

*The attached represents a compendium of all current PEF policies as passed by the Executive Board since 1979 or by virtue of an adopted resolution brought forth at various PEF Conventions.*

*Policy can be defined as an action by the Executive Board or Convention which constitutes a practice to be used by the organization, its leadership, and its members, as opposed to a specific motion operative under a particular circumstance or time frame.*

*Each policy has been categorized into the Table of Contents in the Policy Manual. Each time a policy is adopted it will be added to the manual as well as the table of contents.*

*You will from time to time be referring to this Policy Manual in your role as an Executive Board member.*

**PEF POLICY MANUAL  
TABLE OF CONTENTS  
August 19, 2024**

**AFFIRMATIVE ACTION**

**Affirmative Action**

**Affirmative Action - Implementation of Affirmative Action System and Plan**

**Affirmative Action Policy – dated 5/15/81**

**Affirmative Action Policy – dated 10/25/95**

**Hiring Policies**

**Women in PEF**

**BENEFITS**

**Covering Mental Health Services under Worker’s Compensation Law**

**Expanding the Pension Board of Trustees**

**Membership Benefits Fund**

**Membership Benefits Member Laid Off**

**Public Employees Benefit Fund**

**Review and Accountability of PEF Benefit Fund**

**Statewide Wellness/Health Initiative**

**CIVIL SERVICE ISSUES**

**Actual Reporting Template For PEF Members To Document Circumvention Of Civil Service**

**Promotion And Hiring Rules (Rule Of Three**

**Assistance to PEF Members Impacted by Layoff**

**Civil Service Actions**

**Civil Service as PEF’s Priority**

**Civil Service Commission**

**Civil Service Reform**

**Civil Service Top Priority**

**Comprehensive Enforcement of Civil Service Laws and Procedures**

**Enhancing Member Promotional Opportunities**

**Improving the New York State Department of Civil Service Transfers by Section 70.1, 70.4,**

**52.6**

**Inequitable Treatment of PEF Represented Essential State Workers**

**Legislative Changes in Civil Service Law**

**Merit System Abuses and Civil Service Law**

**Perfecting the Civil Service and Merit System**

**Preparation for Oral Examinations**

**Provisional Titles**

**Resolution 23**

**Template for PEF Members to Document Circumvention of Civil Service Promotion and Hiring Rules (Rule of Three)**

**Training PEF Division Councils to request that management develop and provide a list of anticipated changes in required skills and competencies**

**Training PEF Members to Challenge Circumvention of Civil Service Promotion and Hearing Rules – Rule of Three**

**Training PEF Members to Challenge Circumvention of Civil Service Promotion and Hearing Rules – “Selective Certification” Process**

**Wage Restructuring for NYS Public Employees**

## COMMITTEES

Ad Hoc Hispanic Committee

Agency L/M Spending Approval

Appeal Timetables

Barry Fishbein Peace Officers Committee

Career Ladders for Nurses in PEF

Ensuring Coherent, Ethical, Transparent and Effective Financial Management Ethics

Financial Guidance Policy for Committees: Lodging, Travel, Meal Expenses and EOL

Funding Guidelines

General Policies

Grievance Processing Improvement

Labor Management Chairs

Labor Management Protocol

Maximizing Committee Cost Effectiveness by Strategic EOL Use

PEF Ethics Committee

Policy for H/S Agreements

Policy for LM Agreements

Privatization

Prohibited Use of Title “Chair” or Member of any Committee in External Communications

Recognition and Funding of Special Committees

Recommendations for Agency Labor/Management Best Practices

Representation of Bi-Lingual PEF Members

Secretary Treasurer Meeting with the Budget Advisory & Financial Compliance Committee prior to Discussing the Proposed Budget to the Executive Board for Approval

## CONTRACT

24/7 Employees

Article 22 – Employment Security Committee Policy and Procedure

Asbestos Policy

Balanced Reporting of Proposed Contracts

Collective Bargaining Negotiations Policy

Contents of PEF Contract Ratification Envelopes

Contract Clarification

Deferred Comp Match

Grievances

Implementation of Employee Dispute Mediation Program

No Piecemeal Negotiations

Out of Title Work Grievance Policy

Parity in Salary Grade Pay Scales between CSEA and PEF

PEF Article 15: Implementation of Tuition Reimbursement Program

Professional Contract Negotiator

Professional Development and Quality of Working Life

Worker’s Rights, Negotiating the Use of AI and Generative AI

## CONVENTION

Accessibility

Addressing the declining Delegate numbers as a way to Increase Member Engagement

Apportionment

Committee of Convention Delegates for Other Means of Income

Constitution and Bylaw Amendments

[Convention and Executive Board Transcripts Available to PEF Members](#)  
[Convention and Executive Board Transcripts Available to PEF Members - Update](#)  
[Convention Overnight Rooms](#)  
[Convention Resolution Comments and Assignments](#)  
[Convention Resolution – Handling of World Affairs and Domestic Issues at Convention](#)  
[Convention Resolution – ‘Resolved’ Section to be on Video Screens](#)  
[Determining the Intent of Convention Resolutions](#)  
[Fund Our Future](#)  
[General Convention Policies](#)  
[Increasing PEF Member Engagement Using Flyers with QR Codes](#)  
[Incumbent Executive Board Members Serving as Convention Delegates](#)  
[Invocation at Convention: Being Inclusive](#)  
[Keeping of Resolutions](#)  
[Past Presidents Speaking at PEF Convention](#)  
[Policy on Virtual 2020 Convention](#)  
[Presentation of Resolutions in the Policy Manual](#)  
[Providing for Resolution Text](#)  
[Resolution Due Time](#)  
[Resolutions](#)  
[Respect for Past Presidents](#)  
[Retiree Volunteers](#)  
[Searchable Documents](#)  
[Solidarity Forever](#)  
[Stipend Equality for Stewards and Non/Stewards](#)

## [DIVISIONS](#)

[Constitution Article XII – RECALL \(Petition Updated with MIN Change\)](#)  
[Council Leaders Transferred from Steward Constituency](#)  
[Division Appeal Procedure](#)  
[Division Committee\(s\) Duties](#)  
[Division Fund Investing](#)  
[Division Funding](#)  
[Division Funding](#)  
[Division Funding Increase](#)  
[Division Policy Update](#)  
[Division Steward Elections Costs Assumed by PEF](#)  
[Elections](#)  
[Executive Board Constituencies Listed on Division Membership Lists](#)  
[Fiscal](#)  
[Grievances – Step 3](#)  
[Guidelines for PEF Logo](#)  
[Information for Divisions](#)  
[Labor Councils](#)  
[Member Mobilization](#)  
[Membership – Executive Board and Division Council Membership](#)  
[Overdue Division Steward Elections](#)  
[PEF Members Not Assigned to a Division](#)  
[Policy for Divisional Elections](#)  
[Policy for 2020 Delegate Elections](#)  
[Policies Regarding Division Newsletters](#)  
[Procedures for Annexation and/or Secession](#)  
[Ratification of PEF Logo and Colors](#)

[Reporting Division Expenditures](#)  
[Rules for Divisions: Formation and Financial Management](#)  
[Rules in Division News](#)  
[Rules for the Administration of Financial Trusteeship](#)  
[Staff](#)  
[Statewide Divisions](#)  
[Steward Election Guidelines](#)  
[Steward Term of Office](#)  
[Stronger Division Steward Council](#)  
[Technical Changes to a Division Constitution](#)

## [ELECTIONS](#)

[2016 Election Rules](#)  
[General Policies](#)  
[Special Election Rules](#)  
[Statewide Election Video Debates](#)

## [EOL](#)

[Employee Organizational Leave](#)

## [EXECUTIVE BOARD](#)

[Adequate Time to Return Petitions and Ballots](#)  
[Budget Executive Board Meeting](#)  
[Buy Union Resolution](#)  
[Change of Terms and Conditions of Employment](#)  
[Changes to the PEF Code of Ethics](#)  
[Changes to the PEF Professional Conduct Policy](#)  
[Code of Conduct for PEF Elected Officials](#)  
[Collective Bargaining Negotiations Policy](#)  
[Constitutional Interpretation – Agency Reorganization](#)  
[Constitutional Interpretation – Article X A. \(2\) Elections Period](#)  
[Constitutional Interpretation – Article XVI D.2 Contested Delegates](#)  
[Constitutional Interpretation – Tentative Agreement Rejection](#)  
[Constitutional Interpretation – Vote on Contract Agreement](#)  
[Convention and Executive Board Transcripts Available to PEF Members](#)  
[Convention and Executive Board Transcripts Available to PEF Members - Update](#)  
[Creating a Code of Conduct for PEF Elected Officials](#)  
[Department Access](#)  
[Distribution of Printed Materials](#)  
[Engagement of New Members and Leaders](#)  
[Establishment of PEF Executive Council](#)  
[Executive Board Action on Collective Bargaining Agreements](#)  
[Executive Board Agenda](#)  
[Executive Board Mailing Policy](#)  
[Executive Board Meeting Locations](#)  
[Executive Board Meeting Travel and EOL](#)  
[Executive Board Member Item Submission](#)  
[Executive Board Motions not to be Conducted by Mail, Telephone or E-mail](#)  
[Executive Council Meetings](#)  
[Fiscal Policy Institute](#)  
[Full Contract Disclosure](#)  
[Guidelines for PEF E-mail Accounts for Other Than Staff](#)

[Guidelines for Reimbursement of Executive Board Travel](#)  
[Health Care Cost/Containment](#)  
[Historic Preservation and Record Management](#)  
[Human Rights Complaint Policy](#)  
[Improper Practice Policy](#)  
[Inadequate Legal Staff](#)  
[Incumbent Executive Board Members Serving as Convention Delegates](#)  
[Invite Trustees to Meetings](#)  
[Legal Service Policy](#)  
[Local or Agency PEF Labor/Management Notification](#)  
[Mailing Labels and Membership List Policy](#)  
[Meetings](#)  
[Member Mobilization Roster](#)  
[Midterm Changes to Executive Board Constituencies](#)  
[Mobilizing for Power \(Title Roles & Responsibilities\)](#)  
[Non-Profit Voluntary Service](#)  
[Notification on Motions and Resolution Policy](#)  
[Notification Policy \(for Interrogations & NODs\)](#)  
[Nursing Issues](#)  
[Oath of Office for Elected Officials](#)  
[O.M.H. and O.M.R.D.D. Organizing](#)  
[Organize the Contractors](#)  
[Organizing Non PS&T Employees](#)  
[PEF Code of Ethics & Rules of Procedure for Hearings](#)  
[Ethics Grievance Petition](#)  
[Grievance Petition Instructions](#)  
[Ethics Grievance Response](#)  
[PEF Colors](#)  
[PEF Monument Policy](#)  
[PEF Name or Logo](#)  
[PEF Officer Etiquette: Attending Functions in Regions](#)  
[PEF Professional Conduct Policy](#)  
[PEF QtP Guidelines](#)  
[Pledge of Allegiance](#)  
[Policy on Executive Board Meetings During The Emergency Caused By  
The Novel Coronavirus](#)  
[Policy on Guest Attendance at Executive Board Meetings During the Emergency  
Caused by the Novel Coronavirus](#)  
[Policy on Membership Date](#)  
[Policy on Trustees](#)  
[President or Designee Not to Fill Positions](#)  
[Providing of Transcripts](#)  
[Publication of Executive Board Minutes](#)  
[Recording Executive Board Meetings](#)  
[Relocation of State Employees](#)  
[Resignation of an Executive Board Member](#)  
[Retirees Serving on PEF Committees](#)  
[Right of Trustees to Ask Questions](#)  
[Rules for Executive Board](#)  
[Searchable Documents](#)  
[Scheduling of PEF Executive Board Meetings](#)  
[Scientific Misconduct and Conflict of Interest Policy](#)

## SEFA

Special Recognition of Outgoing Executive Board Members

Step 3 Grievances – Change in Remedy

Taylor Law Reform

Testimony at Public Hearings

Travel & Meal Reimbursement & Reservations Policy (non-Convention-related)

Union Meetings

Use of the Title of Regional Coordinator

Web Site Privacy Policy

Workforce Planning Education and Training

## FINANCE

Associate Dues

Automobile Travel

BA&FCC Review

Budget Process, Objectives and Oversight

Budget Surplus

Car Rental Policy

Cell Phone Policy

Corporate Credit Card

Credit Unions

Dues

Employee Organization Leave

Expenses

Expense Policies

Expense Voucher Notification Policy

Financial Guidance Policy to Attend Non-PEF Union-Related Meetings

Financial Guidance Policy for Committees: Lodging, Travel, Meal Expenses & EOL

Financial Guidance Policy for Non-Convention related Reimbursement & Reservations

Financial Guidance Policy for PEF Regional Coordinators

\*Financial Records

Fiscal Impact of Resolutions

Fixed Asset and Capital Purchase Policy

Food Preparation Policy

\*Giveaways to PEF Members by PEF Elected Officials

Line-Item Program Budget Process, Objectives and Oversight

Line Item PEF Budgets

Officer Salaries

Personal Gifts and Gratuities Policy

Purchasing Guidance and Requirements

Purchasing, RFP and Contract Management Processes

Regional Coordinator Equipment Inventory

Regional Flexibility

Regional Office Financial Disclosure

Rules for Divisions: Formation and Financial Management

Scholarships or Other Academic Achievement Awards

Secretary Treasurer Meeting with BA&FCC – Proposed Budget

Secretary-Treasurer's Report - Dues Increase

Sick Leave Buy-Back Resolution

Special Committee Spending Reporting

Statewide Officer Accountability

Subsidies for Non-Members

[Timely Review of Proposed PEF Budgets](#)

[Union Loans](#)

[Use a Formula, Show a Formula](#)

## [INTERNATIONALS](#)

[Affiliation Agreement](#)

[Affiliates' Conventions](#)

[AFT/SEIU Delegate Election Rules](#)

[Establishment of an AFT Solidarity Fund](#)

[Staff](#)

## [LABOR ORGANIZATIONS](#)

[Labor Councils](#)

## [MEMBER ISSUES](#)

[A Recommitment to Union Principles and Strength](#)

[A Searchable Electronic PEF Policy Manual](#)

[Addressing Grievances in a Timely Manner](#)

[Addressing Member Concerns in 24/7 Agencies](#)

[Arbitration Decision Implementation](#)

[Building Union Power – Moving New Employees to Active Members](#)

[Definition of Bullying](#)

[Digitalization Awareness and Training](#)

[Ending Hostile Workplaces](#)

[Food Preparation Policy](#)

[Grievance Processing Improvement](#)

[Hazardous Duty Pay for Eligible PS&T Unit employees](#)

[Inclusion of The Office of Information Technology Services \(ITS\) to Attend](#)

[Annual Conference Training](#)

[Membership Mobilization](#)

[PEF Opposes Closure of Secure Treatment Facilities](#)

[PEF Steward Representation at Formal Counseling Meetings](#)

[Protect the Needs of Members in Travel Positions](#)

[Protecting Members from Physical Attacks](#)

[Representation](#)

[Searchable Documents](#)

[Supporting Our DOL Workers](#)

## [PEF STAFF](#)

[Acceptable Use Policy](#)

[Deferred Compensation Plan](#)

[Drug-Free Workplace Policy](#)

[Employment Status Changes](#)

[Nurse Coordinator](#)

[PEF Policy on Equal Employment Opportunity](#)

[PEF Officer Etiquette: Attending Functions in Regions](#)

[PEF Sexual Harassment Policy and Complaint Form](#)

[PEF Staff](#)

[Termination, Resignation, and Severance PEF/MC Employees and Elected](#)

[Officials](#)

[Terms and Conditions of Employment of PEF Employees](#)



## PENSION/RETIREMENT

[Access to Pension In Lieu of Death Benefit](#)

[NYS Pension Fund Investments](#)

[Pension Death Benefit](#)

[Retirement Security for All](#)

## POLITICAL ACTION

[Advocate for the Gender Expression Nondiscrimination Act \(GENDA\)](#)

[Conversion of Earned Work Schedule Time to Compensatory Time](#)

[Election Rules - PAC Advisory Committee](#)

[Endorsement Procedures](#)

[English Plus](#)

[Establishing a Political Action Fund](#)

[Establishing a Statutory “Essential Worker Compensation Program”](#)

[Fighting the Anti-Government and Public Services Movement](#)

[Guidelines for Creating PEF’s Annual Legislative Agenda](#)

[Guidelines for Political Contributions](#)

[Guidelines for the Use of COPE Funds](#)

[Helping PEF Members Who Did Not Take Vaccine](#)

[Legislative Action](#)

[Legislative Agenda Evaluation Program](#)

[Outsourcing of Public Work through the Use of Private Consultants and Contractors](#)

[PAC Guidelines](#)

[PAC Policy](#)

[PEF Opposes Closure of Secure Treatment Facilities](#)

[Political Action Advisory Executive Committee](#)

[Political Action Advisory Executive Committee Procedures](#)

[Protecting Members from Physical Attacks](#)

[Protect Retirees’ Rights](#)

[Regional PAC Budgets](#)

[Single Payer Health Care Plan Legislation](#)

[Voter Registration](#)

[Voter Registration Information System](#)

## PUBLICATIONS

[Advertising](#)

[Communicator](#)

[Convention Resolution Comments and Assignments](#)

[Determining the Intent of Convention Resolutions](#)

[General Policy](#)

[Labor Management Reporting and Disclosure Act \(LMRDA\) Rights – Notification to PEF Members](#)

[Leave Donation Publication and Enhancement Program](#)

[Presentation of Resolutions in the Policy Manual](#)

[Providing for Resolution Text](#)

[Referenda](#)

## ARCHIVED/RESCINDED POLICIES

[Agency Fee Procedure](#)

[Automobile Section of Financial Guidance for non-Convention-related Reimbursement & Reservations](#)

[Budget Policy – dated 3/25/81](#)

[Budget Policy – Updated 12/12/91](#)

[Car Allowance Policy – Finance, 8-14-1997](#)

[Civil Service Promotional Test Battery Settlement Should be Exempt from PEF Dues](#)

[Division Council Standards](#)

[Dues](#)

[Expenses](#)

[Internal Controls on Division Expenses](#)

[Meal Allowance](#)

[OMH Specialist Position](#)

[PEF Credit Card](#)

[PEF Divisions Financial Policy](#)

[PEF Policy on Equal Employment Opportunity](#)

[PEF Funded Travel Policies – Finance, 8-12-1980](#)

[PEF Region’s Financial Policy](#)

[PEF Sexual Harassment Policy](#)

[PEF Sexual Harassment Policy](#)

[Quarterly Financial Report](#)

[Rules for Divisions: Formation and Financial Management – Archived 5/24/19](#)

[Rules for Forming a Division](#)

[Scholarships](#)

[Travel Policy \(Air\) – Finance, 12-12-1991](#)

[Travel Policy – Executive Board, 12-3-1997](#)

[ADMINISTRATIVE](#)

# AFFIRMATIVE ACTION

RESOLUTION #23  
AFFIRMATIVE ACTION

WHEREAS, the Public Employees Federation is committed to the principle of equal opportunity; and

WHEREAS, the PEF Executive Board passed and PEF has therefore implemented an affirmative action policy in May of 1990 to promote the hiring of women and minorities; and

WHEREAS, the president of PEF, at the Executive Board meeting of August 2, 1991, publicly stated that he did not follow this affirmative action policy when hiring his new management staff; and

WHEREAS, the current PEF management structure is not representative of the demographics of this union:

THEREFORE, BE IT RESOLVED, that from this day forth PEF shall reaffirm its commitment to the concepts of civil rights and equal opportunity for all protected classes; and

BE IT FURTHER RESOLVED, that the affirmative action policy already intact in PEF shall be consistently followed and honored by all PEF officers in regard to hiring practices and committee appointments.

Adopted  
1991 PEF Convention  
Oct. 29, 1991

Submitted by:

Diane Harvey, OMH Reg. 9

Roseanne Kryjak, Education, Reg. 8

Vivienne Freund, DOL, Reg. 11

Haydee Montenegro Gonzalez, OMH, Reg. 10

Pat Canaday, DOCS, Reg. 8

H. Susan Jeffords, Parole, Reg. 1-9

Janet Orlow, OMH, Reg. 10

Robb Roberts, OMH, Reg. 10

Mary Reid, OMH, Reg. 12

Robert Weinbloom, DOH, Reg. 8

Nancy Dunton, DSS, Reg. 8

Barry Rachnowitz, Tax and Finance, Reg. 11

Rosemary Williams, OMH, Reg. 3

Rose Redick, OMRDD, Reg. 8

**Affirmative Action -**  
**Implementation of Affirmative Action System and Plan**

PEF shall request that the joint committee convenes and that a plan be immediately developed to further examine the current status of African-Americans, Latinos, and all other protected classes in the PS&T.

Recommendations will be made by the PEF representatives to the joint committee to incorporate appropriate goals in each agency's work force management plan which reflects specific strategies to deal with the issue of equal employment representation of protected classes.

PEF reaffirms its commitment to affirmative action in policy statements and in its own employment practices and that affirmative action training will be included as a mandatory part of all officers and Stewards education and training.

Adopted:      October 2006  
PEF Convention

## AFFIRMATIVE ACTION POLICY

The Public Employees Federation is committed to a policy supporting the goals and aims of Affirmative Action as a realistic means of overcoming the undesirable effects of the many and varied causes of discrimination that continue to deny equal access to employment and promotions within State Agencies.

PEF is firmly committed to assist in the development of recruitment procedures, hiring practices, promotional opportunities, professional development, educational advancement, testing and a monitoring system that will ensure Equal Opportunity with respect to employment in State government.

PEF is interested and concerned that State Agencies adhere to the principles of Affirmative Action and desires to actively participate in the development and implementation of Affirmative Action in State government.

