or human trafficking even for people as young as 13; and
- 27 WHEREAS; having the right to decide when and whether to reproduce is associated with better
28 relationship stability and satisfaction, the likelihood of completing a college education, more
29 work experience, and greater earning potential among women, which contributes to a well-
30 functioning society:
- 31 RESOLVED, that the New York State Public Employee Federation acknowledges that this is a
32 precarious time for the right to reproductive freedom, individual autonomy, and self-
33 determination; and

34 RESOLVED, that the PEF stands in solidarity with women and people who can become
35 pregnant. We join them in calls to protect reproductive freedom at the state and federal levels via
36 codification and executive action of *Roe v. Wade*; and

37 RESOLVED, that the PEF will use its voice in support of initiatives promoting access to
38 reproductive care; and

39 RESOLVED, that the PEF will use its voice to lend support to initiatives nationwide calling to
40 prevent the criminalization of any reproductive healthcare; and

41 RESOLVED, that the PEF will work with current and future lawmakers at both the state and
42 federal levels to codify into law rights that ensure women equal access to comprehensive
43 reproductive healthcare

44 Fiscal Impact: TBA

45 SUBMITTED BY Scarlett Ahmed, Executive Board Seat 250, Region 11 (Dept. of Labor)

46 Co-sponsors

47 Vivian Falto, Region 11, SED

48 Darlene Williams, PEF Vice President

49 Randi DiAntonio, PEF Vice President

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71 **Resolution 11 Staff Comments:**

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73 **This Comment was prepared by the Legislative Department**

74 We have no issues with this resolution.

75

76 **This Comment was prepared by the Organizing Department**

77 We stand ready to support PEF membership in their calls to protect reproductive freedom at the
78 state and federal levels via codification and executive action of Roe v. Wade. Organizing will
79 support PEF members as they will use their voice in support of initiatives promoting access to
80 reproductive care and to amplify PEF’s voice to lend support to initiatives nationwide calling to
81 prevent the criminalization of any reproductive healthcare.

82

83 **Comment on Fiscal Impact**

84 The fiscal impact of the resolution depends on the steps taken by PEF to “use its voice.” If any
85 advertisements are made, these could come with significant costs.

Adopted as Printed Adopted as Amended Defeated Postpone Indefinitely Referred to _____
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RESOLUTION 12

PEF Constitution Amendment: Article XII Recall

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3 WHEREAS, the PEF Constitution's Article XII Recall process provides PEF members with
4 written
5 Guidance as to the procedural steps needed to remove an Officer or Representative, and
6 WHEREAS, the recall procedures, in the side caption, is the only section of Article XII, that
7 Provides written notice as to the type of recall allowed, and
8 WHEREAS, the recall procedures, in the side caption, only allows for "Removal by popular
9 demand," and
10 WHEREAS, Removal by popular demand does not allow for written notice as to the "reason"
11 why an officer or representative is being removed, and
12 WHEREAS, PEF's Constitution should allow PEF officers and representatives to receive a
13 written
14 Reason when they are being removed, and
15 WHEREAS, the PEF officer and or representative being removed should be given sufficient
16 Information as to why they are being removed, and
17 WHEREAS, PEF as a Union, should advocate that any officer or representative being removed
18 will know "why" they are being removed, so that they can properly advocate and create a proper
19 defense, and
20 WHEREAS, PEF should amend Article XII Recall process to eliminate the right for "Removal
21 by
22 Popular demand," and
23 WHEREAS, PEF should amend the Article XII Recall procedures to match the same side caption
24 in Article XIII Impeachment, to allow "Removal for cause," and
25 WHEREAS, PEF should allow the side caption of Article XII Recall to be amended to state
26 "Removal for Cause," and
27 WHEREAS, If Article XII Recall is amended to allow Removal for Cause, PEF officers and
28 Representatives will have written notice as to the reason why they are being recalled/removed,
29 and
30 WHEREAS, during the PEF 43rd Convention, a similar Resolution (#27) was added to the
31 Convention resolution packet, with PEF Leaders and members signing, and
32 WHEREAS, the PEF Divisions Department "response" to the Convention Resolution, was