PEF is specifically concerned with the current recruitment procedures, the present entry level opportunities within State government, the inadequacy and often absence of appropriate career ladders for upward mobility, testing procedures and the selection process, current educational programs and the lack of adequate distribution of information concerning inter-agency job opportunities. PEF is further concerned with the present monitoring system regarding Agency compliance and the lack of uniformity with respect to Affirmative Action activities with State Agencies including Affirmative Action Officer titles, responsibilities, grievance machinery and reporting procedures.

PEF supports all legal mandates regarding Affirmative Action and is committed to the successful implementation of the Governor's Executive Order 40.1.

May 15, 1981

## Affirmative Action Policy

Whereas, a policy of discrimination against African-Americans, women, disabled Americans, and other minorities is part of the history of our society; and

Whereas, unions struggled along with civil rights leaders, human rights leaders and others as they fought to expose and eradicate the wrongs of a policy of discrimination; and

Whereas, a policy of Affirmative Action was legislated and implemented by federal, state and local governments to provide a level playing field and equal access for minorities and women in employment and other aspects of daily life; and

Whereas, the present mood of our society appears to heavily promote the dismantling of Affirmative Action policies, goals, and the reversal of some gains; and

Whereas, PEF has mandated a policy of Affirmative Action to promote, protect, and enhance the rights of all in a culturally diverse workforce:

Be it further resolved, that PEF will affirmatively act to prevent and combat all instances of discrimination and to rectify all vestiges of past discrimination.

Submitted by: Phyllis G. Roe

Adopted:           October 25, 1995  
PEF Convention

## Hiring Policies

Whereas, except for the New York City office, PEF has almost no person of color on its staff;

Whereas, at PEF's statewide offices in Albany only one person of color is a member of the staff of 70;

Whereas, PEF is on record supporting the concept of affirmative action for groups historically denied their rights; and

Whereas, PEF has an obligation as a labor union to fairly represent the interest of a diverse membership:

Be It Resolved, that PEF reaffirm its commitment to fairness and equity in hiring and promotional practices, and to the concept of affirmative action for groups who have been historically deprived of full participation in American society;

Be It Further Resolved, that PEF take all appropriate action to address the lack of minority and female representation on its own staff; such action should attempt to achieve a fair balance in all positions; however, particular attention should be directed at the statewide offices in Albany and department director and other supervisory positions;

Be It Further Resolved, that job openings at statewide offices in Albany and for all department directors and unit section supervisor positions be advertised in appropriate minority and women's publications throughout New York and nationally if a nationwide search is conducted;

Be It Further Resolved, that PEF seek assistance from minority and female leaders and the government and community to find qualified minority and female candidates for all positions;

Be It Further Resolved, that the Secretary-Treasurer report actions taken under this resolution to the Executive Board.

Executive Board  
May 20, 1990  
reaffirmed August 2, 1991



1985 Resolutions

Women in PEF

WHEREAS, women make up approximately 50% of the membership of PEF, and

WHEREAS, women make up approximately 27% of the delegates to the 1985 Convention, and

WHEREAS, the women in PEF have been very supportive of the Officers and Executive Board of PEF, and

WHEREAS, the women of PEF have been networking with other unions and women's groups developing a positive public image for PEF, and

WHEREAS, throughout the year and at the PEF Convention women have not been given decision-making positions proportionate to their number of key positions at the conventions such as Committee chairs,

THEREFORE BE IT RESOLVED, that both throughout the year and before each convention PEF make certain that women throughout the State both hold decision-making positions and hold committee chair positions.

Submitted by:       Jean DeBow  
                          Teresa Snyder  
                          The Women's Program

## BENEFITS

## Covering Mental Health Services Under Worker's Compensation Law

Whereas, PEF members provide essential and critical safety net services and work in challenging and often dangerous, violent and toxic environments; and

Whereas, work-related stress, trauma, and other mental health conditions can have a significant impact on workers' ability to perform their jobs and maintain their livelihoods;

Whereas, mental health conditions are often stigmatized and underdiagnosed, leading to inadequate treatment and support for affected workers;

Whereas, Worker's Compensation law provides benefits to workers who are physically injured or become physically ill as a result of their job duties;

Whereas, mental health challenges, such as Post Traumatic Stress Disorder, can be as debilitating as physical ones but are often taken less seriously or minimized by agency management; and

Whereas, these workplace injuries should be treated with the same level of importance as physical injuries and illnesses under Worker's Compensation law;

Therefore, let it be resolved that PEF will support and advocate for the following:

1. The recognition of mental health conditions as legitimate and serious work-related injuries and illnesses, deserving of the same level of support and benefits as physical injuries and illnesses; and
2. The inclusion of mental health services as a covered benefit under Worker's Compensation law, recognizing the importance of mental health in overall health and well-being;
3. The removal of barriers to accessing mental health services under Worker's Compensation law, including stigma, inadequate coverage, and limited access to mental health providers;
4. Protection and resources from additional or continuing trauma by forcing them to return to the same environmental conditions, often having to interact with the party (e.g. patient, client) who injured them
5. The promotion of education and awareness about mental health conditions and the importance of seeking treatment and support, including through Worker's Compensation benefits;
6. The collaboration with mental health providers, advocates, and other stakeholders to ensure that mental health services are accessible, effective, and appropriate for workers who need them.

Fiscal Impact: Minimal as we currently have adequate staff resources and ongoing partnerships with Workers Compensation firms and the Occupational Safety and Health Clinics to move forward on this effort.

Submitted by:

Randi DiAntonio, PEF Vice President  
Danielle Bridger, Region 8 Coordinator  
Leisa Abraham, Region 3 Coordinator  
Wayne Spence, PEF President  
Joe Donahue, PEF Secretary Treasurer  
Darlene Williams, PEF Vice President

Adopted: 2023 PEF Convention

Expanding the Pension Board of Trustees

Whereas, the security of the pension fund is of primary importance to all PEF members; and

Whereas, the sole trustee has done an excellent job of maintaining earnings; and

Whereas, expanding the board would only blur the responsibility for maintaining the security of the fund and make it more difficult to hold a poor comptroller responsible; and

Whereas, multiple representatives will not provide anything near a controlling interest from a public employee perspective; and

Whereas, multiple representatives on a board would only give the Governor an opportunity with which to further negotiate away the security of the pension fund as he did with the teacher:

Therefore be it resolved, PEF policy in regard to a pension board shall be to support the sole trustee.

Submitted by:       Kevin E. Jones  
                          Jeff Satz  
                          Terry O'Neal  
                          Scott Ray  
                          Region 8 Stewards Council

Adopted 10/23/93  
PEF Convention

## MEMBERSHIP BENEFITS FUND

### Approval for Membership Benefits Program to Administer PEF Regional Benefits

As used in this policy:

1. “Fund” is the PEF Membership Benefits Program.
2. “Fund Participants” are those individuals eligible for participation under the PEF Membership Benefits Program.
3. “Benefits” are goods and services which may be offered to fund participants.
4. “Vendor” is an individual or organization wishing to offer benefits to fund participants.
5. “Approved Vendor” is an individual or organization which has met the application, investigation and approval requirements of this policy.

6. “PEBF” is the Public Employees Benefit Fund.

#### I. Applications for Approved Vendor Status

##### A. Applications shall be accepted:

1. Directly from vendors.
2. From PEF regional or local membership benefit committees.

B. The fund may, on its own, solicit applications from vendors.

C. All applications shall be in writing, indicating the name of the vendor, the type(s) of benefits(s) to be offered, and the cost to the fund participants of such benefits(s).

#### II. Investigation of Applications

A. Upon receipt of an application, the fund Administrator shall initiate an investigation.

B. Such investigation shall include provisions for determining:

1. Whether the applicant is a reputable vendor;
2. Whether the cost of the benefits(s) being offered is in fact less than would be available to fund participants as individual consumers;
3. That an appropriate dispute resolution mechanism exists for handling complaints from fund participants;
4. Such other information as the Trustees of the fund consider appropriate in making their determination.

#### III. Granting of Approved Provider Status

- A. Upon completion of the required investigation, the fund Administrator shall forward a report to the Trustees for their action.
- B. Such report shall be in writing, in a form approved by the Trustees and shall include the Administrator's recommendation for or against approval.
- C. Based upon the Administrator's report and any other available information, the Trustees shall vote on the applicant's request for approved vendor status.
- D. Applicants shall be notified in writing of the action taken by the Trustees.
- E. Approved vendor status may be rescinded by the vote of the Trustees.

IV. Limitations on Approval of Applications

- A. Except in the case of a complete rebidding of a program, no application from a vendor may be considered for a benefit which is being offered to fund participants through payroll deduction.
- B. No application for dental, optical and pharmaceutical benefit unless such applications have been referred to PEBF and the Trustees of the fund are notified by PEBF that the application is not in conflict with any cost containment program established by it.
- C. Where a medical practitioner can apply for inclusion in the Empire Plan and does not, the Program will not honor their request for approved status and the Program will rescind any previous approvals.

January 16, 1986

- D. Where a medical practitioner is not eligible to apply for inclusion in the Empire Plan, the Program will entertain their application for approved status.

January 16, 1986

- E. Where a medical practitioner is a participating member of the Empire Plan, the Membership Benefits Program will no longer be involved in granting approved status but rather the medical vendor will be referred to the PEF administration.

January 16, 1986

V. Mailing to Eligible Participants

- A. Only approved vendors may be granted permission to mail offerings to participants.
- B. Approved vendors will only be given access to the names and addresses of those persons enrolled in, or expressing interest in, their programs.
- C. The fund will have final approval of the form and content of any material to be mailed to fund participants.
- D. The fund, wherever feasible, will make arrangements to have the mailing sent to fund participants.

- E. Before a mailing may be sent, the approved vendor shall arrange to pay all costs incurred by the fund in preparing the mailing.

#### VI. Administrative Costs

- A. An approved provider shall be required to pay those administrative costs incurred by the fund in relation to its offering of benefits to plan participants.
- B. Such costs shall include, but not be limited to, personnel costs, computer costs, telephone, reproduction and postage costs.
- C. Any request for administrative costs shall be in writing to the approved vendor specifying the type of costs incurred or expected to be incurred.
- D. No administrative costs shall be charged to vendors for costs incurred in investigating its application to provide benefits.
- E. Where the Trustees of the fund determine that the charging of administrative costs to be an approved vendor would result in a loss of valuable benefits to plan participants, they may waive such costs.

#### VII. Delegation of Authority

- A. The Trustees of the fund recognize that strict adherence to the application, investigation and approval process above may result in some benefits not being offered to plan participants. This is especially true in the case of local retail and service establishments who are interested in providing small discounts to participants.
- B. In such cases, the Trustees of the fund may delegate to regional or local PEF benefits committee, the right to approve specific benefits from specific vendors.
- C. Any request for such delegation shall be made in writing to the Fund Administrator specifying the type of benefit, and the name of the provider.
- D. Any request for such delegation will be approved or denied within 15 days of receipt by the fund.
- E. A delegation of authority shall not include the right to authorize a mailing to plan participants or to levy or collect administrative fees from a vendor in excess of \$25.
- F. A copy of any flyers or other offering materials which are distributed to plan participants as a result of such delegation shall be forwarded to the fund office for its files.

#### VIII. Benefit Offerings

- A. The Trustees of the fund shall take no responsibility for any benefits which are offered to plan participants by any process not in conformity with this policy.
- B. The Trustees shall take whatever actions they deem appropriate to protect the interests of the plan participants or the good name of the fund in relation to an offering of benefits not in conformity with this policy.

February 7, 1985

PEF Membership Benefits Fund to be named "The Ruth Mintz Membership Benefit Fund."

May 16, 1980



MEMBERSHIP BENEFITS FOR MEMBERS LAID OFF

Employees laid off on or after March 4, 1987, shall maintain a membership in PEF for the purpose of membership benefits up to one year during their duration on the preferred list.

(This policy shall be instituted within the confines of the PEF Constitution and applicable precedent.)

January 29, 1987

PUBLIC EMPLOYEES BENEFIT FUND

PEF will have fair and equitable representation on the PEBF Board of Trustees.

December 14, 1982

## **1989 Resolutions**

### **PEF ISSUES V Resolution 113 - Review and Accountability of PEF Benefit Funds**

WHEREAS, PEF is involved in two multi-million dollar benefit funds; and

WHEREAS, the Public Employees Benefit Fund (PEBF) administers optical, dental and prescription drug benefits; and

WHEREAS, the Membership Benefits Fund administers home, care, life, disability and other insurances and a myriad of other benefits; and

WHEREAS, there is membership dissatisfaction regarding the reduction of certain of the above benefits, and

WHEREAS, the PEF Membership Benefit Fund has an over \$7 million reserve account which is growing at approximately \$1 million per year; and

WHEREAS, THE PEBF and PEF Membership Benefit Fund have over \$30 million and \$5 million respectively, in annual revenues; and

WHEREAS, the only review and accountability of the administration and utilization of these union benefits funds is through an annual published audit summary; and

WHEREAS, minutes of benefit fund trustee meetings have been recorded and are maintained; and

WHEREAS, these benefit fund minutes are not distributed to the PEF Executive Board or general membership; and

WHEREAS, membership organizing and participation is stimulated by the distribution of accurate and timely information:

THEREFORE BE IT RESOLVED, that detailed PEBF and Membership Benefit Fund minutes be recorded and distributed to the PEF Executive Board; and

BE IT FURTHER RESOLVED, that detailed benefit fund quarterly financial statements will be attached to these minutes; and

BE IT FURTHER RESOLVED, that these minutes and financial statements will be made available to the general membership upon request.

Submitted by:

Roger Benson, Region 8 Coordinator

Arlene Beverly, Region 11 Coordinator

## **Statewide Wellness/Health Initiative**

THEREFORE BE IT RESOLVED, that PEF will institute and support statewide health initiatives for its members; and

BE IT FURTHER RESOLVED, that this shall include instituting the Biggest Loser pilot program throughout the state as a bi-annual health initiative for its members. PEF will apply for health and wellness grants from corporations, for the purchase of scales & materials, to be used for the Biggest Loser program as well as using programs like LL Bean's "Healthy Bean", an employee wellness program for guidance. PEF is encouraged to fund a healthy reception at the end of each bi-annual initiative at PEF Headquarters. PEF is encouraged to institute healthy living options for its members at their various regional headquarters, including: healthy cooking classes and exercise classes. PEF is encouraged to institute healthy food/drink options at all official PEF meetings.

Adopted: 2013 PEF Convention

# CIVIL SERVICE ISSUES

*ACTUAL REPORTING TEMPLATE FOR PEF MEMBERS TO DOCUMENT CIRCUMVENTION OF CIVIL SERVICE PROMOTION AND HIRING RULES (Rule of Three)*

**RESOLUTION:**

**Whereas** Civil Service Law was developed and implemented to avoid promotions based on favoritism and instead to be based on the basis of Fitness and Merit;

**Whereas** members have a reasonable right and expectation that Civil Service Law and the rule of three will be followed and obeyed by management;

**Whereas** members often perceive that promotional and hiring practices are not transparent enough, and that the Civil Service rules/guidelines are not followed;

**Whereas** “the rule of three” is not applied transparently and often fraught with exceptions;

**Whereas** this perception on the part of our PEF members and state employees weakens the morale which negatively affects our members and the State;

**Whereas** PEF is trying to cultivate, through member engagement, new activist and a more engaged and involved member base;

**Whereas** management sometimes utilizes subsections of the Civil Service rule that were intended to be used in extraordinary circumstances such as 70.1 and 52.6 as well as misrepresenting the position descriptions and particulars in order to encourage eligible members to decline the position (Negative Interviewing) and therefore allow management to select candidates and circumvent the Civil Service rule of three;

**Whereas** PEF policy, as a result of resolution adopted at the 2016 and 2017 Delegate Convention, states that PEF shall develop and offer training to assist Divisions and members to document individual instances of concerns and also to request information and responses from management about the promotion or hiring instance of those concerns.

**Whereas** PEF policy, as a result of resolution adopted at the 2016 and 2017 Delegate Convention, states that PEF shall encourage and help Divisions and Councils to establish civil service committee's that will assist members in documenting their instances of concerns pertaining to interview and promotion process within Civil Service Law.

**Therefore be it resolved** that PEF shall incorporate and distribute the following template, including any future changes, to stewards and Councils / Divisions.

**Information regarding circumvention or violation of Civil Service Merit and Fitness**

1. Agency \_\_\_\_\_
2. Bureau \_\_\_\_\_
3. Job Title \_\_\_\_\_
4. Posting # \_\_\_\_\_
5. Promotion List # \_\_\_\_\_
6. Selective Certification used

Notes: \_\_\_\_\_

Fiscal Impact – None (refocus existing PEF resources on this issue)

Submitted by Jim Desso, Joe Ugino, Sheryl Sperry, Mary Colatosti, Dave Guest, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_

Supported by the Region 8 Civil Service Committee (unanimous on 6/20/18)

Adopted: October 2018  
PEF Convention

**Assistance to PEF Members Impacted by Layoff**

THEREFORE BE IT RESOLVED, that PEF will put a process in place to ensure that PEF Administration is working with PEF divisions to contact and assist each worker that is impacted by layoff; and

BE IT FURTHER RESOLVED, that PEF will request the adverse impact analysis of protected classes from each agency as required by Civil Service policy prior to implementation of layoffs.

Adopted: September 12, 2011  
PEF Convention

Civil Service Actions

Whereas, violations of the Civil Service laws impact negatively on our members and the general public resulting in ruined careers, lost opportunities, wasted taxpayers money, and a loss in efficiencies:

Therefore be it resolved, that PEF take all necessary actions including legal actions to reduce and eliminate illegal civil service actions by state agencies and authorities; and

Be it further resolved, the President shall make a report of the activities of PEF with regard to this issue at the next Convention including the number of complaints filed and the action taken by PEF.

Submitted by: Charles Semowich – PEF Steward  
Victor Batorsky – Council Leader, Div. 234

Adopted 10/22/93  
PEF Convention



## **Civil Service as PEF's Priority**

WHEREAS, reports from PEF Central's Labor-Management Coordinator show that Civil Service issues are discussed more than any other single issue, and ten times more than most issues; and

WHEREAS, Civil Service Issues are based on law, not contract, and do not need negotiations, but require strong efforts toward enforcement; and

WHEREAS, both member services, as well as PEF's organizing credibility are compromised so long as efforts in the area of Civil Service are weak or ineffectual:

THEREFORE BE IT RESOLVED, that PEF Central set as its first and foremost objective or "mode" of operating (both above service and organizing) the defense of the Civil Service through increased resources applied to the resolution of issues; and

BE IT FURTHER RESOLVED, that PEF Central sets up a network of Civil Service Regional Committees that shall meet on a Statewide basis quarterly, and the mandate of these committees shall be as follows:

1. To recommend political actions to the PAC and PEF Central;
2. To recommend legal actions to the Legal Department;
3. To set up title based networks among Divisions; and
4. To organize an annual title-based conference for members on state employment and the Civil Service.

1990 Convention Resolution

Submitted by:

Victor Batorsky, Council Leader, Div. 234

CIVIL SERVICE COMMISSION

WHEREAS, the Public Employees Federation represents 47,000 NYS Professional, Scientific and Technical workers; and

WHEREAS, the NYS Civil Service Commission regulates the Civil Service tests and job descriptions of New York State workers; and

WHEREAS, the above-mentioned Commission has neglected the updating of job descriptions, timely administration of Civil Service tests, and eligibility lists:

THEREFORE BE IT RESOLVED, that PEF demand that the Commission fulfill its responsibility in a timely manner; and

BE IT FURTHER RESOLVED, that PEF will establish a permanent committee to investigate member complaints and advise the union on how to proceed to ensure that members rights are protected.

Submitted by: Barry Markman  
South Beach Psychiatric Center

1979 Resolution

Civil Service Reform

Whereas, Civil Service reform is being debated at the highest levels of government; and

Whereas, changes in Civil Service are imminent:

Therefore be it resolved, that PEF acknowledge the need for Civil Service reform; and

Be it further resolved, that any proposals or legislation supported by PEF shall be fair to the employees and protect their hiring and promotion rights; and

Be it finally resolved, that PEF-supported proposals provide flexibility to workers to learn new jobs and skills without threatening incumbents or being taken advantage of by unscrupulous managers.

Submitted by: James Sheedy, Secretary-Treasurer  
Maggie Litzenberger, Vice President  
Kevin O'Buckley, Region 2 Coordinator  
Linda DeVito, Region 3 Coordinator  
Pat Ford, OMH  
Terry Kirwan, Region 4 Coordinator  
David Webster, DOH  
Paul Gregory, Region 5 Coordinator  
Phil DelPiano, Region 6 Coordinator  
Michael DelPiano, OMRDD  
Stanley Byer, DEC  
Robert Weinbloom, DOH  
Pat Canaday, DOCS  
Irving Landa, DOH  
Walter Paloga, OSC  
Douglas Monington, Tax and Finance  
Nancy Dunton, DSS  
Neila Cardus, Region 9 Coordinator  
Ken Robertson, Region 10 Coordinator  
Jennifer Faucher, SIF  
Michael Solarchik, OMH  
Haydee Montenegro-Gonzalez, OMH  
Barry Rachnowitz, Tax and Finance  
Willamay Thompson, OMRDD  
Ray Palmer, SIF  
Bernice Jones, DOL  
Robb Roberts, OMH

Adopted 10/22/93  
PEF Convention

CIVIL SERVICE TOP PRIORITY

Whereas, it is explicitly stated in the New York State Constitution that appointments shall be determined wherever possible by competitive examination; and

Whereas, Civil Service Law explicitly states that temporary appointments even in exceptional cases may only be made for a period not exceeding 18 months; and

Whereas, such temporary appointments are unlawful except in instances where because of the nature of short duration of the services it would not be practicable to hold an examination; and

Whereas, it is the established policy of PEF that Civil Service shall be its top priority;

Therefore, be it resolved, that PEF counsel use any or all means necessary to ensure that all inappropriate temporary and provisional appointments are challenged; that resulting vacancies be filled from either existing eligible lists or from a list to be established by appropriate Civil Service examination; and that further temporary appointments be made and held only in accordance with the law.

Adopted May 3, 1993  
Executive Board Meeting

## **Comprehensive Enforcement of Civil Service Laws and Procedures**

THEREFORE BE IT RESOLVED, that PEF's Department of Civil Service Enforcement intensify efforts to investigate and document abuses and disregard of Civil Service laws and procedures, including fellows programs to provide timely response to membership complaints in this regard, develop persuasive alternatives to remedy abuses and to take appropriate and continued enforcement actions as necessary to ensure complete compliance with Civil Service laws and procedures and to discourage further abuses of the same.

Adopted: 2013 PEF Convention

### **Enhancing Member Promotional Opportunities**

Whereas PEF is a union that is devoted serving all members;

Whereas, many of our members work in titles wherein the state utilizes the Selective Certification process;

Whereas this process is often misused to circumvent civil service law to allow managers to reach "favored" candidates;

And whereas, this often disadvantages other members seeking promotion,

Therefore, PEF will seek to create and seek sponsors for legislation amending the civil service rules or laws governing the selective certification process otherwise known as the “cert process” in which skills sought for promotion are delineated, to restrict such “certs” to only require such education as is required to be eligible to take the corresponding examination and the specific skills required for the promotional item. No extraneous and or non-pertinent skills or out-of-title work is to be included in the “cert”

Fiscal Impact \$0 (Since work required is part of the Civil Service and Legislative Departments Regular duties.)

Submitted by:

James Desso Statewide and Regional IT Committee Chair, and Pef Region 8 Coordinator

Michael Blue on behalf of the PEF Region 8 Information Technology Committee

Adopted: September 2019  
PEF Convention

***Improving the New York State Department of Civil Service Transfers by Section 70.1, 70.4, 52.6***

WHEREAS, members have raised concerns that there may be Agency and NYS Department of Civil Service (NYSDCS) abuses of transfers in the Civil Service rules and regulation; and

WHEREAS, State agencies may have broad discretion in choosing to fill a particular job by transfer or promotion based on the rule of three.

Whereas, promotion by accepting a transfer up to two grades higher than current position is defined in New York State Department of Civil Service law section 70.1, 70.4, 52.6; and

*The Civil Service Law defines three different kinds of transfers:*

- **Section 70.1** allows transfer **without further examination** from one title to another when a sufficient degree of similarity exists between the minimum qualifications, tests and/or duties of the specific titles involved. The appropriateness of transfer is decided on a title-by-title basis at the request of personnel offices of state agencies. This section of the law also allows employees to transfer to another agency in the same title.

- **Section 70.4** allows transfer to a title which is not similar, but where the employee meets the qualifications for the title. Usually the **employee must pass an examination open to the public** for the title before transfer can be approved.
- **Section 52.6** allows transfer between administrative titles at the same or similar salary grade. Administrative titles are those involving law, personnel, budgeting, methods and procedures, management, records analysis or administrative research.

WHEREAS, this law is is perceived by many members as being woefully abused and misused;

THEREFORE, PEF will review statistics relating to the use of this hiring process through the use of Requests for information through the Labor Management Process, FOIL requests and any other avenues available; and

BE IT FURTHER RESOLVED; PEF will use the results of its research to determine whether is it necessary and or appropriate for PEF to create legislation that changes the civil service laws governing these transfers. (70.1, 70.4 and 52.6); and

BE IT FURTHER RESOLVED, PEF will educate members regarding the results of our research and provide a report to the delegates of the 2020 convention the details of our efforts to add transparency to this process.

BE IT FURTHER RESOLVED, The report at a minimum would have a complete listing of titles and the number of transfers/ promotions approved by NYS DCS, as well as the number of challenges filed by our CSE/R department.

Fiscal (No Additional cost using available PEF resources)

**Submitted by Joe Nuss and Mike Blue on behalf of the Region 8 Civil Service Committee**

**Supported by Region 8 Civil Service Committee**

Adopted: September 2019

PEF Convention

## ***INEQUITABLE TREATMENT OF PEF REPRESENTED ESSENTIAL STATE WORKERS***

### **RESOLUTION:**

**Whereas**, a Declared State of Emergency related to severe weather allows state governments to streamline their operations temporarily, so they can respond more quickly to events by reassigning personnel and sending vehicles, trucks and heavy equipment to areas affected by storms. The declaration also gives governors the ability to close state offices temporarily and work with both state and federal emergency management agencies, and

**Whereas**, during a Declared Weather State of Emergency, *where non-essential* state workers are instructed to not report to work and to stay off the roads. This mandate serves to reduce the amount of people traveling and avoids putting workers at risk for accidents and from obstruction of emergency management plans. If they were scheduled to work, they are given a day off from work without charge to time accruals, and

**Whereas**, *essential* employees who are unable to report to work and call out “weather” after a State of Emergency is declared are not charged accruals. They do not report to work during their scheduled shifts and are PAID for 8 hours of work while not being charged any accruals thus, giving them a free day off with pay.

**Whereas**, *essential* employees are those whom the state has determined that their absence from the job is detrimental to the health and well-being of the NYS residents they serve, are expected to report to their scheduled shifts in a Declared Emergency and

**Whereas**, employees who brave the weather and report for essential duty do not receive any other compensation (in addition to the pay earned by working) for their dedication and for placing the state's business before their own concerns for personal safety, and

**Whereas**, workers who are *non-essential* or who are *essential* and call out, have enjoyed this added benefit for years and this resolution does not intend for that benefit to be taken from them.

**Therefore, be it resolved** that PEF will advocate for equitable treatment of *all of its members* by seeking a credit of up to 7.5 or 8 hours of floating time for **each** day of declared state of emergency when non-essential employees are directed to not report to work and/or where such employees had accruals restored pursuant to a suspension of the Time and Attendance rules by the Department of Civil Service (to be used at a future date and within one year of its accrual) for their members employed in state declared *essential* positions who reported to their scheduled shifts during the declared state of emergency. "Each day" as a state of emergency may last multiple days until the state revokes it.

**Be it further resolved** that PEF will seek to make these accruals retroactive to at least 1/1/2018 or to the start date of our current contract.

**Estimated Fiscal Impact:** \$0.00 as the cost of contract negotiations is already budgeted for, and this should not add to that cost.

**Submitted by:** Christine Dempsey SUNY Stony Brook Division 225  
Endorsed by the PEF Statewide Nurses Committee

Adopted: October 2018  
PEF Convention



1989 Resolutions

Resolution 62 - Legislative Changes in Civil Service Law

WHEREAS, Civil Service law and its application constitute major terms and conditions of employment for PEF members; and

WHEREAS, PEF and various other interest groups attempt to change Civil Service Law through legislation:

THEREFORE BE IT RESOLVED, that PEF Statewide Civil Service Committee, at least annually, identifies those legislative proposals on Civil Service issues which impact PEF members; and

BE IT FURTHER RESOLVED, that PEF Statewide Civil Service Committee makes recommendations to the Executive Board for a PEF position on each legislative proposal; and

BE IT FURTHER RESOLVED, that PEF Statewide Civil Service Committee determines and publishes the vote of each state legislator on each legislative proposal for the Executive Board; and

BE IT FURTHER RESOLVED, that PEF shall publish in the Communicator the Legislative proposals on Civil Service, PEF's position, the vote by each state legislator and any action by the Governor. Such publication shall be on an annual basis. Such publication shall also be concurrent with notification to the Executive Board.

Submitted by:  
Region 8 Stewards' Council

Resolution 6 - Merit System Abuses and Civil Service Law

WHEREAS, Civil Service Law was established to eliminate the spoils system; and

WHEREAS, Civil Service Law requires that state employees be appointed and promoted based on merit and fitness; and

WHEREAS, we know that there are flagrant violations to the Civil Service Law with abuses to the merit system; and

WHEREAS, this often results in a loss of protection to PEF members:

THEREFORE BE IT RESOLVED, that PEF steward training include training in Civil Service Law and procedures to counter violations; and

BE IT FURTHER RESOLVED, that PEF identify and direct staff to assist PEF members with problems they encounter due to abuses of the merit system.

Submitted by:

Region 8 Stewards' Council

**Perfecting the Civil Service and Merit System**

1. WHEREAS: The mission of NYS Civil Service is to build the New York State workforce by promoting a diverse, inclusive, and talented workforce, based on merit, fitness, and equality of opportunity; and,
- 2.

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

4.

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

6.

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

8.

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

10.

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

12.

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

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

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

Danielle Bridger, PEF Regional Coordinator R8

Michele Silsby, PEF Regional Coordinator R1

Gina Corona, PEF Regional Coordinator R4

Bernadette O'Connor, PEF Regional Coordinator R11

Radhakrishna Mohan, PEF Regional Coordinator R10

Barbara Stransky, PEF Regional Coordinator R7

David Dubofsky, PEF Regional Coordinator R5

Conrad Davis, PEF Executive Board

Gregory Salamida, PEF Executive Board

Adopted: October 2022  
PEF Convention

RESOLUTION #5

PREPARATION FOR ORAL EXAMINATIONS

WHEREAS; the number of oral tests used by the State Department of Civil Service has risen steadily and reaching a high in 1978, according to the Bureau of Staffing Services, which conducts State Oral Examinations. (This type of test was used in examinations for 359 titles and 6,173 candidates took oral examinations, causing the department to increase its facilities by 50%); and

WHEREAS; the majority of oral examinations are used to test Professional, Scientific and Technical Personnel; and

WHEREAS; there is a definite need of assistance by many PS&T candidates to prepare for this type of examination:

THEREFORE BE IT RESOLVED, that the organization take the necessary steps to develop, implement and conduct – training session programs for PS&T, PEF members in preparation for taking oral Civil Service examinations by January 1, 1980.

Submitted by: Oliver A. Longhine, R.N.  
Craig Developmental Center

1979 Resolution

Provisional Titles

WHEREAS, it is the established policy of PEF that Civil Service shall be its top priority; and

WHEREAS, the Governor has a fiduciary responsibility to uphold the states' rules, regulations, statutes and constitution; and

Whereas, the Governor has abrogated his duty as provided for in both the explicit language and the intent of Civil Service rules, regulations and legislation by extending provisional appointments for an indeterminate period of time; and

Whereas, this situation is due to the failure of the Department of Civil Service to give competitive exams within the mandated nine month time frame upon the filling of a competitive position with a provisional appointee; and

Whereas, in so doing the State has abused the public trust, abrogated its mandated duty under state law, and demolished workforce morale; and

Whereas, PEF has proven that challenging these types of provisional titles in court can be done successfully, with a high probability of being victorious in each case because of the clear violations of law involved; and

Whereas, PEF's Legal Department has not been able to pursue these violations adequately due to legal policy and/or manpower resources; and

Whereas, PEF's Legal Department requires names of individuals as plaintiffs who may be eligible for these positions, thereby limiting the process drastically, making the Grade 31's and above untouchable and putting state workers at risk of retaliation by superiors:

Therefore be it resolved, that PEF use any and all means necessary, if possible through the current legal resources, if not, through the hiring of a practicing or retired attorney, who will take extended provisional titles to court as a continuing project, and that the litigation be attempted using union officers as plaintiffs, having standing as taxpayers and concerned parties; and

Be it further resolved, that in no case shall the above litigation ask for termination of any PS&T unit employee; and

Be it further resolved, that the progress of this effort be reported by PEF legal department to the Statewide Civil Service Committee in January, May, and September and that the report and the Committee's comments be published in the subsequent issue of the Communicator; and

Be it further resolved, that the Trustees shall be required to report on the progress of this project in their annual report to the PEF convention.

Submitted by: Region 8 Stewards

Adopted 10/22/93  
PEF Convention

## Resolution 23

Whereas: To stop the closures of State Prison(s).

Whereas: On December 21<sup>st</sup>, 2020 the State of New York closed three prisons.

Whereas: The three prison(s) were Gowanda Correctional, Watertown Correctional and Clinton Annex.

Whereas: Affecting 100 hardworking D.O.C.C.S. workers (Union Brother(s) and Sister(s)) and other support staff (Example: Nurses, Doctors, Teachers, Cleaning Staff and any other major player(s) in the prison environment that keeps a watchful eye on the prisoners and rehabilitates the prisoners to be a changed individual when they are released back into society.).

Whereas: These three closings affect these member(s) and the surrounding community by, not spending money in the community it will have a negative effect in the short and long term in year(s) to come.

Whereas: The State of New York has not properly address the possible overcrowding of prison(s) and the safety of the prisoners with the closing of the three prison(s).

Therefore: There should be an eight year moratorium and study in how to handle any future closings. Also, a reopening of the three prisons (Gowanda Correctional, Watertown Correctional, and Clinton Annex) to alleviate overcrowding.

Fiscal Impact: Would be at least \$5,000.00 for the study to be submitted to the Governor and Union President.

Submitted by: Thomas W. Lozinsky Jr. – New York State Department of Transportation  
Buffalo, New York  
Region 01 – Buffalo, New York  
Council Leader – Division 219

Adopted: October 2021  
PEF Convention

## **Template for PEF Members to Document Circumvention of Civil Service Promotion and Hiring Rules (Rule of Three)**

**Whereas** Civil Service Law was developed and implemented to avoid promotions based on favoritism and instead to be based on the basis of Fitness and Merit;

**Whereas** members have a reasonable right and expectation that Civil Service Law and the rule of three will be followed and obeyed by management;

**Whereas** members often perceive that promotional and hiring practices are not transparent enough, and that the Civil Service rules/guidelines are not followed;

**Whereas** “the rule of three” is not applied transparently and often fraught with exceptions;

**Whereas** this perception on the part of our PEF members and state employees weakens the morale which negatively affects our members and the State;

**Whereas** PEF is trying to cultivate, through member engagement, new activist and a more engaged and involved member base;

**Whereas** management sometimes utilizes subsections of the Civil Service rule that were intended to be used in extraordinary circumstances such as 70.1 and 52.6 as well as misrepresenting the position descriptions and particulars in order to encourage eligible members to decline the position (Negative Interviewing) and therefore allow management to select candidates and circumvent the Civil Service rule of three;

**Whereas** PEF policy, as a result of resolution adopted at the 2016 Delegate Convention, states that PEF shall develop and offer training to assist Divisions and members to document individual instances of concerns and also to request information and responses from management about the promotion or hiring instance of those concerns.

**Whereas** PEF policy, as a result of resolution adopted at the 2016 Delegate Convention, states that PEF shall encourage and help Divisions and Councils to establish civil service committee's that will assist members in documenting their instances of concerns pertaining to interview and promotion process within Civil Service Law.

**Therefore be it resolved** that PEF shall develop a template to be used to assist members in documenting instances of concerns pertaining to management’s non adherence to the rule of three within Civil Service Law.

Fiscal Impact – None (refocus existing PEF resources on this issue)

Submitted by Ralph Mabb III Reg. 8 CS Comm. Chair. & Michael Blue Reg. 8 Coor.

Supported by the Region 8 Civil Service Committee (unanimous on 4/27/17)

Supported by Region 8 IT Committee (unanimous on 5/18/17)

Supported by Division 211 - MOTOR VEHICLES - ALBANY



Supported by Region 8 Stewards Meeting (June 20, 2017)

Adopted at 2017 Convention

## **Training PEF Division Councils to request that management develop and provide a list of anticipated changes in required skills and competencies**

“Selective Certification” Process

**Whereas** Civil Service Law was developed and implemented to avoid promotions based on favoritism and instead to be based on the basis of “Fitness and Merit”;

**Whereas** members have a reasonable right and expectation that Civil Service Law will be followed and obeyed by management;

**Whereas** members often perceive that promotional and hiring practices are not transparent enough, and that the Civil Service rules/guidelines are not followed;

**Whereas** Selection of a candidate by test and “Selective Certification” is not applied transparently and often fraught with exceptions to the rules at times;

**Whereas** this perception on the part of our PEF members and state employees weakens the morale which negatively affects our members and the State;

**Whereas** management often states that PEF Members do not possess the “special” skills required to apply for and fulfill positions that they must therefore apply the “Selective Certification” Process or “Contract Out” to non State, non PEF individuals;

**Whereas** management does not currently develop and provide information to PEF Division Councils or PEF L/M committees re: anticipated changes in required skills and competencies;

**Whereas** PEF Members would work to develop new needed skills if they are provided assurance and updates by management re: anticipated changes in needed skills and competencies;

**Whereas** PEF policy, as a result of resolution adopted at the 2016 Delegate Convention, states that PEF shall develop and offer training to assist Divisions and members to document individual instances of concerns related to the “Selective Certification” process and also to request information and responses from management about the promotion or hiring instance of those concerns;

**Therefore be it resolved** that PEF shall encourage and train Division Council Officers, Stewards and L/M committee members to submit requests to management to provide a list of anticipated changes in required skills and competencies;

**Be it further resolved** that PEF shall develop a template to be used to assist Councils and L/M Committee members in developing these requests to their management;

Fiscal Impact – none (refocus existing PEF resources on this issue)

Submitted by Bill Moonan Reg. 8 IT Comm. Chair & Michael Blue Reg 8 Coor.  
Approved by Region 8 Info Tech Committee (unanimous on 5/18/17)  
Supported by the Region 8 Civil Service Committee (unanimous on 5/25/17)  
Supported by Region 8 Stewards Meeting (June 20, 2017)  
Supported by Statewide IT Committee Meeting (June 23, 2017)

Adopted at 2017 Convention

## **Training PEF Members to Challenge Circumvention of Civil Service Promotion and Hiring Rules (Rule of Three)**

**Whereas** Civil Service Law was developed and implemented to avoid promotions based on favoritism and instead to be based on the basis of Fitness and Merit;

**Whereas** the Law provided for discretion for the hiring authority to consider factors in addition to the tested criteria by allowing for "the rule of three" so that non-tested factors could also be considered and implemented based the job interview;

**Whereas** members have a reasonable right and expectation that Civil Service Law and the rule of three will be followed and obeyed by management;

**Whereas** members often perceive that promotional and hiring practices are not transparent enough, and that the Civil Service rules/guidelines are not followed;

**Whereas** "the rule of three" is not applied transparently and often fraught with exceptions at times;

**Whereas** this perception on the part of our PEF members and state employees weakens the morale which negatively affects our members and the State;

**Whereas** management sometimes utilizes subsections of the Civil Service rule that where intended to be used in extraordinary circumstances such as 70.1 and 52.6 as well as misrepresenting the position descriptions and particulars in order to encourage eligible members to decline the position (Negative Interviewing) and therefore allow management to select candidates and circumvent the Civil Service rule of three;

**Therefore** be it resolved that PEF shall develop and offer training to assist Divisions and members to document individual instances of concerns and also to request information and responses from management about the promotion or hiring instance of those concerns.

**Be it further resolved** that PEF shall encourage and help Divisions and Councils to establish civil service committee's that will assist members in documenting their instances of concerns pertaining to the interview and promotion process within Civil Service Law.

Fiscal Impact – None (refocus existing PEF resources on this issue)

Submitted by Ralph Mabb III, Michael Blue

Supported by the Region 8 Civil Service Committee (unanimous 5/24/2016)

Supported by Region 8 Stewards Meeting (unanimous 5/26/2016)

Supported by Region 8 Information Technology Committee (unanimous 5/31/2016)

Adopted at 2016 Convention

## **Training PEF Members to Challenge Circumvention of Civil Service Promotion and Hiring Rules - “Selective Certification” Process**

**Whereas** Civil Service Law was developed and implemented to avoid promotions based on favoritism and instead to be based on the basis of “Fitness and Merit”;

**Whereas** the Law provided for discretion for the hiring authority to consider factors in addition to the tested criteria by allowing for the “Selective Certification” process so that non-tested factors could also be considered and implemented based the training and experience and job interview;

**Whereas** members have a reasonable right and expectation that Civil Service Law will be followed and obeyed by management;

**Whereas** members often perceive that promotional and hiring practices are not transparent enough, and that the Civil Service rules/guidelines are not followed;

**Whereas** Selection of a candidate by test and “Selective Certification” is not applied transparently and often fraught with exceptions to the rules;

**Whereas** this perception on the part of our PEF members and state employees weakens the morale which negatively affects our members and the State;

**Therefore** be it resolved that PEF shall develop and offer training to assist Divisions and members to document individual instances of concerns related to the “Selective Certification” process and also to request information and responses from management about the promotion or hiring instance of those concerns.

**Be it further resolved** that PEF shall encourage and help Divisions and Councils to establish civil service committee's that will assist members in documenting their instances of concerns pertaining to the “Selective Certification” processes within Civil Service Law.

Fiscal Impact – none (refocus existing PEF resources on this issue)

Submitted by Ralph Mabb III, Michael Blue

Approved by the Region 8 Civil Service Committee (unanimous 5/24/2016)

Supported by Region 8 Stewards Meeting (unanimous 5/26/2016)

Supported by Region 8 Information Technology Committee (unanimous 5/31/2016)

Adopted at 2016 Convention

## Wage Restructuring for NYS Public Employees

Whereas, the State of New York is experiencing a significant staffing shortage with approximately 15,000 vacancies in its agencies; and

Whereas, these staffing shortages, are directly affecting the quality and availability of public services in New York State's most vulnerable communities; and

Whereas, PEF members are the professional, scientific and technical members of the state workforce and have responsibility for providing essential safety net services to the community, including but not limited to healthcare, education, public safety, and infrastructure development; and

Whereas the State of New York is facing unprecedented challenges in recruiting and retaining qualified professionals and is not considered a competitive or attractive employer; and

Whereas, the NYS professional workforce is facing a lack of parity with the private sector workforce, around wages, benefits and work-life balance; and

Whereas, NYS released a pay equity study in 2022; and

Whereas, NYS appropriated funding in the 2023 budget for a wage restructuring study by the Department of Civil Service; and

Whereas, the Department of Civil Service is anticipating delays in implementing and completing these studies because of their own staffing shortages; and

Therefore, be it resolved that PEF will work with other organizations to raise awareness of the importance of this issue and use its political and legislative influence to advocate for expedited hiring at the NYS Department of Civil Service to ensure that they can fulfill their mission and complete the wage restructuring study and implement changes needed to support fair and equitable wages for the NYS workforce.