33 basically that ...” The recall process is not an investigative process; therefore, to allow members
34 to state a reason the subject should be recalled could be problematic if the claims have not been
35 substantiated by any other appeal procedure.” and
36 WHEREAS, the PEF Divisions Department response to the resolution was concerned with
37 claims
38 Being substantiated instead of providing Leaders with due process rights, which should be less
39 controlling on the Recall process, especially since the Appeal section of the Recall process is
40 quite LIMITING; to only allow “procedural” challenges, and
41 WHEREAS, the PEF Legal Department’s response to the resolution focused on political and
42 Judicial process, especially focusing on outside “State “political process to state that ...” Among
43 those
44 Nineteen states allowing recall by the voters only eight require, by statute or constitution, stated
45 grounds for the recall. In the remaining eleven states, no stated grounds are necessary.
46 Accordingly, because PEF’s constitution does not require stated grounds for recall, in contrast to
47 its impeachment procedures, it is our view that the proposed resolution would conflict with
48 PEF’s Constitution.” and
49 WHEREAS, PEF Leaders should not focus on outside State political Recall procedural process
50 to
51 Dictate how our PEF Leaders should be treated, and
52 WHEREAS, if PEF allows amendment of the Recall process to include due process rights by
53 listing the reason for Recall, that change will now motivate a change in the appeal process, and
54 THEREFORE, BE IT RESOLVED, Article XII RECALL, shall be amended as follows:
55 Article XII RECALL
56 A petition signed by 60% of the regular membership in any constituency, which requests the
57 removal of that constituency’s officer or representative, shall remove that person from office,
58 with cause and upon certification of the petition by the Secretary-Treasurer; provided, however,
59 that should the Secretary-Treasurer be the subject of the recall, the President shall provide such
60 certification. A vacancy which occurs because of a recall shall be filled pursuant to Article X,
61 above.
62 BE IT FURTHER RESOLVED that the Article XII Recall, side caption, shall be amended as
63 follows:
64 Removal (by popular demand) for cause
65 Fiscal Impact on PEF: The only fiscal impact that I can possibly think of, is the cost for having a
66 staff make procedural changes and the cost of making new copies of the Constitution; of which
67 I cannot value what that cost would look like. However, since the Constitution is on the PEF
68 website, I shall predict that it will not cost much to make electronic changes. There will be a
69 cost to make copies for manual copies. However, the cost to make changes should not

70 outweigh the benefits of making the substantive changes, in order to protect the lives of PEF
71 leaders. PEF officers and representatives are worth the cost!
72 Submitted by: Sharon V. DeSilva, esq./PEF Vice President
73 Ade Oluwo, DFS/Executive Board
74 Charla Anderson, DOH
75 Kenny Ferro, DOH/Executive Board
76 Nick Caputi, SED
77 Pam August, OTDA
78 Lisl Maloney, OCFS
79 Rosalie Takor, OCFS
80 Amos Okoth, OITS
81 Vivian Falto-Lequerique, SED
82 David Takor, OCFS/Executive Board
83 Theresa Lent, OSC
84 Catherine Dell'Angelo, OSC/Executive Board
85 Prakash Lal/Executive Board
86 Kelly Nadeau, OSC/Executive Board
87 Reissa Alderman,
88 Michael Lenig, SED
89 Angelina Rodriguez, SED/Executive Board
90 Janice Anderson-small, SED
91 Beth Karalak, SED
92 Gustavo Santos, DOT/Executive Board
93 Christopher Buman, PEF Trustee
94 Erika Flood, DOH
95 John Ingram, DOH
96 Mithilesh Kumar, OITS/Executive Board
97 Mihir Vasavada, OITS
98 Himanshu Dhamdhere, OITS

99 Barbara Stransky, Regional Coordinator
100 Mohan , Regional Coordinator
101 Joe Ugino, OSC
102 Audrey Myers, SED

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106 **Resolution 12 Staff Comments:**

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109 This Comment was prepared by the Divisions Department

110 This resolution seeks to amend the PEF Constitution. There is a separate article in the PEF
111 Constitution regarding amending the PEF Constitution that must be followed. Furthermore, the
112 recall process is not an investigative process. The recall process is there to allow any member
113 that feels the need to recall any member for whatever reason they deem without having to state
114 the reason.

115

116 This Comment was prepared by the Legal Department

117 We see constitutional impediments to the Resolution. First, Article XVIII of the PEF
118 Constitution sets forth the process to amend the Constitution. Specifically, an amendment may
119 be proposed by a majority vote of the Executive Board, a petition of ten percent (10%) of the
120 regular membership, or by a petition of twenty-five percent (25%) of the delegates to the
121 previous Annual Convention. To be considered for adoption, a proposed amendment shall be
122 submitted in writing to the Secretary-Treasurer at least sixty (60) days prior to the Annual
123 Convention at which it is to be considered. Further, a proposed amendment shall be published in
124 the official publication of PEF at least thirty (30) days prior to the Annual Convention at which it
125 is to be considered. Finally, Article XVII sets forth a process to make amendments by Referenda.
126 Based on the foregoing, the Constitution may not be amended by a Resolution first generated at
127 the Convention as contemplated here. Instead, the procedural steps outlined above need to be
128 followed.

129

130 That said, we note that the Executive Board has duly proposed a Constitutional Amendment on
131 Recall that is on the Convention Agenda. The proposal requires a two-thirds (2/3) vote of the
132 members of the Convention present and voting, provided that an affirmative vote shall represent
133 at least a majority of the registered delegates to the Convention, to be adopted. Article XVIII(E).

134

135 Comment on Fiscal Impact

136 The cost of printing new copies of the PEF Constitution is approximately \$2 per copy.

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