Fiscal Impact: Minimal, as this resolution is directly aligned with our Fund Our Future campaign which already has staffing and funding budgeted.

Submitted by:

Randi DiAntonio, PEF Vice President  
Leisa Abraham, Region 3 Coordinator  
Danielle Bridger, Region 8 Coordinator  
Wayne Spence, PEF President  
Joe Donahue, PEF Secretary Treasurer  
Darlene Williams, PEF Vice President

Adopted: 2023 PEF Convention

## COMMITTEES

1985 Resolutions

Ad Hoc Hispanic Committee

WHEREAS, there are over two million Hispanics in New York State, and

WHEREAS, there are upwards of 5,000 Hispanics in State Service and a large percentage of those are PEF members, and

WHEREAS, the number is expected to increase significantly in the coming years to offset the under-representation of Hispanics in State Government, and

WHEREAS, PEF is committed to the upgrading and advancement of its membership regardless of their ethnic origins, and

WHEREAS, Hispanics are either under-represented or nonexistent on all levels of PEF organization,

THEREFORE BE IT RESOLVED, that PEF establish a Hispanic Committee to identify and address the needs of its Hispanic membership and constituency, and make available its funding and resources in support of this target population.

Submitted by: Zelda Concepcion, Department of Labor



## **Agency Labor-Management Spending Approval**

Whereas, Article 24 of the PEF/NYS Collective Bargaining Agreement highlights the importance of the Labor-Management (“L/M”) process; and

Whereas, the full funding of the *budgets* of PEF’s L/M Committees are essential to the effective functioning of these Committees; and

Whereas, PEF’s L/M Committees use their L/M Committee budgets primarily to do pre-meetings and to meet face-to-face with management and thereby represent their PEF members in the LM process; and

Whereas, L/M budget monies represent the return of dues money to the members in the agency in with those moneys were contributed via member dues; and

Whereas, PEF -- as a representative-based Labor entity -- should do its best in ensure full funding of its agency L/M budgets; and

Whereas, PEF LM Chairs and Committee members have a fiduciary responsibility to safeguard the use of LM budgets, so that monies are used only for LM related functions and activities; and

Whereas, LM budgets should be used for LM purposes only, and

Whereas, this has not always been the case; and

Whereas, LM budgets should not be used for New Employee Orientations (NEO) or other non-L/M functions;

**THEREFORE, BE IT RESOLVED:** no charges shall be made to PEF Agency L/M Committee Budgets, except travel expenses for L/M pre-meetings for Statewide L/M Committee members that meet PEF guidelines, unless approved by the Agency Statewide L/M Committee.

**Fiscal Impact:** Should save money as such monies will not be misspent in the future.

**Submitted by:** Angelina Rodriguez-Billingsley, Executive Board, SED,

**Supported by:** Janice Anderson-Small, Division 376  
Beth Karalak Division 194  
Michael lenig Division 349  
Audrey Myers Division 376

Adopted: September 2023 Executive Board

## **APPEAL TIMETABLES**

1. Notices of grievances, appeals, hearings, and/or decisions must be sent registered mail, return receipt requested.
2. If a charge is filed against a group, each member of that group must be named in the charge and must be notified.
3. There is a need to ensure that timeframes can be met. We recommend that the response time start seven (7) calendar days from the date of mailing.
4. We have reviewed the Ethics Committee, Ethics Hearing Panel, Divisions Committee and Legal Appeals Committee procedures, and the above approved policy shall be incorporated by the appropriate committees into their respective policies and brought back to the Executive Board for final approval at the next Executive Board meeting.

Adopted: June 2, 2005

## **Barry Fishbein Peace Officers Committee**

THEREFORE BE IT RESOLVED, that the delegates recommend appointing a Peace Officers Committee to identify and address the need of its Peace Officers and named after *Barry Fishbein*, a parole officer who died in a Poughkeepsie hospital after undergoing a knee replacement surgery for an injury sustained on the job.

Adopted at 2012 PEF Convention

Career Ladders for Nurses in PEF

WHEREAS, PEF represents over 9,000 nurses within the bargaining unit; and

WHEREAS, some state agencies have career ladders for their nurses while other agencies do not have career ladders:

THEREFORE BE IT RESOLVED, that the President review the composition of the Statewide Nurses Committee and reorganize it to include at least one nurse representative from each region; and

BE IT FURTHER RESOLVED, that the President charge the nurse coordinator and the reorganized Nurses Committee to report a comprehensive model of a nursing career ladder appropriate to all state nurses at the next PEF Convention in 1991.

1990 Convention  
Resolution

Submitted by:

Aurora Cabrera, T&RNII Nurse Committee

Al Comerford, Nurse II, Steward

Pat McAteer, T&RNIII, Steward, PAC

Division 255, SUNY

## Ensuring Coherent, Ethical, Transparent and Effective Financial Management

**WHEREAS**, the Public Employees Federation (PEF) Policy Manual has numerous entries related to financial management policies passed by past Conventions and Executive Board meetings;

**WHEREAS**, it is in PEF's best interest to have clear, consistent and transparent policies for financial management and oversight of budget committee duties, travel expenses, use of credit cards and purchasing cards, requirements for expense reimbursement by Divisions and Officers, etc.;

**WHEREAS**, existing financial management policies lack clarity and consistency as would benefit PEF's professional and ethical standards, as articulated by the Internal Auditor;

**WHEREAS**, the effectiveness of financial management policies is undermined by outdated and conflicting policy manual entries and by the lack of transparent written procedures;

**WHEREAS**, the PEF President recently established a Budget Advisory & Financial Compliance Committee to ensure compliance with all financial requirements of this union;

**THEREFORE**, be it resolved that it is recommended to the PEF President that he have the Budget Advisory & Financial Compliance Committee review all Policy Manual entries related to PEF's financial management, then develop and recommend updated policies and procedures to the Executive Board for coherent, ethical, transparent and effective financial management, in consultation with Trustees, and in a manner consistent with Internal Auditor guidance and PEF's mission and Constitution.

*Fiscal Impact: \$0*

*Submitted By:*

Kay Alison Wilkie  
Executive Board Seat 55  
Division 262 DED

Wayne Spence  
President, PEF

Adreina Adams  
Vice President, PEF

Andrew Puleo  
Regional Coordinator – Region 2

David Dubofsky  
Regional Coordinator – Region 5

Mike Blue  
Regional Coordinator – Region 8

Charles Roland  
Interim Regional Coordinator – Region 11

Nora Higgins  
Regional Coordinator – Region 12

Maddie Shannon-Roberts  
Trustee - OTDA

Sarah Lauser  
Trustee – OSC

Sharon DeSilva  
Executive Board Seat 450, OTDA/OCFS

Ken Ferro  
Council Leader, Executive Board Seat 197, Division 205 DOH

Joe Donahue  
Council Leader, Executive Board Seat 487, Division 190 DTF

Mary Ellen Hoffman  
Executive Board Seat 480, Division 190 DTF

Ed Bellamy  
Executive Board Seat 485, Division 190 DTF

Jakob Westman  
Executive Board Seat 486, Division 190 DTF

Bobbi Stafford, RN  
Executive Board Seat 97, PEF Ethics Committee, SUNY H&S Chair, Division 320 SUNY Upstate

Darlene Williams  
Executive Board Seat 360, Division 254 OMH

Germaine Greco  
Council Leader, Executive Board Seat 455, representing Regions 10-12, Division 192 OTADA

Teresa Lefler  
Executive Board Seat 300, OPWDD & OMH

Randi DiAntonio, LMSW  
Executive Board Seat 285, Division 259 OPWDD

Diane Jaulus  
Council Leader, Executive Board Seat 50 Division 353 DOCCS

John Thomsen  
Executive Board Seat 127, Division 179 DHSES/OGS

Ralph Mabb III  
Council Leader, Executive Board Seat 420, Division 211 DMV

Danielle Freeman

Executive Board Seat 90, Division 355 HESC

Richard Fletcher  
Executive Board Seat 445, OTADA

Radhakrishna Mohan  
Executive Board Seat 217, SIF

Lyndon Jones  
Executive Board Seat 5, OSC

Brenda Grober  
Council Leader, Division 262 DED

Jeff Janiszewski  
Division 262 DED

Amy DeMarco  
Executive Board Seat 190, DOH

Conrad Davis  
Executive Board Seat 470, Tax and Finance

Sheila Ambrose  
PEF Steward, Division 205, DOH

Stephanie McLean Beathley  
Council President, PEF Division 167

This resolution recommends that the PEF President have the Budget Advisory & Financial Compliance Committee undertake a comprehensive review and revision of financial management entries in the Policy Manual to ensure that financial management policies and procedures are coherent, ethical, transparent and effective and are consistent with guidance from the Internal Auditor and PEF's mission and Constitution.

Adopted at 2017 Convention

## ETHICS

A statement from staff which has pertinent data relative to a case being reviewed will be allowed to be submitted to the Ethics Committee.

May 20, 1985

A change of wording of grievance and response forms used by the Ethics Committee: "I understand that I may appeal the committee's determination to the Executive Board. I further understand that the decision of the Executive Board exhausts internal union procedures; and further I understand this does not prevent me from exercising my legal rights to judicial review."

May 1, 1985

Ethics: Rules and Regulations Governing Conduct of all Executive Board Members, Officers and General Membership

1. No person shall misuse or improperly use PEF name, logo or good offices.
2. Only official PEF literature shall be posted on bulletin boards provided as per contractual agreements with the State of New York.
3. Only official PEF business shall be conducted at meetings whose space is arranged for as per contractual agreement with the State of York.
4. No member shall commence litigation against PEF or any of its officers, Executive Board members or general membership without first seeking redress from the Executive Board or its duly appointed committee.
5. All members shall conduct themselves in a manner that is conducive to fairness and fair play, recognizing that the good and welfare of the brotherhood is the overriding concern of this union.
6. No Executive Board member shall be censured or removed without due process as prescribed under the PEF Bylaws and notification to the Executive Board.
7. Any Executive Board member who feels he has a legitimate internal union grievance may present that grievance before the Board or its duly appointed committee for resolution of that grievance.
8. There shall be appointed a committee on ethics and responsibilities.

February 20, 1980



11/29/18

**Financial Guidance Policy for Committees: Lodging, Travel, Meal Expenses and EOL\***

This Financial Guidance Policy provides an update to the “Funding Guidelines” for Labor-Management (LM), Health & Safety (H&S), Contract and Standing committees and their budgeted expenses.

This policy further serves to improve committee operations and budgeting, in compliance with the approved PEF Convention 2017 Resolution # 4 (*Ensuring Coherent, Ethical, Transparent and Effective Financial Management*).

NOTES:

- PEF’s Tax ID number may not be used for committee bank accounts outside of PEF.
- Any committee-related expenses for travel, lodging, meals, etc. that are covered by New York State, under the Collective Bargaining Agreement, Agency MOU or other agreement, cannot also be reimbursed by PEF (i.e., no double-dipping).

**Lodging, Travel and Related Expenses:**

- All hotel rooms for PEF members must be booked by the PEF Executive Office, and at the NYS rate. Hotel rooms for a group of members are typically booked at the same hotel, in order to negotiate block rates when feasible. PEF members will not be reimbursed for hotel stays made on their own.
- All travel arrangements are to be made through PEF Travel and comply with PEF travel policies unless otherwise indicated.
- In the event overnight hotel stays are needed, double occupancy is arranged. Single rooms may be provided, at the member’s expense of half the rate per night.
- **LM & HS Committee** arrangements are an exception to double occupancy. Committees may arrange for single rooms if necessary, and if approved by the ~~LM~~ Committee Chair after confirmation of available budget with Finance.
- Exceptions are also made for the **Contract Negotiation Committee**. Given the nature of their duties under intense time pressure, past practice is hereby formalized for members to be provided single rooms. In the event that the Contract Negotiation Committee Chair does not already have a PEF pcard, the Secretary-Treasurer and President may approve a temporary pcard for the Chair, only for the duration of negotiations.
- In practice, because Division policy does not preclude it, some committee members have arranged for their Division to pay the single supplement of half the rate per night. In such cases, proof of Division Council approval must be provided to Finance and the PEF Executive Office (e.g. by email or minutes), prior to the hotel booking request.

- Members facing travel times to the meeting site of 2.5 hours or more each way and have at least ½ day of EOL meeting time or equivalent release time will be eligible to request a hotel stay for either the night before the meeting or the night of the meeting.

### **Meals:**

- If space is available, a committee meeting in Albany may convene at the Membership Benefits Program offices on 10 Airline Drive. Catering and food orders may be made by the committee with cost effective vendors of their choice, if meals are to be provided during the meeting.
- Charges for committee meeting meals, when convened at PEF HQ, are booked through the in-house caterer and direct billed to the relevant Committee's budget.
- Whenever meals are provided to committee members at meetings, whether breakfast, lunch and/or dinner, participants cannot be reimbursed separately.
- Payment for committee meetings convened over meals, and held outside of PEF HQ, must be made by either: 1) Member(s) use of their personal credit card; or 2) Division Council purchase card or check, both with subsequent reimbursement from the relevant committee budget.
- In the event that the committee arranges for a group dinner at a restaurant, and individual checks are not available, the server should be asked for multiple copies of the same receipt so that all participants can submit an itemized receipt with reimbursement requests.
- If one person submits for reimbursement for a committee's group meal, ALL of the participants at that meal must be listed on materials submitted with the request. Materials include a completed list of participants, and meeting agenda and/or minutes.
- Committees and their members must comply with maximum meal allowances for reimbursements and provide original itemized receipts. Allowances are 'up to' amounts (e.g. if less than \$30 is spent for dinner, the actual amount will be reimbursed, not \$30).

### **Lists of Participants:**

- Committees must use the PEF sign-in sheet to document the meeting and its participants, and submit the list to Finance with reimbursement requests.

### **EOL or Release Time:**

- LM and H&S meetings use release time. However, Quarterly Advisory LM meetings use EOL.
- If the Committee member will be requesting the use of EOL, the Executive Assistant to the Secretary-Treasurer should be notified ASAP.
- EOL requests need to be submitted as far in advance as possible, as the S-T's office must submit any EOL requests to GOER with at least three weeks notice.

- EOL will be approved for a full or half day based on the Committee work day scheduled, with relevant travel time (half day before or after meeting).
- If EOL is not requested with sufficient advance notice, the member will have to charge time to accruals and then await the EOL decision following the next quarterly submission to GOER.
- On a quarterly basis, GOER reviews EOL requests and approves or denies them. If approved, time is hopefully restored with the agency, and member. This process typically takes several months.

Exceptions to these guidance policies may be made by the Secretary-Treasurer in the event of exceptional extenuating circumstances.

\* Further clarification to existing *Funding Guidelines* policy, last updated 3/4/16.

## FUNDING GUIDELINES\*

### Labor/Management, Health and Safety, Contract and Standing Committees

1. PEF funding (travel, meals & lodging) for L/M committees that have 12 or fewer Executive Board members will be capped at 12 members. Committees with greater than 12 Board members will be funded at the number of Board Members.
2. PEF will fund (travel, meals & lodging) up to six agency Health and Safety members per committee.
3. PEF will fund no more than one representative per facility on L/M and/or H&S Committees.
4. Funding for agency L/M subcommittees will be limited to three members and require prior submission of the meeting agenda.
5. Union reimbursed EOL will not be available for L/M, Health & Safety or subcommittee meetings except by prior written approval of the Secretary-Treasurer.
6. Independent of committee size, one meeting per calendar quarter of L/M, H&S and all subcommittees will be funded by PEF. Additional funded meetings may be scheduled with the prior written approval of the Secretary-Treasurer.
7. Standing and Contract Committees will notify the Secretary-Treasurer in advance of meetings to permit monitoring committee budgets.
8. Pre-paid housing reservations will be paid by PEF at the most reasonable rate available. Double occupancy will be arranged; however, singles can be provided, with the member paying the differences.
9. It will be the responsibility of the committee chairs to assure that meal allowances are not exceeded when a group bill is submitted to PEF.
10. Pre-meetings held along with the regular quarterly meetings are to be part of the regular L/M meeting.
11. Annual L/M planning meetings will not exceed one per calendar year and must have prior approval of the Secretary-Treasurer.
12. Any anticipated related expenses shall be subject to prior approval by the Secretary-Treasurer and that flexibility can be used in applying these guidelines.

\* Numbers 1 thru 9 of these guidelines, were adopted by the PEF Executive Board on July 24, 1987, refer exclusively to PEF-reimbursed committee members. Additional committee meetings or members are feasible if other sources of funding are available.

Adopted 2/1/91  
Executive Board Meeting

8. Pre-paid housing reservations will be paid by PEF at the most reasonable rate available. Double occupancy will be arranged; however, singles can be provided, with the member paying the differences, except L/M Committees have flexibility to pay for single room if within budget and necessary.

Adopted 3/4/2016  
Executive Board Meeting

## GENERAL POLICIES

A Committee shall consist of four plus a Chairperson where applicable.

Executive Board Committees shall meet in conjunction with Executive Board meetings where possible.

Committees shall be given charges (tasks) to complete within a term of office which would coincide with our fiscal year (for budgetary reasons obviously). At the end of the term, Committee Chairs shall submit a final report to the President and Executive Board in writing with emphasis on tasks completed, attendance, etc.

A Committee Chairperson must inform our Central office in writing, at least 10 days prior, as to date, time, place and attendees of proposed meeting.

Only those persons appointed by PEF to serve on committees will be reimbursed their expenses.

August 1980

Title: Grievance Processing Improvement

WHEREAS:

- Grievances often take years to reach their ultimate resolution. This problem includes out-of-title grievances. As of June 2017, one PEF member in our agency has been waiting over three years for a final decision on her out-of-title grievance. At one point, GOER lost her paperwork. In addition, a timekeeping grievance filed by our division took almost three years to reach a settlement.
- Although GOER is responsible for much of the delay time, PEF can do more to pressure and coordinate with GOER to advance grievances more quickly.
- Many PEF members have become frustrated due to the long waits for grievance decisions. As PEF is making a push to organize its membership, providing good service to members when they come to PEF for help is critical to reaching this goal.
- The slowness of the grievance process subverts negotiations between PEF divisions and their agencies' managements. How often have we heard from management, "Accept this 'compromise' or grieve it and wait years for a decision."?

IT IS THEREFORE RESOLVED:

- It is recommended that the PEF President should appoint a committee to make recommendations for the improvement of the grievance process. The committee should consist of at least four PEF members and staff from all PEF departments who work on grievances.
- Within nine months of the end of this convention, the committee should submit recommendations to the PEF President. The recommendations will be published in the first issue of the Communicator following their submission to the PEF President.
- PEF should fund a reasonable amount of release time to allow the committee to meet during regular business hours.
- At the 2018 PEF Convention, the PEF President should report to the delegates which of the committee's recommendations have been implemented and which recommendations will be implemented during the upcoming year.
- At the 2019 PEF Convention, the PEF President should again update the delegates on the status of PEF's efforts to improve grievance resolution times and should provide statistics comparing resolution times before and after the efforts.

Fiscal Impact: The cost of release time for PEF members to attend the committee meetings. If the committee meets for four days (including travel time), PEF would reimburse the State for 16 days of leave for members. If the annual reimbursement rate is \$150,000, PEF would reimburse the State around \$9,200.

Submitted by: Jeffrey Dyber, Division 169

DEC Central Office Steward Council, Division 169

Adopted at 2017 Convention

## LABOR MANAGEMENT CHAIRS

Each Labor/Management Committee will select its own chair and will report any changes within thirty days of the change. A copy of the minutes of the meeting at which this is established will be included, indicating attendance and the process the committee used to make its selection.

January 28, 1989  
Executive Board Meeting

## LABOR/MANAGEMENT PROTOCOL

It shall be the policy of PEF whenever the President (his/her designee) meet with a Commissioner or agency head (his/her designee) outside the established labor/management structure that the statewide labor management chair (his/her designee) receive prior notification, wherever possible of the schedule of the meeting, topics to be discussed and subsequent results of the meeting.

Adopted May 3, 1993  
Executive Board Meeting



## Maximizing Committee Cost Effectiveness by Strategic EOL Use

**WHEREAS**, the Public Employees Federation (PEF) conducts essential work on behalf of the membership through standing and special Committee meetings and activities and through working with our international affiliates AFT and SEIU at workshops, meetings and conventions;

**WHEREAS**, in some cases, PEF funding resources are used to support membership involvement in Committees' work by paying for full and/or half day Employee Organization Leave (EOL);

**WHEREAS**, there are significant financial and organizational threats facing PEF and other unions, due to the implications of federal cases before the Supreme Court, and proposed federal legislation and regulation that would constrain or eliminate union rights and powers;

**WHEREAS**, surviving and thriving despite such existential challenges will require PEF to maximize the effectiveness of Committee activities and results;

**WHEREAS**, given this climate, EOL will be need to be available to PEF members to support PEF strategic initiatives on the part of standing and special Committees, and;

**WHEREAS**, now, more than ever before in PEF's history, it is essential that PEF, its leaders and members all manage EOL disbursements in a manner that maximizes impact and minimizes costs whenever possible;

**THEREFORE**, be it resolved that the PEF President and PEF Committee leadership should conduct Committee and all other union activities in order to maximize the strategic impact and cost effectiveness of EOL use, by such efforts as convening meetings before or after the work day, by holding meetings via conference call and/or by webcast, by combining meetings sequentially, and by seeking financial support from AFT and SEIU where relevant, in a practical and prudent manner, consistent with PEF's mission and Constitution.

*Fiscal Impact:* \$0

*Submitted By:*

Kay Alison Wilkie:  
Executive Board Seat 55  
Division 262 DED

Wayne Spence  
President, PEF

Adreina Adams  
Vice President, PEF  
Andrew Puleo  
Regional Coordinator – Region 2

David Dubofsky  
Regional Coordinator – Region 5

Mike Blue  
Regional Coordinator – Region 8

Charles Roland  
Interim Regional Coordinator – Region 11

Nora Higgins  
Regional Coordinator – Region 12

Maddie Shannon-Roberts  
Trustee - OTDA

Sarah Lauser  
Trustee – OSC

Sharon DeSilva  
Executive Board Seat 450, OTDA/OCFS

Ken Ferro  
Council Leader, Executive Board Seat 197, Division 205 DOH

Joe Donahue  
Council Leader, Executive Board Seat 487, Division 190 DTF

Mary Ellen Hoffman  
Executive Board Seat 480, Division 190 DTF

Ed Bellamy  
Executive Board Seat 485, Division 190 DTF

Jakob Westman  
Executive Board Seat 486, Division 190 DTF

Bobbi Stafford, RN  
Executive Board Seat 97, PEF Ethics Committee, SUNY H&S Chair, Division 320 SUNY Upstate

Darlene Williams  
Executive Board Seat 360, Division 254 OMH

Germaine Greco  
Council Leader, Executive Board Seat 455, representing Regions 10-12, Division 192 OTADA

Teresa Lefler  
Executive Board Seat 300, OPWDD & OMH

Randi DiAntonio, LMSW  
Executive Board Seat 285, Division 259 OPWDD

Diane Jaulus  
Council Leader, Executive Board Seat 50 Division 353 DOCCS

John Thomsen  
Executive Board Seat 127, Division 179 DHSES/OGS

Ralph Mabb III  
Council Leader, Executive Board Seat 420, Division 211 DMV

Danielle Freeman  
Executive Board Seat 90, Division 355 HESC

Richard Fletcher  
Executive Board Seat 445, OTADA

Radhakrishna Mohan  
Executive Board Seat 217, SIF

Lyndon Jones  
Executive Board Seat 5, OSC

Brenda Grober  
Council Leader, Division 262 DED

Jeff Janiszewski  
Division 262 DED

Amy DeMarco  
Executive Board Seat 190, DOH

Conrad Davis  
Executive Board Seat 470, Tax and Finance

Sheila Ambrose  
PEF Steward, Division 205, DOH

Stephanie McLean Beathley  
Council President, PEF Division 167

This resolution recommends that the PEF President and PEF Committee leadership endeavor to maximize the impact and cost effectiveness of EOL use for standing and special Committee meetings and activities, in a practical and prudent manner, consistent with PEF's mission and Constitution.

Adopted at 2017 Convention

## **PEF Ethics Committee**

WHEREAS, There is a PEF Ethics Committee where five PEF members are appointed by the President of PEF to review and render decisions on complaints; and

WHEREAS, The PEF Ethics Committee renders decisions holding that violations occurred with the (1) specific provision(s) of the PEF Constitution and Special Rules of Order, or (2) the PEF Code of Ethics, or (3) the Guidelines for the PEF E-Mail accounts, or (4) the PEF policy on personal gifts and gratuities, and or (5) the PEF professional conduct policy; and

WHEREAS, The PEF Committee does not often cite the specific violation(s) that occurred; and

WHEREAS, The PEF Ethics Committee should state exactly what type of violations the members or officers are accused so that if a PEF officer or member is charged with a violation they may be better able to represent themselves on appeal;

THEREFORE BE IT RESOLVED, that the PEF Ethics Committee inform the accused PEF member or officer of the committees decision on each specific section included on the accusation.

Adopted at 2015 PEF Convention

Submitted by: Sharon V. DeSilva, Esq., Region 8, Division 234, Executive Board

David Takor, Region 8, Division 234, Treasurer

Mike Blue, Region 8 Coordinator

Miki Ramos-Ensellin, Region 8, Division 234, Executive Board

Debra Walton, Region 8, Division 234, Assistant Council Leader

Debi Chowdhury, Region 8, Division 409

Renee Fields, Region 8, Division 234

Maria Brown, Region 8, Division 234

Ronald Simmons, Region 8, Division 234

Veronica Johnson, Region 8, Division 234

Tim Lane, Region 8, Division 234

Karen Stern, Region 8, Division 234

James Reyling, Region 8, Division 234

Tim O'Brien, Region 8, Division 234

Barbara Gregorek, Region 8, Division 234

Maddie Shannon-Roberts, Region 8, Trustee

# Policy for H/S Agreements

## PEF Policy on Health and Safety Committee Agreements

It is PEF's policy that Health and Safety Committees entering into written agreements and/or modifying existing agreements at the agency or facility/institution (local) level must follow these procedural steps:

Agreements must be reviewed by PEF representatives of the Health and Safety Committee and the PEF Health and Safety Staff assigned to that agency. The PEF Health and Safety Chair and PEF H&S will consult with other PEF departments as appropriate for review, and will facilitate the exchange of drafts between the PEF Health and Safety Committee and management. All Agreements must receive "*FINAL*" review by the Director of Health and Safety prior to execution by the Health and Safety Committee, Chair and Health and Safety staff. The President's designee for execution of such agreements is the appropriate Health and Safety staff. Any such agreement should be signed by the applicable PEF Health and Safety Chair or other leaders involved; however, the Health and Safety staff signature is required for ALL such agreements.

It is the responsibility of the Health and Safety Chair to send a copy of the final Agreement to the Health and Safety Committee members (local and agency), the appropriate Field Representative assigned to the facility or agency and the PEF Health and Safety Assistant located at PEF Headquarters. A copy of all Agreements will be stored in a PEF repository allocated for Health and Safety Agreements.

Health and Safety Committee members, Local leaders and other PEF members involved in Committee operations must sign an acknowledgement form that this policy has been read and that they understand and will comply with its terms.

Adopted by Executive Board August 2021

# Policy for LM Agreements

## PEF Policy on Labor-Management Agreements

It is PEF's policy that any and all Labor-Management Agreements-entered into or modified at the agency or facility/institution (local) level must follow these procedural steps:

Any and all proposed agreements discussed at Labor-Management meetings, or any other informal and formal meetings with local or agency level management, must be reviewed by PEF representatives of the Labor-Management Committee. The assigned Field Representative and the Labor-Management Chair will consult with other PEF departments as appropriate for review and will facilitate the exchange of drafts between the PEF Labor-Management and management. All Agreements must receive "*FINAL*" review by the appropriate Director of Field Services prior to execution by the Labor-Management Chair and the appropriate PEF Field Representative. The President's designee for execution of such agreements is the appropriate Field Representative. Any such agreement should be signed by the applicable PEF Labor-Management Chair or other leaders involved; however, the Field Representatives' signature is required for ALL such agreements.

It is the responsibility of the Labor-Management Chair to send a copy of the final Agreement to the Labor-Management Team (local and agency), the appropriate Regional Coordinator(s) and the PEF Labor Management Assistant located at PEF Headquarters. A copy of all Agreements will be stored in a PEF repository allocated for Labor-Management Agreements.

All elected stewards must sign an acknowledgement form that this policy has been read and that they understand and will comply with its terms.

Adopted by Executive Board August 2021

## **1988 Resolutions**

### **Resolution 25 - Privatization**

WHEREAS, privatization is a major attack on unionized workers; and

WHEREAS, increasingly public services in mental health, mental retardation and transportation, etc. are being funded to private sources through contracting out and local assistance monies; and

WHEREAS, public policy issues such as the right of all citizens to services, fees for services, cost effectiveness, duplication and fragmentation of services and the quality of services provided have not been fully considered in the effort to privatize; and

WHEREAS, constitutional issues such as due process have not been fully considered in the movement to privatize; and

WHEREAS, layoffs are occurring in the state work force at the same time there has been an increase in privatization; and

WHEREAS, PEF has decided to organize private sector workers who are unrepresented and underpaid; and

WHEREAS, PEF could benefit from a fully developed and coordinated effort to fight the attack on public services:

THEREFORE BE IT RESOLVED, that PEF establish a central committee consisting of 2 members each from OMH, OMRDD and DOT representing collectively the largest portion of those services being privatized; and

BE IT FURTHER RESOLVED, that the committee develop strategies using political action, public relations, labor/management, internal and external organizing and education, and any other relevant resources, and to coordinate all activities addressing privatization including linkages to the union affiliates.

Submitted by: Bonnie Cannan  
Jim Hooper  
Tom Grace  
Jo Cecilia Moore

**PROHIBITED USE OF TITLE 'CHAIR' OR MEMBER OF ANY COMMITTEE IN EXTERNAL COMMUNICATIONS**

The title as Chairperson or Member of any PEF Committee may not be used to sign any correspondence not directly related to the business of the committee.

Adopted: November 22, 2002  
Executive Board Meeting



## Recognition and Funding of Special Committees

PEF encourages the participation of its members in the union and union-related activities and looks to their expertise to help guide the organization in its mission.

We recognize that there will be times when union members may have need for particular attention to situations which affect their work lives or working conditions as individuals or as a group. As such, the union may endorse the development of internal committees whose purpose is to improve the lives of PEF members with respect to terms and conditions of employment and those objectives set forth in PEF's Constitution and policies. Such committees can be of mutual benefit to the union and the group.

Committee designation will be considered upon completion of an application filed with the President. The member(s) or group requesting designation must describe the need for and purpose of the committee, outline its annual goals and proposed activities, estimate the number of members to be served or impacted, and propose a budget. (Existing committees will be expected to comply with the new procedure)

Upon receipt of application, the President will bring the request to the Executive Council, which will make a recommendation to the Executive Board of PEF. The Executive Board will make the final decision on official sanction of the special committee.

As part of the annual budget process, the Secretary-Treasurer of PEF will recommend to the Executive Board, for its approval, an amount of money for each duly sanctioned special committee, adequate to its annual goals and considerate of the union's overall financial ability.

Committees so recognized by PEF are required to submit, on a quarterly basis, a report of their activities and accomplishments, including a financial statement to the Executive Board. These reports will serve as the basis for determining future recognition of the committee and its budgetary allotment.

The leadership of special committees, in compliance with PEF's Constitution, shall be appointed and/or approved by the President.

Adopted: March 2, 1995  
Executive Board Meeting

## **RECOMMENDATIONS FOR AGENCY LABOR/MANAGEMENT BEST PRACTICES**

### **I. L/M PROCEDURES AND RESPONSIBILITIES:**

1. Facilitate working relationship with management
2. Establish joint L/M agreement (written) on the process
3. Written minutes of the statewide meeting shall be filed at PEF headquarters
4. Communicate to agency stewards and delegates regarding labor-management items
5. Ensure a minimum per contract two meetings, preferably four take place jointly per calendar year
6. Establish bylaws – committees, policy, and procedures – PEF side
7. Monitor your statewide agency annual L/M budget
8. Move unresolved statewide issues to other forum and/or mobilization
9. Utilize field representative
10. Establish specific subcommittees as needed (i.e.: nurses' workgroup)
11. Create agency resource list (speakers to testify)
12. Participate in joint L/M training
13. Assist testimony/preparation for NYS budget hearings/ specific agency items

### **II. FISCAL RESPONSIBILITIES OF L/M CHAIRS:**

1. Adhere to the L/M funding guidelines®
2. Review L/M budgets monthly for appropriate charges®

### **III. MOBILIZATION:**

1. Mobilize members locally and statewide
2. Mobilize against agency targeted closures
3. Mobilize around unresolved issues
4. Be prepared to mobilize and address issues that threaten members' job security
5. Work with PEF Mobilization Department & PEF Employment Security Committee

### **IV. CONTRACT ENFORCEMENT:**

1. Develop working relationship with your field representative
2. Know your contract book
3. Establish working relationship with PEF Contract Administration, Civil Service, and Privatization Departments
4. Avoid L/M agreements that may contradict PEF's contract

### **V. POLITICAL ACTION:**

1. Maintain contact with PEF legislative office
2. Attend appropriate legislative hearings
3. Lobby elected officials on agency issues and PEF issues in conjunction with the Regional Coordinator, regional PAC chair and statewide L/M chair
4. Facilitate and maintain relationship with elected officials

### **VI. DIVISIONS:**

1. Regional or local labor management meetings should be held following the guidelines as far as practical and appropriate

® - Required by PEF policy

Adopted: June 1, 2005

## **Representation of Bi-lingual (English as a Second Language) PEF members**

**-Whereas**, Hispanics participation in the Civil Service system is currently at 5%; The Latino population is the largest and the fastest growing minority group in NYS representing 17% of the workforce.

**-Whereas**, the PEF Hispanic Committee, in agreement with national, accredited educational institutions recognize the challenges faced by highly skilled, well-educated bi-lingual PEF members. We believe we can resolve some of the disadvantages, bi-lingual members face when taking Civil Service tests that are currently designed for native English speakers formally educated in the English language. We propose that ESL PEF members take advantage of a translator/computer program that provides a translation to our members in his first language when taking Civil Service Exams. The current model imposes a handicap that does not allow all bi-lingual members the same opportunity to demonstrate in full their knowledge in the tested area.

**-Whereas**, the skilled and professionally educated current and prospective PEF members for whom English is their second language career mobility may be negatively impacted by the lack of test translation and other research- based considerations that may amount to discrimination in the workforce.

**-Whereas**, the Hispanic Committee is committed to equity and access in the workforce for PEF current and prospective members for whom English is their second language as it is known that a computerized translation service is available for civil service test and currently used by government agencies (i.e. the New York City Police Department).

**-Whereas**, the Hispanic Committee will partner with sister unions that support the testing translation service for their current and prospective members in NYS, and with the NYS Civil Service to pilot a program to address/correct this issue across the State, starting in New York City (NYC). As our downstate regions has identified 7 languages besides English as the languages prevalent in the workforce. Spanish language represents the highest percentage within the minority groups represented in the NYC workforce.

**THEREFORE**, be it resolved, that the PEF Hispanic Committee will work to implement a pilot program that provides testing translations for PEF's current and prospective members for whom English is their second language or acquired their professional licenses and/or degrees in a language other than English. The pilot program should begin in NYC, due to the high concentration of PEF members of diverse backgrounds that reside in the downstate area, with the initial focus on Spanish translations. The expansion will require PEF's support and should be implemented as appropriate to ensure access and equity to PEF's current and prospective bi-lingual (ESL) members in the NYS Civil Service system.

**Fiscal Impact:** Cannot be determined at this time.

Submitted by: Michelle Maldonado, Department of Labor, Division 245  
Endorsed by the entire PEF Statewide Hispanic Committee  
Jeanette Santos, Trustee

Adopted: September 2019  
PEF Convention

SECRETARY-TREASURER MEETING WITH THE BUDGET ADVISORY & FINANCIAL  
COMPLIANCE COMMITTEE PRIOR TO DISCUSSING THE PROPOSED BUDGET TO THE  
EXECUTIVE BOARD FOR APPROVAL

WHEREAS, the Secretary-Treasurer has the responsibility to prepare, present and discuss the PEF proposed financial budget to the PEF Executive Board during the first quarter of the fiscal year, and

WHEREAS, PEF established a Budget Advisory & Financial Compliance Committee, with the responsibility of reviewing the PEF budget, and

WHEREAS, the PEF Budget Advisory & Financial Compliance Committee is supposed to meet and discuss the PEF proposed budget with the Secretary-Treasurer, and

WHEREAS, it appears that there have been insufficient meetings between the Secretary-Treasurer and the established financial Committees (i.e. Finance Committee), and

WHEREAS, it is imperative that PEF as an organization must act in the best financial interests of all PEF members by establishing a well-discussed and prepared financial budget, and

WHEREAS, it is PEF's best interest that the Budget Advisory & Financial Compliance Committee and the PEF Secretary-Treasurer should meet to discuss and prepare the best and most detailed PEF financial budget before it its approved by the PEF Executive Board during the fourth quarter of the fiscal year, and

WHEREAS, issues regarding the proposed financial PEF budget can be discussed with the Secretary-Treasurer and the members of the Budget Advisory & Financial Compliance Committee, before it is presented to the PEF Executive Board during the fourth quarter of the fiscal year;

THEREFORE, BE IT RESOLVED, that the PEF Secretary-Treasurer should meet with PEF Budget Advisory & Financial Compliance Committee, at least quarterly to discuss the PEF proposed financial budget prior to it being prepared, presented and discussed with the PEF Executive Board.

Fiscal Impact: None, if the Committee can discuss matters through phone conference, or meet during lunchtime at Executive Board meetings.

Submitted by: Sharon V. DeSilva, esq., Region 8, Division 234, Executive Board  
Wayne Spence, President of PEF  
Debra Walton, Region 8, Division 234, Assistant Council Leader  
Lyndon Jones, Region 8, Executive Board  
Kay Wilkie, Region 8, Executive Board  
Michael Blue, Region 8 Coordinator  
Nora Higgins, Region 12 Coordinator  
Scarlet Ahmed, Executive Board  
Ken Ferro, Executive Board, Division 205 Council Leader  
Richard Fletcher, Executive Board  
Joe Donahue, Executive Board, Division 190 Council Leader of  
Randi DiAntonio, Executive Board

Ralph Mabb III, Executive Board, Council Leader of Division 211  
Dave Dubofsky, Region 5 Coordinator  
Andrew Puleo, Region 2 Coordinator  
Timothy Lane, Region 8, Division 234 Steward  
David Takor, Region 8, Division 234 Steward  
Germaine Greco, Division 192, Executive Board  
Sheryl Sperry  
Darlene Williams, Executive Board  
William Osta  
Diane Jaulus, Executive Board  
Johnny Neal, Division 190, Tax and Finance  
Charla Anderson, Region 8, Steward  
Tania R. Tinley Region 8, Division 205 Steward  
Monica Sharp, Region 8, Division 234 Steward  
Michelle Santos, Region 8  
Sara Betancohurt, Region 8, Division 234 Steward  
Carolyn Cole, Executive Board, Division 197 Council Leader  
Barbara Gregorek, Division 234, Council Leader  
Karis Browder

Adopted at 2017 Convention

# CONTRACT

## 24/7 Employees

**Whereas** PEF Collective Bargaining Agreement (CBA) with New York State represent approximately 50,000 state employees; and

**Whereas** the PEF Collective Bargaining Agreement with New York State needs language to address employees who work in agencies and institutions that have a 24/7 work week; and

**Whereas** these employees are expected to work, evenings, nights, weekends, and holidays; and

**Whereas** this group of employees have issues with the use of personal time, the use of EOL time, the use of paid leave for cancer screening as designated by the state; and

**Whereas** these members also have do not have the same protection as the rest of the state work force for the right to use their breaks, to their meal breaks, to weekends off, to annual leave time, to personal leave time, to conference time, to holiday accrual time, and to floating holiday time.

**Whereas** a large portion of these employees are subject to mandatory overtime: and,

**Whereas** the majority of Protest of Assignments are derived from this group of members.

**Therefore be it resolved** that PEF work to address concerns of 24/7 employees who work in 24/7 schedules through but not limited to contract bargaining and political action with the intention to create an Article that addresses these issues.

**Financial impact:** None, as the State budgets for and allows employees to accrue time.

Submitted by: The Statewide Nurses Committee

Supported by:

The Statewide Nurses Committee: *Chair* Amy Lee Pacholk *Co-Chairs:* John Taverne & Vincent Ciatello, Rachel Amodio-Kopp, Margaret Dobbins, Michele Iorfida, Karen Hockey, Abdallahi Diop

President Wayne Spence  
Secretary Treasurer Joseph Donahue  
Vice President Randi Di Antonio  
Vice President Darlene Williams  
Trustee Muriel Hardy  
Trustee Bruce Giddings

The SUNY Labor Management Committee: *Chair* Rachel Amodio-Kopp, *Co-Chair* Heather Kammerer, Bernadette O'Connor, Joan Rosegreen, Matt Wisnowski

Regional 1 Coordinator Michele Iorfida  
Regional 2 Coordinator Shelby Wisneski  
Regional 3 Coordinator Leisa Abraham



Regional 4 Coordinator Gina M. Corona  
Regional 5 Coordinator David Dubofsky  
Regional 6 Coordinator Christopher Dunham  
Regional 7 Coordinator Barbara Stransky  
Regional 8 Coordinator Danielle Bridger  
Regional 9 Coordinator Diane Jaulus  
Regional 10 Coordinator Mohan Radhakrishna  
Regional 11 Coordinator Bernadette O'Connor  
Regional 12 Coordinator William Holthausen

Adopted: 2023 PEF Convention

**Policy and Procedure**  
**Article 22 - Employment Security Committee**  
**August 1, 1996**

This policy outlines the procedure which the PEF Employment Security Committee will follow when addressing State proposals to contract out PS&T Unit positions pursuant to Article 22 of the 1995-99 PEF/State Agreement, Appendix VI, and related side letters.

**I. Notification of Proposed Contracting Out:**

When the State determines that contracting out affecting PS&T members may be plausible, the Governor's Office of Employee Relations is required to notify PEF in writing of the State's intent to contract out.

Upon receipt of notice from the Governor's Office of Employee Relations (GOER) that the State believes that contracting out in a particular work location, facility, department or agency is plausible, the Employment Security Committee will notify all regional coordinators, executive board members, council leaders and field representatives representing members who may be affected by the proposed contract.

On occasion, local PEF leadership may become aware of possible contracting out proposals before the State has determined that contracting out is plausible. In these situations, local leadership will be responsible for notifying the appropriate executive board member and field representative of the rumored contract.

The executive board member and appropriate field representative will be responsible for attempting to verify that contracting out is planned and notifying the PEF Contract Administration Department of all information obtained. Contract Administration will notify the Employment Security Committee and, in conjunction with the field representative, determine if the rumored contracting out is "plausible" as contemplated by the Notice of Contracting Out sideletter attached to the 1995-99 PEF/State Agreement.

**II. Development of Proposed Alternatives to Contracting Out:**

The Notice of Contracting Out side letter attached to the 1995-99 PEF/State Agreement provides PEF the opportunity to propose alternatives to contracting out which, if accepted by the State, may lead to abandonment of plans to contract out.

When PEF receives notice from GOER that contracting out is plausible, the Chairperson of the PEF Employment Security Committee shall appoint a subcommittee to explore the feasibility of and make proposals regarding alternatives to contracting out.

The subcommittee shall generally be composed of no more than six people and shall include at least one permanent member of the Employment Security Committee, local

representatives, and appropriate staff support. In selecting local representatives for the subcommittee, the Chairperson shall review any recommendations submitted by the regional coordinator(s), executive board member(s) and council leader(s) representing affected members.

The subcommittee shall be responsible for reviewing all documentation received from the State regarding the proposed contracting and for developing proposed alternatives to such contracting out where feasible. Such proposals shall be reviewed and approved by the full Employment Security Committee before submission to the State.

### **III. Review of Redeployment Lists and Proposal of Additional Titles:**

The Employment Security Committee is charged with reviewing Department of Civil Service determinations regarding title comparability for primary and secondary redeployment. In connection with this charge, PEF may propose titles to the Department of Civil Service which PEF believes should be included on primary or secondary redeployment lists for affected titles.

When developing proposals for titles to be added primary and secondary redeployment lists, the PEF Employment Security Committee will seek the input of affected individuals, and all regional coordinators, executive board members, and council leaders with affected members as to titles which they believe may be appropriate for primary and secondary redeployment.

Such proposals will be reviewed by the PEF Research and Contract Administration Departments which will report back to the Employment Security Committee regarding whether the proposed titles are "comparable" as contemplated by the 1995-99 PEF/State Agreement and whether any additional titles might be also be considered comparable. The PEF Employment Security Committee shall review the suggested titles and recommendations and make appropriate proposals to the Department of Civil Service.

Adopted: December 4, 1996  
Executive Board Meeting

## ASBESTOS POLICY

Whereas, asbestos is a known human carcinogen; and

Whereas, no safe asbestos exposure value has been established by the scientific and medical community; and

Whereas, existing occupational exposure standards fail to protect workers; and

Whereas, the risk to the health of public employees from chronic exposure to levels of airborne asbestos fibers is largely ignored; be it

Resolved, therefore, that it is the policy of the New York State Public Employees Federation, Local 4053, SEIU and AFT, AFL-CIO to assure that all workers have employment and a place of employment free of the potential for exposure to asbestos fibers and the consequent risk to health from such exposures;

Further, be it resolved, that this goal be achieved by development and implementation of a comprehensive asbestos campaign in each and every worksite. The campaign will call upon all of PEF's resources, in particular, and, most importantly, our unionists and activists at the local work sites.

July 23-24, 1987  
Executive Board

1989 Resolutions

CONTRACT ISSUES I

Resolution 14 - Balanced Reporting of Proposed Contracts

WHEREAS, for the membership to decide in an informed fashion whether or not to ratify a proposed contract, they should be provided with a written description of all gains and trade-offs; and

WHEREAS, only the gains have been highlighted in The Communicator in the past;

THEREFORE BE IT RESOLVED, that for all PEF represented bargaining units when printed in The Communicator, the gains, as well as the trade-offs will be fully and fairly reported.

Submitted by:  
Norman Abramowitz  
Roger Benson

## **COLLECTIVE BARGAINING NEGOTIATIONS POLICY**

This policy is intended to govern PEF's internal procedure for the conduct of negotiations for any new or successor collective bargaining agreement covering any PEF represented bargaining unit.

The President of PEF designates the Contract and Negotiations Committee (Contract Team) for every bargaining unit represented by PEF. (Constitution, Article XIV) Every PEF Contract Team shall review this policy prior to the start of negotiations for any new or successor collective bargaining agreement and indicate their review in writing.

Prior to beginning negotiations for any new or successor collective bargaining agreement, the President will inform the employer of: (1) the identities of PEF's lead negotiator(s) and members of the Contract Team; and (2) that no tentative agreement will be presented to the membership for a ratification vote unless it is approved by the PEF Executive Board.

No collective bargaining agreement will be negotiated by or for any PEF represented bargaining unit without the lead negotiator(s) present at all negotiating sessions.

ADOPTED: MARCH 2, 2006  
EXECUTIVE BOARD MEETING

Contents of PEF Contract Ratification Envelopes

WHEREAS, informational literature is prohibited within 500 feet of municipal voting booths; and

WHEREAS, informational literature is prohibited from PEF election ballot envelopes; and

WHEREAS, prior to the 1995 contract ratification, only balloting instructions and a return envelope were included with the ratification ballot; and

WHEREAS, the 1995 “Tentative Agreement Summary” contained in the contract ratification envelope mailed to members included pro-ratification statements; and

WHEREAS, contract concessions can be disguised by simple omission of previous language and therefore not included in a “Tentative Agreement Summary”; and

WHEREAS, the 1995 “Tentative Agreement Summary” was not balanced because it highlighted the contract gains and did not identify the contract concessions; and

WHEREAS, because the 1995 contract “Tentative Agreement Summary” was contained in an American Arbitration Association (AAA) envelope, members may have incorrectly concluded that it represented an impartial contract summary prepared by AAA; and

WHEREAS, because of their commitment to ensuring contract ratification, PEF administrations cannot be expected to prepare a balanced “Tentative Agreement Summary”; and

WHEREAS, PEF administrations have other methods of distributing informational information to the membership prior to contract ratification:

THEREFORE BE IT RESOLVED, that henceforth it will be PEF policy that contract ratification ballot envelopes will only contain the ballot, instructions for voting and the return envelopes.

Submitted by:            Roger Benson  
                                      Neila Cardus

Adopted:                October 25, 1995  
                                      PEF Convention

## CONTRACT CLARIFICATION

1. Any contract with the State related to QTP, under Article 24 be referred to the appropriate agency labor/management committee or committees for their advice and consent prior to signing by the President or his/her designee. PEF representatives at the agency or local labor/management level will refer any future QTP agreements under consideration by their respective agencies to PEF administration or designated staff before an official sign-off. In addition, PEF provide training in the methods, goals and risks of QTP programs for labor/management representatives and appropriate staff within six months of the adoption of the tentative agreement. PEF to also develop a policy and a consistent approach for labor/management committees and PEF to approach QTP and this policy to very clearly specify the involvement of local labor/management committees.
2. The President refer any agreement under Article 22.3, Flexibility Committee to the Executive Board for advice before signing any side letter or making any other commitment to the State.

Adopted May 3, 1993  
Executive Board Meeting



### **Deferred Comp Match**

**Whereas:** The State has systematically been reducing State employee pensions via the enactment of Tiers two through six; and

**Whereas:** The retirement of our members is very important to PEF and its membership; and

**Whereas:** The State has an IRS section 457 plan that PEF members may participate into now; and

**Whereas:** It would serve both the State and PEF's interests if more PEF members participated; and

**Whereas:** If the State provided a match in contributions to those of PEF members --up to a certain amount, it would serve as an incentive to all PEF members to contribute;

**THEREFORE, BE RESOLVED THAT:** PEF shall propose in State Contract negotiations that the State provide a deferred compensation match of PEF member contributions to their IRS section 457 plan contributions of up to \$500.00 per fiscal year.

Fiscal impact: None. Submitted  
By: Kevin E. Jones – Division  
202, PEF Region 8, NYS  
Department of Labor

Adopted: October 2021  
PEF Convention

## GRIEVANCES

The following resolution proposed by the 1983 convention was adopted by the Executive Board on May 11, 1984, and now constitutes PEF policy:

Whereas, local leadership has direct knowledge of the impact of particular grievances to the agency and

Whereas, local leadership is the first place the members come to ask for information.

Therefore Be It Resolved, that before PEF makes a final decision not to accept a grievance at Step 3, PEF will consult with the appropriate affected Division Council.

May 11, 1984

### **Implementation of Employee Dispute Mediation Programs**

THEREFORE BE IT RESOLVED, that the Leaders of PEF strongly advocate for the implementation of Voluntary Employee Mediation programs in the various agencies and institutions where PEF members are employed; and

BE IT FURTHER RESOLVED, that the Leaders of PEF entertain discussion with the NYS Governors Office of Employee Relations (GOER) regarding the implementation of Voluntary Employee mediation programs; and

BE IT FURTHER RESOLVED, that the Leaders of PEF continue to advocate for the implementation of Voluntary Employee Mediation Programs, yearly and in contract negotiations, and show documentary proof of their attempts to discuss the implementation of this proposed program.

Adopted: 2013 PEF Convention

No Piecemeal Negotiations

Whereas, the State of New York was able to exact contract provision from us, such as Managed Mental Health Care, prior to the final completion of contract negotiations; and

Whereas, these items were the most important components to the State's contract position; and

Whereas, obtaining these items in advance made the State more intransigent on negotiations and served to assure that we would not be able to secure as good a contract:

Therefore be it resolved, that PEF not entertain any items of future contracts separately or agree to any Memorandums of Understanding; and

Be it further resolved, that all future contracts be submitted in total to the members to be evaluated as whole and vote on as a complete package.

Submitted by: E. Ray Dobin, Div. 351  
Kenneth Robertson, Region 10 Coordinator  
Pat Ford, OMH  
Maggie Litzenberger, Vice President  
Phil DelPiano, Region 6 Coordinator  
Sue Jeffords, Parole  
Kevin O'Buckley, Region 2 Coordinator  
Walter Paloga, OSC  
Irv Landa, DOH  
Norman Abramowitz, SED  
Bob Weinbloom, DOH  
Rose Redick, OMRDD  
Linda DeVito, Region 3 Coordinator  
Paul Gregory, Region 5 Coordinator  
Willamay Thompson, OMRDD  
Douglas Monington, Tax and Finance  
Pat Canaday, DOCS  
Michael DelPiano, OMRDD  
Stanley Byer, DEC  
Barry Rachnowitz, Tax and Finance  
David Webster, DOH  
Neila Cardus, Region 9 Coordinator  
Ray Palmer, SIF  
Bernice Jones, DOL  
Robb Roberts, OMH  
Haydee Montenegro-Gonzalez, OMH  
Jennifer Faucher, SIF  
Michael Solarchik, OMH  
Nancy Dunton, DSS

## PEF INITIATED OUT-OF-TITLE WORK GRIEVANCES/ Revised Policy

As you know, the 1995-99 PEF/State Agreement allows PEF to file PEF initiated out-of-title work grievances pursuant to Article 17 of the Agreement. With two years of experience implementing this provision, we continue to face difficult questions regarding when PEF initiated grievances are appropriate. This memorandum attempts to answer some of these questions and clarifies PEF policy on this issue.

We have now faced a number of situations where PEF initiated grievances have been pursued over the objections of the members(s) performing the out-of-title work. These situations are often thorny, as they routinely present conflicts of interest between members of the bargaining unit. The first thing to think about in this situation is the duty of fair representation because it provides a common sense approach to resolving these conflicts of interest.

PEF is not under any duty to enforce every violation of any individual member's technical contractual rights. Rather, the union's primary duty is to do what is best for the largest number of members in a given situation, provided it acts in good faith, and a nondiscriminatory way.

Applying this principle to out-of-title work, the mere fact that there is an out-of-title situation does not oblige PEF to pursue the grievance. If the upshot of the grievance is going to put a member on the street, or harm more members than it helps, we have no duty to go forward with the grievance, so long as our decision is not motivated by bad faith or arbitrariness. Examples of bad faith or arbitrariness include taking or refusing to take a grievance because of someone's race, sex, agency fee payer status or political persuasion within the union.

On the other hand, PEF has an interest in pursuing out-of-title grievances in cases in which the out-of-title work injures other bargaining unit members or in which issues of unit-wide impact or concern are presented. For example, PEF initiated grievances may be appropriate in cases in which the out-of-title work is blocking another member's access to promotion, rehire from a preferred list, or voluntary reassignment, or in which the member performing out-of-title work is engaged in inappropriate supervision of other PEF members. For example, PEF initiated grievances may prove a valuable tool in forcing the State to address the impact of layoffs by challenging inappropriately assigned work previously performed by laid off employees.

Making a sound decision about whether a grievance is meritorious and whether it is going to help or hurt more members takes a thorough investigation. If a member wants PEF to pursue an out-of-title grievance that may have an adverse impact on other PEF members, PEF must consider the impact on those members, balanced against the benefit to be obtained by pursuing the out-of-title grievance, before it proceeds.

Henceforward, PEF will require that local division leadership review requests to file PEF initiated grievances. Division leadership should evaluate whether, consistent with the above principles, the division has an interest in pursuing a PEF-initiated grievance. If a consensus of the division leadership determines that pursuing a PEF-initiated grievance is in the best interest of the division should then refer the matter to the appropriate field representative.

Currently, only field representatives have delegated authority to file Article 17 grievances on behalf of PEF at Step Two (the first step of the grievance procedure for Article 17 grievances).<sup>1</sup> Before filing, the appropriate field representative must:

- a) verify that a consensus of the division leadership supports filing of the grievance; and
- b) interview the members whose work will be the subject of the grievance to determine what objections they may have to proceeding with the grievance; and
- c) determine if filing a PEF initiated grievance in the particular case appears consistent with the principles discussed above.

If each of these criteria have been satisfied the field representative should file the grievance.

If a member is aggrieved by a decision to file a PEF initiated grievance at Step Two or a division is aggrieved by a decision not to file, they should contact the appropriate field services director to appeal the decision. If the member or division is dissatisfied by the field services director's determination, they should appeal that determination to the Director of Labor Relations.

If any of you have any questions about this memorandum, please do not hesitate to contact your field services director, Contract Administration or the Director of Labor Relations.

Adopted: March 4, 1998  
Executive Board Meeting

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<sup>1</sup> This policy does not affect members who are interested in filing out-of-title grievances challenging their own out-of-title work. Such individuals, or local leadership on their behalf, have had and will continue to have the right to file out-of-title work grievances regarding work the grievant is personally performing at Step Two. PEF will continue to review whether these grievances are meritorious before they are appealed to Step Three.

Parity in Salary Grade Pay Scales between CSEA and PEF

Whereas, for the same salary grade from grade 7 to grade 25, the yearly salary paid CSEA members is greater than the salary set for PEF members at the same salary grade:

Therefore be it resolved, that PEF continue to make wage parity a major issue; and

Therefore be it further resolved, that PEF will use all its resources to address this issue.

Submitted by:     Gerry Reiss, Dept. Of Labor  
                      Ralph Cugno, Dept. Of Labor

## **PEF Article 15: Implementation of a Tuition Reimbursement Program**

THEREFORE BE IT RESOLVED, that the Leaders of PEF negotiate with the Leaders of the State of New York (GOER) to implement a Tuition Reimbursement Program to be incorporated in Article 15 of the PEF Agreement; and

BE IT FURTHER RESOLVED, that the Leaders of PEF continue to advocate for the implementation of A Tuition Reimbursement Program, yearly, and in contract negotiations, and show documentary proof of their attempts to discuss the implementation of this proposed resolution.

Adopted: 2013 PEF Convention



1988 Resolutions

PEF Issues II

Resolution 51 - Professional Contract Negotiator

WHEREAS, the membership deserves the strongest contract possible:

THEREFORE BE IT RESOLVED, PEF's lead negotiator will be a professional in the field of labor relations and contract negotiations and will serve as chief negotiator and general spokesperson and will report to the President; and

BE IT FURTHER RESOLVED, that the Executive Board will develop a list of negotiating positions for recommendations to the chief negotiator with input from agency labor/management chairs and council leaders.

Submitted by: Roger Benson

## PROFESSIONAL DEVELOPMENT AND QUALITY OF WORKING LIFE

PEF will make no further financial commitment to the Employee Involvement Programs; Employee Involvement projects currently in existence will continue through their evaluation period and then be evaluated as to whether those current projects should be continued: PEF will stress the labor/management process and put any energies and funds into that process; a survey of our membership will be done to see what other Employee Involvement and Quality Circle programs are in place and monitor them; PEF's position is that our members get involved in no further Employee Involvement or Quality Circle projects nor any worksite Quality Circle or Employee Involvement projects in which there is not an equal union involvement – or pull out of any projects in which there is not an equal union involvement.

October 30-31, 1985

## Workers' Rights, Negotiating the Use of AI and Generative AI

**Description:** Artificial Intelligence and Generative AI (herein “AI”) provides a computer program or system with the ability to think and learn on its own. It is a simulation of human intelligence (hence, artificial) into machines to do things that we would normally rely on humans to do. The use of AI has become increasingly prevalent in the workplace, and it is important to ensure that workers' rights are protected in this new technological landscape and as emerging technologies change that landscape. As such, we propose the following resolution:

**Whereas** workers have the right to be informed about the use of AI in their workplace, including how it will be used, what data will be collected, and how it will be used to make decisions; and

**Whereas** workers have the right to be trained on the use of AI, including how to use it effectively and how to identify and report any issues or concerns; and

**Whereas** workers have the right to be involved in the development and implementation of AI systems, including providing feedback and suggestions for improvement; and

**Whereas** workers have the right to privacy and data protection, including the right to know what data is being collected and how it will be used, and the right to access and correct any inaccuracies; and

**Whereas** workers have the right to fair and transparent decision-making, including the right to challenge any decisions made by AI systems; and

**Whereas** employers (the State) have a responsibility to ensure that AI systems are designed and implemented in a way that does not discriminate against workers based on their race, gender, age, or other protected characteristics; and

**Whereas** employers (the State) have a responsibility to ensure that workers are consulted and then compensated, offered alternate work assignments, and/or retrained when AI systems eliminate or displace their positions; and

**Whereas** governments have a responsibility to regulate the use of AI in the workplace, including setting standards for data protection, privacy, and non-discrimination; and

**Whereas** governments have a responsibility to invest in education and training programs to ensure that workers have the skills and knowledge necessary to work effectively with AI systems, and

**Whereas** employers (the State) and workers (PEF) should work together to negotiate the use of AI in the workplace, with a focus on protecting workers' rights and ensuring that these technologies are used in a way that benefits everyone;

**Be it Resolved** that the Public Employees Federation (PEF) will utilize the appropriate departments as well as promote state and federal legislative agendas that implement changes to protect PEF members rights through methods including, but not limited to:

- Requiring an inventory of all AI technologies in use and under review.
- Requiring accountability of the system owner for the ethical implementation of emerging technologies through regular audits.
- Working with the State to establish a task force that provides recommendations for how the State can use automated decision system (ADS).

- Advocating that the State create a Central Governance Entity, such as Director of Artificial Intelligence, as has been done within the NYC Government Office of Innovation and Technology. This entity shall be entrusted with various AI related tasks to provide a path for successful AI implementation and reporting systems, including, but not limited to:
  - a. Developing and adopting a statewide AI policy framework that defines the core values and principles for responsible and trustworthy AI.
  - b. Creating and implementing an AI review process that evaluates the potential benefits and risks of AI applications, as well as their alignment with the state's goals and values.
  - c. Establishing and enforcing an AI accountability mechanism that monitors and audits the performance and impact of AI applications, as well as provide mechanisms for redress and remedy.
  - d. Provide guidance and support for state agencies and partners on how to design, develop, and use AI in an ethical and effective manner, such as by creating toolkits, checklists, and training programs.
  - e. Engage with external experts and stakeholders on the ethical implications of AI. This can be done through an AI advisory board, hosting public forums, and soliciting feedback from diverse communities.

**Conclusion:** Industry leaders have identified that AI emerging technologies are affecting many jobs, services, and products across those industries and will continue to do so. The explosion of AI tools, like ChatGPT since it was released in November 2022, highlights the speed at which this impact is occurring. The use of Artificial Intelligence (AI), Machine Learning (ML), automation, and recognition systems in the workplace has the potential to revolutionize the way in which we work, but it is important to ensure that workers' rights are protected in this new technological landscape.

**Fiscal Impact:** None identified. The departments and committees of PEF already exist to provide the support necessary for implementation of this resolution. Staff time would be the cost, but cannot be estimated at this time as prioritization of this effort may evolve against other threats to the members. It is noted that this should be a top priority for PEF going forward.

**Submitted by:**

Christopher J. Ford, PEF Division 357 Council Leader, Executive Board #177

Prakash Lal, AI-Lead (SWITC) / Executive Board Member#176

R Mohan, Chair, PEF Statewide IT Committee (SWITC) / Region 10 Coordinator

**Sponsored by:**

Wayne Spence PEF President

Randi DiAntonio, PEF Vice President

Joe Donahue, PEF Secretary Treasurer

Darlene Williams, PEF Vice President

Sharon DeSilva, PEF Vice President

Danielle Bridger, PEF Region 8 Coordinator

Leisa Abraham, PEF Region 3 Coordinator  
Christopher Dunham, PEF Region 6 Coordinator  
Muriel Hardy-Lee, PEF Trustee / Council Leader Division 407 Metro NY DDSO  
Shelby Wisneski, PEF Region 2 Coordinator  
Michele Iorfida, PEF Region 1 Coordinator  
Bruce Giddings, PEF Trustee  
Bill Holthausen, Region 12 Coordinator  
Bernadette O'Connor, Region 11 Coordinator  
Barbara Stransky, Region 7 Coordinator  
David Dubofsky, Region 5 Coordinator  
Elaine Peters, Division 357 Steward  
Christopher Difilippo, Division 357 Steward  
Jim Desso, PEF Executive Board, Division 357 Ast. Council Leader  
Mamadou Balde, Division 357 Steward  
Mario Chiarello, Division 357 Steward  
Heather Craven, Division 357 Secretary  
Ron O'Bryan, Division 357 Statewide Labor-Management Chair  
Cynthia Walker, Region 11, Division Secretary, Contract Team  
Scarlett Ahmed, DOL Region 11, Council Leader Division 245, Executive Board, Seat 250, Chair,  
Statewide Women's Committee  
Jeanette Santos, PEF former Trustee  
Maureen Kozakiewicz, PEF Executive Board DMV Statewide  
Vincent Cikatello, Division 180 Council Leader and Steward

Adopted: 2023 PEF Convention

## CONVENTION

## **ACCESSIBILITY**

WHEREAS it is strongly urged for PEF members to become delegates to the annual PEF Convention; and

WHEREAS some PEF members may not apply due to a documented disability (physical or sight) that requires them to have a personal companion; and

WHEREAS in some of these situations, the personal companion may not be eligible to apply as a delegate (not a PEF member, retiree, etc.) and, therefore, in order to assist, must attend as a “guest”, and, therefore, not eligible for paid transportation, meals, events, etc. and

WHEREAS the PEF member must pay for a single room out of pocket, yet are sharing the room with their personal companion;

NOW, THEREFORE, BE IT RESOLVED that PEF members with documented disabilities that require a personal companion for participation may have their personal companion share their room and the PEF member not have to pay for a single room; and

BE IT FURTHER RESOLVED that the personal companion’s travel, meals and attendance at events be fully covered, but no stipend be paid; and

BE IT FURTHER RESOLVED that the PEF member must annually submit to the Secretary/Treasurer documentation of the disability and the name of the companion; and this be approved by the Secretary-Treasurer prior to the Convention.

BE IT FURTHER RESOLVED that this resolution will be in effect, beginning with the 2017 PEF Convention.

### **SUBMITTED BY:**

Lisa Walker  
Theresa Cuttone  
Kevin Hintz  
Penny Howansky  
Nikki Brate  
Patricia O’Connor  
Ruth Madigan

**FISCAL IMPACT:** The cost of travel, meals, and attendance at events.

Adopted at 2016 Convention

## Addressing the declining Delegate numbers as a way to Increase Member Engagement

- Member engagement has been an unmitigated success. 1 year later there are now more members enrolled in post Janus than there was pre-Janus. Our membership meetings are better attended, our committees, like political action, are more active than ever before and our rallies are more robust. Some sectors however remain resistant to current efforts of engagement.
- The PEF annual convention stands as the single largest act of member engagement each year, spanning over 4 days of workshops, plenary sessions and presentations by our officers, departments, parent unions, and elected union officials.
- Paradoxically, over the years, as member engagement becomes more important, PEF has seen a declining representation at Convention, which should be a concern.

Convention Year	Potential Delegates	Credentialed delegates
2010	1,168	878
2011	1,072	819
2012	1,044	724
2013	1,087	727
2014	1,033	757
2015	1,037	659
2016	1,025	676
2017		740
2018		651
2019		( ? )

- With over 300+ delegate seats sitting empty nearly each year (and growing), and considering that each delegate represents 50 members, this means that over 15,000 members go under represented each year.
- Particularly at this time with Unions under assault on so many fronts, this lack of representation of over 15,000 members further limits their knowledge of the issues, the knowledge of the anti-union tactics, the potential to become more active members, as well as decreases the power of the union by having close to ¼ of our members not having a voice.

Therefor let it be resolved that; this body acknowledges that diminished participation, at PEF's single largest event of member engagement is a concern and should be addressed.

Therefor let it be additionally resolved that; this body makes a recommendation to both the PEF Officers and the EBoard, that this concern warrants timely study to this noted issue.



Therefore let is also be resolved that; resolutions to this concern be developed by PEF leadership and presented back to the EBoard for discussion and possible implementation and (if needed due to legality of the constitution) ultimately the delegates by 2020.

Fiscal Impact: no cost outside of the normal course of union business.

Submitted by Scott Staub

Adopted: September 2019  
PEF Convention

**Approved by Executive Board**

**5/24/2019**

**Apportionment**

Policy on Apportionment:

The information to department delegates for reapportionment for Executive Board seats be provided in a timely manner, (at least 30 days before the convention apportionment to be discussed), and will be posted on the delegates only area of the PEF website. The information will include the number of seats (and if that is a change in the number of seats), and current alignment of divisions under each seat, as well as the number of members in each division.

***COMMITTEE OF CONVENTION DELEGATES FOR OTHER MEANS OF INCOME***

**RESOLUTION:**

WHEREAS there is a need to overcome any post-Janus-decision shortfalls financially

And WHEREAS Janus affects millions of public and private sector unionized workers across the country,

THEN BE IT RESOLVED that it is recommended that PEF explore other means of generating income than shop fees, such as hotlink advertising in the online Communicator and selling T-shirts promoting nationwide union slogans and issues, to name but two of innumerable money-raising ideas

AND BE IT RESOLVED that it is recommended that either a committee of Convention delegates be formed to investigate these ideas or individual members be encouraged and empowered to work on their own ideas and revenue-share with PEF, or both.

FISCAL IMPACT- minimal at start and reinvest portions of proceeds from successful ideas into launching new ones.

SUBMITTED BY: Richard E. Vehlow, shop steward and convention delegate, OGS, PEF Region 8 and division 179.

Adopted: October 2018  
PEF Convention

## CONSTITUTION AND BYLAWS AMENDMENTS

1. The amendments will be presented by a single motion for adoption from the Executive Board, and will be presented to the Convention at an appropriate time without an additional motion from the floor.
2. Each amendment will be considered in the order presented, and each will be open to further modification in accordance with the usual procedures for consideration of constitutional amendments.
3. All other procedures contained in the parliamentary authority, as appropriate and applicable to the process of amendments, shall be observed.
4. That each amendment to be handled Article by Article at the Convention requiring a 2/3 vote and a 1/3 vote to defeat.

August 1980

CONVENTION AND EXECUTIVE BOARD TRANSCRIPTS AVAILABLE TO PEF MEMBERS

Transcripts of the Convention and Executive Board meetings will be provided to members, as soon as practical after the meetings in a protected member-only area at, [www.pef.org](http://www.pef.org). The transcripts will be provided in a keyword searchable format at no cost to the PEF members.

Adopted: September 2007  
PEF Convention

Convention and Executive Board Transcripts Available to PEF Members - update

The requirement for online access to Executive Board and Convention transcripts pursuant to the 2007 PEF Delegate Convention resolution entitled, "Availability of Convention and Executive Board Transcripts to PEF Members" shall be suspended until such time as security of said transcripts can be reasonably assured.

Adopted:       September 2008  
                  PEF Convention

***Convention Overnight Rooms Policy:***

PEF Delegates will provide PEF Staff with their preferred choice of hotel during the Convention Registration process.

All convention delegates have the choice of a double occupancy hotel room or a stipend.

PEF will contact the Convention Hotels directly with the applicable housing lists.

PEF Delegates will provide a credit card at check-in for incidentals.

Any cancellation charges, including but not limited to, no shows, early departures, late check-ins, late cancellations, late check-outs, or associated charges without a medical note are the responsibility of the delegate and will be charged to the individual.

Any special circumstances should be submitted to the Secretary Treasurer for review as soon as possible.

Any rooming change requests or cancellation notifications must be communicated to PEF HQ, not to the Convention hotel(s).

Any and all damages to hotel property incurred by the delegate or guest staying with delegate will be the financial responsibility of the delegate.

Approved at November 2018 Executive Board

## **Convention Resolution Comments and Assignments**

WHEREAS: PEF Convention Resolutions must be submitted by early June; AND

WHEREAS: Early June is at least three and one half (3 ½) months before the Convention;  
AND

WHEREAS: Unlike earlier times, most, if not all, such Resolutions are currently submitted in digital form, and therefore do not require that PEF re-type them; AND

WHEREAS: PEF no longer receives upwards of one-hundred (100) resolutions per Convention; AND

WHEREAS: It is the PEF President's prerogative to provide the delegates with comments on each of these Resolutions; AND

WHEREAS: PEF Convention Delegates need time to review these voluminous "Staff" Comments well in advance of the Convention; AND

WHEREAS: It is simple for the PEF Administration to assign these resolutions into their appropriate Convention Resolution Committees at the time that the Resolutions and the "Staff" Comments are provided to the delegates; AND

WHEREAS: It is important that PEF Convention Delegates receive all this information well in advance of the Convention;

THEREFORE, BE IT RESOLVED THAT: each year's Convention Resolutions must be provided to that year's Convention Delegates, along with their Resolution Committee assignments and any "Staff" Comments that the PEF President may wish to provide, no later than August 30<sup>th</sup> or thirty (30) days before the Convention is convened, whichever is earlier.

Adopted at May 2014 Executive Board



***COMMITTEE OF CONVENTION DELEGATES FOR OTHER MEANS OF INCOME***

**RESOLUTION:**

WHEREAS there is a need to overcome any post-Janus-decision shortfalls financially

And WHEREAS Janus affects millions of public and private sector unionized workers across the country,

THEN BE IT RESOLVED that it is recommended that PEF explore other means of generating income than shop fees, such as hotlink advertising in the online Communicator and selling T-shirts promoting nationwide union slogans and issues, to name but two of innumerable money-raising ideas

AND BE IT RESOLVED that it is recommended that either a committee of Convention delegates be formed to investigate these ideas or individual members be encouraged and empowered to work on their own ideas and revenue-share with PEF, or both.

FISCAL IMPACT- minimal at start and reinvest portions of proceeds from successful ideas into launching new ones.

SUBMITTED BY: Richard E. Vehlow, shop steward and convention delegate, OGS, PEF Region 8 and division 179.

Adopted: October 2018  
PEF Convention

## CONVENTION RESOLUTIONS – HANDLING OF WORLD AFFAIRS AND DOMESTIC ISSUES

PEF shall place the Domestic and World Affairs resolutions at the end of the Convention Resolution booklet and it shall draft the Convention Rules/Agenda so that such resolutions shall be considered after all the other proposed resolutions have been dealt with, unless two-thirds of the delegates seated at any Convention vote to change the order of the agenda to prioritize one or more of these Domestic and World Affairs resolutions.

Adopted: October 2006

PEF Convention

CONVENTION RESOLUTIONS - RESOLVED BE ON VIDEO SCREENS

PEF shall display the resolved section of each resolution on the convention video screens prior to debate and during voting on each resolution except in cases of technical difficulties that incapacitate the video system.

Adopted: October 2006  
PEF Convention

**Fund our Future: Building a Thriving New York is essential to PEF-Endorsement of  
Commitment to this multi-year campaign**

Whereas, **New York State Fund Our Future** is a coalition of union, community and thought leaders, inspired by PEF leadership and committed to making the case for government in the public interest, and

Whereas, the NYS Public Employees Federation (PEF), working with our coalition partners and parent unions (AFT and SEIU), resolves to build a thriving New York based on investing in public services, and celebrating the powerful and essential role the public sector plays in society, and

Whereas guiding principles for the NYS Fund our Future multi-year campaign include:

- A functioning democracy depends on the essential work of public employees • Privatizing public goods such as healthcare, infrastructure, education and social services runs contrary to the public interest in maintaining the common good
  - People have a right to transparency regarding how their government funds public safety, services, and infrastructure that benefit everyone
  - Everyone must pay their fair share for public services
  - We must safeguard our public investments, and public assets, by insuring a strong system of public ownership, oversight, inspection and audits

Whereas, the NYS Fund our Future multi-year campaign for government in the public interest, for building back and expanding the unionized public workforce based on merit and fitness, will encompass and combine with:

- Member mobilization, outreach, expertise and testimonials,
- Training on advocacy and social media, and
- Actions and events ...

All of which build an affirmative case for the public sector and against profiteering privatization and corrosive contracting out, and

Whereas, the NYS Fund our Future campaign will be a sustained effort over years, supported by communications tools and effective messaging, and integrated into PEF's strategic, legislative, contract, health & safety, organizing and labor-management advocacy, and

Whereas, the NYS Fund our Future campaign will bolster coalition actions to amplify our power and accomplish our union purposes, to advance the best interests of individuals, the vulnerable and communities, and to influence the media, union members and policymakers,

THEREFORE be it RESOLVED that the PEF 2021 Convention delegates celebrate the creation of the NYS Fund our Future campaign, affirm the campaign's goals and objectives, and commit to ensuring ongoing support.

FISCAL IMPACT: None, as this resolution is a statement of support for an existing initiative.

Submitted by:  
Joe Donahue PEF Secretary Treasurer

Adopted: October 2021  
PEF Convention

## Determining the Intent of Convention Resolutions

Therefore, be it resolved that henceforth when the intent of a convention resolution is questioned, determining – determining the intent of the resolution shall first be done by a simple reading of the “Be it resolved” paragraphs, giving the words their common meaning unless the resolution deals with a particular issue, the study of which has certain jargon that has a special meaning when used in the context of the issue, and be it further resolved that only if the meaning of said resolution cannot be determined as described above and any ancillary material including transcript be considered in interpreting the intent of said resolution.

Adopted at March 2015 Executive Board

## GENERAL CONVENTION POLICIES

### Division Funding/Convention Stipends

The Divisions have the discretion to allocate \$150.00 to delegates attending PEF Conventions.

This portion of the policy  
amended October 18, 2004  
PEF Convention  
Amended by the Executive Board  
June 2022

Any of the allocations must be approved in advance by the division council and be recorded in the minutes of that meeting prior to any convention.

In addition, no division may reimburse any delegate for a single room supplement. PEF Central provides for one half of a double room. The division may not pay the difference for a single room.

Adopted: August 2, 1991  
Executive Board Meeting

### Union House Conventions

PEF will utilize primarily union houses for future conventions.

Adopted: July 28, 1989  
Executive Board

### Day Care

Day care costs at the Convention for children of delegates who do not qualify for PEF sponsored service due to age or other circumstances, may be paid by the delegate's division.

Adopted: September 19, 1984  
Executive Board

### Day Care

Child Care will be provided at Conventions and Executive Board meetings.

Adopted: August 8, 1982  
Executive Board

## Increasing PEF Member Engagement Using Flyers with QR Codes

**WHEREAS,** Most PEF members now have smartphones and experience the majority of regular communication with PEF via text or email, and

**WHEREAS,** Agencies have provided bulletin boards for PEF's use in the workplace that are underutilized, and

**WHEREAS,** We have seen an increasing need to engage members by directing them to websites to complete surveys, notify them of important upcoming events, and educate them about anti-union propaganda from the Freedom Foundation, and

**WHEREAS,** PEF has demonstrated the ability to create **QR codes** on its recently redesigned pamphlets, but has not been proactive in providing flyers with **QR codes** to Divisions to further engage members in the workplace and easily direct them to such websites, and

**WHEREAS,** Regularly creating such flyers would potentially reduce the amount of printed materials needed long term, lowering our costs and environmental impact.

**THEREFORE, BE IT RESOLVED,** PEF should commit to proactively create flyers with **QR codes** for Divisions whenever members are to be directed to a website in order to complete a form or to disseminate important information. Such occasions would include but not be limited to: motivating members to complete surveys; encouraging members to register for an event online; and directing members to websites to educate them about anti-union propaganda, letter writing campaigns, or contract updates.

**FISCAL IMPACT,** **QR code** generator subscriptions can be purchased for less than \$200 annually, however PEF may have this resource already available through AFT and SEIU. The time needed to create such flyers could be minimized by using similar wording and graphics used on electronic communications. Certain flyers could also be reused annually (i.e. PEF Scholarships).

Submitted by: Nathan Tucker, OTDA, Secretary/Division 234, Region 8

Sharon V. DeSilva, Esq., OTDA, PEF Vice President, Region 8

Martin Robinson, OTDA, Executive Board, Region 8

Jennifer Nye, OTDA, Treasurer/Division 234, Region 8

Rene Mullen, OTDA, Steward/Division 234, Region 8

David Takor, OCFS, Executive Board, Region 8

Caren Mahar, OCFS, Steward/Division 234, Region 8

Pam August, OTDA, Council Leader/Division 234, Region 8

Joyel Richardson, OTDA, Asst Council Leader/Division 234, Region 8

Veronica Warren, OCFS, Division 234, Region 8

Matthew Myers, OMIG, Steward/Division 205, Region 8

Tracy Knott, DOH, Steward/Division 25, Region 8

Kenneth Ferro, DOH, Council Leader/Division 205, Region 8



Earl Ricketts, OITS, Division 357, Region 8  
Michelle Arroyo-Santos, DOH, Region 8  
Alfred Ives, OSC, Region 8  
Debra Vercruysse, OITS, Region 8  
Debi Chowdhury, OTDA, Division 409, Region 8  
James Desso, OITS, Division 357, Region 8  
Steven Drake, Executive Board, Region 8  
  
Chris J. Ford, Executive Board 177, Region 8

Adopted: 2023 PEF Convention

INCUMBENT EXECUTIVE BOARD MEMBERS SERVING AS CONVENTION  
DELEGATES

No incumbent member of the Executive Board may simultaneously serve as a regular convention delegate through the annual delegate election process and as an elected member of the Executive Board. Unless a Board member expressly resigns his or her Executive Board seat, the member's regular delegate seat is automatically vacated and will be filled in favor of the first available alternate delegate elected from the affected constituency as a result of the annual convention election process.

Adopted: January 31, 2008  
Executive Board Meeting

### **Invocation at Convention: Being Inclusive**

WHEREAS, PEF represents people with a variety of religious and non religious beliefs and traditions,

And WHEREAS, the top three religious affiliations in NYS are Christian, non-religious, and Jewish,

And WHEREAS, PEF opens the annual convention plenary session with an invocation

And WHEREAS, this invocation has, in recent years, been-primarily Christian, leaving many members feeling excluded.

THEREFORE, BE IT RESOLVED that, beginning with the 2017 convention, the invocation alternate among the faith and humanist traditions of PEF members.

Fiscal Impact: None, as invocations are already part of the convention

Submitted by: Melanie Rush  
Region 9, Division 240

Adopted at 2016 Convention

1989 Resolution

Resolution 99 - Keeping of Resolutions

Whereas, resolutions passed by the delegates to the Annual Convention of the New York State Public Employees Federation have the effect of establishing policies which shall govern the Public Employees Federation; and

Whereas, there is currently no single place designated for the keeping of resolutions; and

Whereas, there is currently no formal process for insuring membership access to resolutions:

Therefore Be It Resolved, that henceforth the Secretary-Treasurer shall keep a copy of all resolutions proposed beginning with those proposed at the 1986 Convention, with a record attached to each resolution indicating the disposition of the resolution by the convention delegates or the Executive Board; and

Be It Further Resolved, that the Secretary-Treasurer shall forward copies of the resolutions to each Regional Coordinator within sixty calendar days of any action taken; and

Be It Further Resolved, that Regional Coordinators shall make copies of the volumes available to members during normal business hours, and at other times deemed convenient and appropriate by the Coordinator's constituency.

Submitted by: Bill Alwell, Division 194  
Kevin Jones, Division 202  
Mindy Kramer, Division 234  
Jeff Satz, Division 202  
Robert Fisher, Division 229  
Victor Batorsky, Division 234  
Marilyn Trudell, Division 335  
Warren Deitz, Division 263  
Patrick Lerner, Division 204  
Doug Bullock, Division 202  
Bob Giblin, Division 204  
David Weidman, Division 179  
Jim O'Connor, Division 357  
Jeff Kaye, Division 194  
Dolly Turpin, Division 231

### Past Presidents Speaking at PEF Conventions

WHEREAS, pursuant to the 1994 PEF Convention policy, past PEF presidents are given the opportunity to address PEF members, on the dais at Convention; and

WHEREAS, the 1994 policy states that past presidents are allowed to “**briefly**” address the Convention, and

WHEREAS, these past presidents are given the opportunity to address the members, without restrictions regarding the length of time to speak or the content of speech (anti-union speech, use of profanity, malicious, other); and

WHEREAS, the Convention body should be a forum to discuss Union matters and issues that are of important to PEF members and others; and

WHEREAS, past presidents should not be allowed to address the Convention body with anti-union or malicious speech,

THEREFORE BE IT RESOLVED, that past presidents should be allowed to address the body for up to 15 minutes, and

THEREFORE, BE IT FURTHER RESOLVED, PEF should issue a disclaimer in the Convention program that the PEF administration did not review the speech prior to its presentation to the delegate body.

Fiscal impact: none

Submitted by: Sharon DeSilva, esq.

PEF Vice President

Charla Malcolm, DOH

Ken Ferro, DOH

Nick Caputi, OCFS

Pam August, OTDA

Lisl Maloney, OCFS

Wayne Spence, PEF President

Joe Donahue, DTF ( newly elected PEF Secretary-Treasurer)

Amos Okoth, OSC

Rosalie Takor, OCFS

David Takor, OCFS

Vivian Falto-Lequerique

Ronald Simmons, OCFS

Angelina Rodriguez-Billingsley, SED

Adopted: October 2021  
PEF Convention

**Proposed Virtual 2020 Convention Rules** *(in the event a virtual convention is determined)*

*The 2020 convention shall be conducted virtually, either by a web-based application, telephone or combination thereof.*

*Registration is required and email invitations with a link to the registration site will be sent through a systems administrator. All necessary information to connect to the convention shall thereafter be provided.*

Adopted:

June 2020 Executive Board

## Presentation of Resolutions in the Policy Manual

Therefore be it resolved that henceforth resolutions added to the Policy Manual shall contain the whereases and the sponsors of such resolutions, and to the extent possible, resolution from which sponsors' name have been stripped shall have this information added back in upon request.

Adopted June 30, 2015

Executive Board Meeting

## **1989 Resolutions**

### **Resolution 102 – Providing for Resolution Text**

WHEREAS, Resolutions set policy for PEF; and

WHEREAS, Resolutions are passed at the Convention and Executive Board meetings; and

WHEREAS, once this occurs there is no standard process for disseminating the information and making it available to the membership:

THEREFORE BE IT RESOLVED, that PEF publishes as soon as possible all new resolutions passed at the Convention and/or Executive Board in the official PEF newsletter.

Submitted by:  
Region 8 Stewards' Council



**Resolution for 11:59:59pm Eastern Time 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 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

Adopted: October 2022  
PEF Convention

## **1989 Resolutions**

### **Resolution 103 – Resolutions**

WHEREAS, the convention delegates are the highest policy making body of PEF; and

WHEREAS, the convention delegates are more representative of the membership at large; and

WHEREAS, the resolutions submitted to the convention that are handled by the Executive Board are not to the satisfaction of the delegates or members who submitted same; and

WHEREAS, the Executive Board tends to represent special interest groups:

THEREFORE BE IT RESOLVED, that all resolutions be heard and handled by the convention delegates and those not dealt with will die at the end of the convention.

Submitted by:

Julie A. Brown

Bruce Brice

Anton Trapman

Neil Clark

Martin Kierstein

Gladys Rodriguez

Mildred Tanniehill

Lola Parks Guerra

## Respect for Past Presidents

WHEREAS, PEF's presidents have contributed in large measure to the illustrious and colorful history of our union; and

WHEREAS, PEF presidents have worked hard for the improvement of terms and conditions of employment of members; and

WHEREAS, it is not respectful to summarily discard former presidents:

THEREFORE BE IT RESOLVED, that all former PEF presidents be invited as guests to future PEF conventions; and

BE IT FURTHER RESOLVED, that the former PEF presidents be accorded a prominent place at the dais, and be allowed to briefly address the Convention.

Submitted by:  
Usher Piller

Adopted: 1994 PEF Convention  
October 18, 1994

## Retiree Volunteers

PEF acknowledges the volunteer contribution of PEF Retirees and encourages their continued involvement and participation

**Whereas**, a majority of active PEF members look forward to becoming Retirees;

**Whereas**, many hundreds of past and present PEF Retirees have provided substantial volunteer time, effort and experience to contribute and participate in support of active PEF members causes and goals;

**Whereas**, Retiree members have provided significant time, effort and experience in their support and mentorship of active member committee efforts e.g. Political Action Committee (PAC);

**Whereas**, the activities, efforts and goals of the PEF Retiree chapters and statewide organization, by their nature, greatly benefit active members as future Retirees;

**Therefore be it resolved** that PEF shall acknowledge the benefit of PEF Retiree time, effort and experience to the active organization and members;

**Be it further resolved** that PEF shall encourage and welcome, where possible, the continued participation, involvement and mentorship of PEF Retiree volunteers;

Fiscal Impact – minimal cost, major benefit by increasing our political action effectiveness

Submitted by:

Mario Chiarello, Steward & former Retiree  
Division 357 - Region 8,  
Information Technology Services

Adopted: 2023 PEF Convention

## **Searchable Documents**

WHEREAS, PEF is a union that is composed of professionals; and

WHEREAS, As a union of professionals, PEF should strive to handle its business in a efficient and professional manner, and

WHEREAS, With modern day software there is no reason why PEF cannot make its documents text searchable, and

WHEREAS, PEF continues to provide documents to the annual Convention and to the Executive Board that are not text searchable;

BE IT RESOLVED THAT, to the extent feasible, PEF provide documents to the annual Convention and to the Executive Board that are text searchable.

Adopted at June 2015 Executive Board

## **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

Adopted: October 2022  
PEF Convention

CONVENTION DELEGATE/DIVISION STIPEND EQUALITY FOR BOTH STEWARD  
AND NON/STEWARD

Be it resolved, all Divisions of PEF will pay the same Convention stipend to all delegates from their Division.

Adopted: September 12, 2000  
PEF Convention

## DIVISIONS





SPECIAL RULES OF ORDER  
FOR THE ADMINISTRATION OF  
ARTICLE XII – RECALL  
OF THE PEF CONSTITUTION  
AND INCLUDES THE ADMINISTRATION OF  
ALL PEF DIVISIONS CONSTITUTIONS ARTICLES ON RECALL



PEF Constitution, Article XII, RECALL:

"A petition, signed by 60% of the regular membership in any constituency, which requests the removal of that constituency's officer or representative, shall remove that person from office upon certification of the petition by the Secretary-Treasurer; provided, however, that should the Secretary-Treasurer be the subject of the recall, the President shall provide such certification. A vacancy which occurs as a result of a recall shall be filled pursuant to Article X, above."

SECTION 1.) INITIATING RECALL:

Any regular member of PEF may initiate the recall of an elected officer or other elected representative (the "subject of the recall") providing that the initiator of the recall is a member of that officeholder's constituency. To initiate the formal recall process an "intent to recall" notice must be filed with the PEF Secretary-Treasurer, or with the PEF President if the Secretary-Treasurer is the object of the recall, (i.e., filed with the "certifying officer"). The "intent to recall" notice shall list the name of the subject of the recall, the title of the office from which she/he is being recalled, and the name, daytime phone number and address of the PEF constituency member initiating the recall process.

The certifying officer shall send a written notice to the elected individual who is the subject of the recall at her/his address of record immediately upon the receipt of an "intent to recall" notice. The certifying officer shall be responsible for the administration of the procedures contained in the Special Rules of Order.

(use attached official Intent To Recall Form)



(2)



INTENT TO RECALL

**To the attention of PEF Secretary/Treasurer:**

Pursuant to Article XII of the PEF Constitution, it is the intention of the undersigned to initiate the recall of:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Social Security Number: \_\_\_\_\_

Title of Office: \_\_\_\_\_

Division #: \_\_\_\_\_

Division Name: \_\_\_\_\_

Agency #: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Region #: \_\_\_\_\_ or Sub-Constituency: \_\_\_\_\_

Submitted by:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Social Security Number: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

(3)

SECTION 2.)            PETITIONING:

A petitioning period of 45 calendar days shall commence 10 business days after the receipt of the "intent to recall" notice by the PEF certifying officer as described in Section 1, above. The purpose of the 10 day delay is to allow an opportunity for the individual who is the subject of the recall to become aware of the intended recall action, and to allow PEF time to prepare petition forms for recording the signatures. Refusal by the subject of the recall to accept notice pursuant to the requirements of the last paragraph of Section 1, above, shall not delay the start of the petitioning period.

Signatures shall be gathered on official recall petition forms provided by PEF or on photocopy reproductions of such PEF recall petition forms. All recall petitions shall contain the name of the subject of the recall, her/his elected position (title) and the constituency description for the office as used during the election process. All constituency members wishing to recall the elected official shall personally sign the petition form and legibly print their name and social security number. Illegible and/or social security numbers shall render the signature invalid. Only original signatures will be accepted; the signing member shall complete all required information.

Only regular PEF members in good standing who are members of record (reference: PEF Constitution Article VI, E, 14.) of the specific constituency shall be eligible to sign a recall petition. The membership roster as of two full payroll periods prior to the date of filing of the "intent to recall" notice shall serve as the official list of all possible signatories (the "constituency") for the recall effort. In the unlikely event that such a list of constituency members cannot be assembled by PEF in the ten business day period between the filing of the "intent to recall" notice and the beginning of the 45 calendar day petitioning period, the constituency shall be defined as those regular PEF members of record who were eligible to vote for the officeholder at the time she/he was elected. For this purpose it shall be PEF policy to have the PEF Secretary-Treasurer keep on file such constituency lists as used for elections for the duration of the term of office plus six months. It shall be the responsibility of all elected PEF Officeholders and election committees to assist the Secretary-Treasurer in the maintenance of these constituency lists, pursuant to PEF policies. The constituency list shall be available at the beginning of the petitioning period and shall be provided to both the recall initiator and the subject of the recall, immediately upon request.

(4)

Recall petitions may be circulated only by regular PEF members who are eligible to sign the recall petitions, i.e., constituency members. The circulating member shall witness all signatures and required identifying information, etc., as noted above. The circulating member must legibly complete the information requested at the bottom of each recall petition submitted; only original (not photocopied) circulator information will be accepted. A circulator may not witness her/his own signature. Failure to comply with these requirements shall render the entire petition invalid.

(use attached Official PEF RECALL PETITIONS)

### SECTION 3. INSPECTION:

Recall petition forms submitted to PEF shall be available for inspection at PEF Headquarters by the subject of the recall, the initiator, or their designee, by appointment. The inspection period shall commence with the submission of the first signed recall petition and shall extend to ten business days after the close of the petitioning period for all positions except for those of the PEF Officers and Trustees (reference: PEF Constitution, Articles VI and VIII). The inspection period for PEF Officers and Trustees shall close twenty business days after the end of the petitioning period.

### SECTION 4. CERTIFICATION:

Petition certification by the certifying officer as defined by the PEF Constitution shall take place during the inspection period; the results shall be reported in writing to both the initiator and the subject of the recall within five business days after the end of the inspection period. The certification of the signatures of 60% or greater of the constituency members as defined in Section 2, above, shall immediately remove the subject of the recall from the elected office named on the petition.

A vacancy which occurs as a result of a recall shall be filled pursuant to the PEF Constitution, Article X, or as provided by the appropriate Division Constitution.

### SECTION 5. APPEALS:

Appeals to the Executive Board may be made for procedural irregularities only. Such appeals shall be filed in writing with the PEF certifying officer within ten business days of the certification of a recall. Appeals received at least 20 calendar days prior to the next regularly scheduled Executive Board meeting shall be placed on the meeting agenda for consideration. Notice of such appeal shall be immediately sent to both the initiator and the subject of the recall.

(5)

An affirmative vote of 1/3 of the Executive Board members present and voting shall be required to hear an appeal. If the Executive Board votes not to hear the appeal, the decision of the certifying officer shall be final.

If the appeal is heard, equal time, up to ten minutes, shall be granted to each of the three parties; the certifying officer, the initiator of the recall, and the subject of the recall. The certifying officer shall not chair the meeting during an appeal. The parties shall present their own arguments or have another PEF member present their case. The decision of the Executive Board shall be final.



(6)

OFFICIAL PEF RECALL PETITION  
(Minimum: 60% signature requirement of  
constituency necessary)



We the undersigned regular PEF members in good standing, belonging to:

Division #: \_\_\_\_\_

Division Name: \_\_\_\_\_

Agency #: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Region #: \_\_\_\_\_ or Sub-Constituency: \_\_\_\_\_

By our signatures below, indicate our intent requesting the recall from office, the person(s) named below belonging to the same constituency identified above.

NAME: \_\_\_\_\_

Social Security Number \_\_\_\_\_

(note PEF Elected Position) \_\_\_\_\_

\*\*\*\*\*

PRINT NAME	SIGNATURE	SOCIAL SECURITY #
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13. \_\_\_\_\_

14. \_\_\_\_\_

15. \_\_\_\_\_

16. \_\_\_\_\_

17. \_\_\_\_\_

18. \_\_\_\_\_

19. \_\_\_\_\_

20. \_\_\_\_\_

21. \_\_\_\_\_

22. \_\_\_\_\_

(7)

PRINT NAME

SIGNATURE

SOCIAL SECURITY #

23.	_____	_____
24.	_____	_____
25.	_____	_____
26.	_____	_____
27.	_____	_____
28.	_____	_____
29.	_____	_____
30.	_____	_____
31.	_____	_____
32.	_____	_____
33.	_____	_____
34.	_____	_____
35.	_____	_____
36.	_____	_____
37.	_____	_____
38.	_____	_____
39.	_____	_____
40.	_____	_____
41.	_____	_____
42.	_____	_____
43.	_____	_____
44.	_____	_____
45.	_____	_____
46.	_____	_____
47.	_____	_____
48.	_____	_____

### **Council Leaders Transferred from Steward Constituency**

It will be PEF policy that a Council Leader who is subject to an involuntary work transfer and/or reassignment from one steward constituency to another steward constituency within their existing PEF Division will remain steward and Council Leader until the end of their elected term, and shall remain subject to all other PEF policies and procedures regarding stewards and Council Leaders.

Adopted: June 8, 2006  
Executive Board Meeting





## DIVISION APPEALS PROCEDURES/GUIDELINES

1. Any current PEF Division member who believes he/she is aggrieved by anyone's alleged violation of the Division Election rules or any PEF Policy or Procedure concerning Division Elections; or any alleged misapplication or misinterpretation of their Division constitution, any portion of the PEF Constitution dealing with Divisions may appeal such to the PEF Divisions Committee. This forum does not handle any ethics grievances arising as a result of the election process.
2. The appeal shall be submitted on a Divisions Appeal Form, which can be obtained by calling the PEF Divisions Department.
3. The appeal must be specific and in writing and filed with the Divisions Committee by certified mail.
4. The appeal shall contain a concise, statement of the facts of the alleged violation, misinterpretation or misapplication, including the following:
  - a. The name, address, Member Identification Number, work phone number, title and work location of the charging party;
  - b. The name, address, Member Identification Number, title and work location of the respondents, if possible; and
  - c. A clear and concise notarized statement of the facts alleging the charge(s), including the date(s), place(s) of the occurrence(s), meeting minutes, memos, or letters etc.;
- d. **REMEDY** - Be sure that you have a solution or remedy to the appeal.
5. The appeal form is to be signed by the charging party and must be notarized.
6. The appeal form shall be filed in duplicate. One (1) copy to the Divisions Committee Chair and one (1) to the Divisions Department.
7. Upon receipt of the appeal, the Divisions Committee shall notify, in writing, by certified mail, return receipt requested, the person(s) being charged, the appropriate Regional Coordinator(s), Executive Board member, Division Council Leader and such other persons as may be deemed appropriate, of the pendency of the appeal. Such persons shall then have fifteen (15) working days from notification of the pendency of the appeal to make a written submission to the Committee. The fifteen (15) working days will start seven (7) calendar days from the date of mailing.
8. ***For Division Election Appeals:*** There shall be a time limit of twenty (20) calendar days following the ballot count, for filing appeals to the Divisions Committee. Should balloting not be necessary, the time limit

will be twenty (20) calendar days following the last day of petitioning.

9. ***For Misapplication or Misinterpretation of a Division Constitution or of any portion of the PEF Constitution dealing with***

***Divisions:*** The time limit for filing appeals with the Divisions Committee shall be thirty (30) days from the occurrence. Some issues may be referred to PEF's Constitution and Bylaws Committee if it is determined that this Committee it is not the proper forum to be handling it.

10. ***For Misapplication or Misinterpretation of Robert's Rules of Order:*** Refer to the newly revised issue 2000 Edition of Robert's Rules of Order.

11. The date of filing shall be the date the Division Appeal Form is received in the Divisions Department's office.

12. Nothing in the procedure shall in any way impair the authority of any PEF officer, body or committee from fulfilling normal obligations during the pendency of an appeal.

13. Any questions related to these rules and procedures should be directed to the Divisions Committee or the Divisions Director.

14. The Divisions Committee shall review the appeal and render a decision in writing within ninety (90) calendar days of the receipt of the appeal.

The Committee's decision shall state the basis upon which the decision is made. The Committee's decision shall be sent by registered mail, return receipt requested to the appellant, the respondent, the Regional Coordinator(s), Executive Board member, Division Leader and to such other persons as may be deemed appropriate. Should the Committee fail to render a decision within ninety (90) calendar days, the appeal may be submitted directly to the Executive Board.

15. The Committee may award appropriate relief in any appeal, including the following;

- a. ordering compliance with the Constitution, policy or procedure violated;
- b. ordering and, if necessary, conducting a new election or redefining election constituencies;
- c. withholding Division funding until the Division or responsible official complies with the Constitution, policy or procedure.

16. The Committee may, however, without considering the merits of the appeal, deny any appeal which it deems is frivolous, repetitive, moot or brought in an unduly delayed fashion. A decision by the Committee to reject an appeal on one of these bases shall be appealable to the Executive Board.

*(Approved by the Executive Board 3/5/98)*

**PEF DIVISIONS APPEALS  
PROCEDURES/GUIDELINES**

**KNOW YOUR FACTS**

- **Statement of facts should be clear and concise. Avoid opinions or hearsay evidence. Use of excess verbiage detracts from understanding the issues. Too many appeals are lost because the facts were not clearly stated.**
  
- **Ensure that the filing deadlines are met, otherwise the petition will be ruled invalid.**
  
- **Provide documentation to support charges. Get witness statements, attributed documentation and other direct evidence. Unsupported claims will be dismissed.**
  
- **Do your own investigation. The committee meets and reviews paperwork submitted, and does not have the resources to interview witnesses or research unsubstantiated charges.**
  
- **Once the committee reaches a decision, it is final. Further recourse is through an Executive Board appeal.**



## Divisions Appeal Form (Appellant)



New York State Public Employees Federation  
c/o Divisions Committee  
1168-70 Troy-Schenectady Road  
P.O. Box 12414 Albany, New York 12212-2414  
1-800-342-4306

### To the attention of PEF Divisions Committee Chair:

Pursuant to a PEF policy regarding Division Appeals, it is the intention of the undersigned to file an appeal against the following person(s): *(If additional space is needed this form may be copied)*

Name of Respondent: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Title of Office: \_\_\_\_\_

Division #: \_\_\_\_\_ Division Name: \_\_\_\_\_

Region #: \_\_\_\_\_ or Sub-Constituency: \_\_\_\_\_

Agency #: \_\_\_\_\_ Agency Name: \_\_\_\_\_

### Submitted by:

Name of Appellant: \_\_\_\_\_

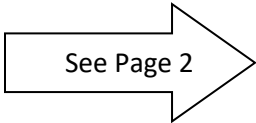
(additional persons appealing may use separate forms or add their names, etc. on the reverse side of this form)

Address: \_\_\_\_\_  
\_\_\_\_\_

Membership Identification Number (MIN): \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Daytime Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

(2)



**Instructions:** Obtain a copy of the PEF Constitution, Robert's Rules of Order, your Division Constitution from your local PEF Office, or from the address above. In the space provided below, describe the alleged violation of the specific constitutional or division election rule section. **Briefly** describe how the respondent violated those sections, providing appropriate documentation or affidavits, as well as date(s) of occurrence. Use additional blank sheets if necessary. Either type or print your appeal. Upon completion, have your signature notarized, and send one (1) copy of the completed form and attachments to the PEF Divisions Committee Chair and one (1) copy of the completed form and attachments to the PEF Divisions Director at the above address within twenty (20) days of the occurrence for the misapplication or misinterpretation of a Division Constitution or any portion of the PEF Constitution dealing with Divisions, or within twenty (20) days following the ballot count for Division election appeals. Should balloting not be necessary, the time limit will be twenty (20) calendar days following the last day of petitioning. **NOTE:** Illegible or long and rambling documents that do not immediately get to the point will be returned for revision.

List PEF Constitution, Division Constitution or Division Election Rule, Robert's Rules of Order violations by article(s):

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Statement of facts:

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*(Use additional sheets only if necessary)*

**Oath:** \_\_\_\_\_ being duly sworn, deposes and says that (s)he is the respondent above named and that (s)he has read the above petition consisting of this and \_\_\_\_\_ additional page(s) and is familiar with the facts alleged therein, which facts (s)he knows to be true, except as to those matters alleged on information and belief, which matters (s)he believes to be true.

\_\_\_\_\_  
*Signature of Appellant*

Sworn to me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
*Notary Public*

# Divisions Appeal Response Form

(Respondent)

**Instructions:** Obtain a copy of the PEF Constitution, Robert's Rules of Order, your Division Constitution from your local PEF office, or from the address above. In the space provided below, **briefly** respond to the charges as appropriate. Use additional blank sheets if necessary. You may attach notarized witness statements or other exhibits to document your statement. Either type or print your response. Upon completion, have your signature notarized, and send one (1) copy of the completed form and attachments to the PEF Divisions Committee Chair and one (1) copy to the PEF Divisions Department at the above address within fifteen (15) days after the appeal that was filed against you was mailed to you. (*Note:* Your fifteen (15) working days to respond begins to run seven (7) calendar days after the date the appeal was mailed to you.) If additional time is required for response, contact the chair of the committee, or the Divisions Director. **NOTE:** Illegible or long and rambling documents that do not immediately get to the point will be returned for revision.

Respondent Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Title of Office: \_\_\_\_\_

Division #: \_\_\_\_\_ Division Name: \_\_\_\_\_

Region #: \_\_\_\_\_ or Sub-Constituency: \_\_\_\_\_

Agency #: \_\_\_\_\_ Agency Name: \_\_\_\_\_

I have received the appeal petition filed against me, and the following statement is my response to the appeal.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use additional sheets only if necessary)

**Oath:** \_\_\_\_\_, being duly sworn, deposes and says that (s)he is the respondent above named and that (s)he has read the above petition consisting of this and \_\_\_\_\_ additional page(s) and is familiar with the facts alleged therein, which facts (s)he knows to be true, except as to those matters alleged on information and belief, which matters (s)he believes to be true.

\_\_\_\_\_  
*Signature of Respondent*

Sworn to me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
*Notary Public*

### Division Committees(s) Duties

Much of the work of the various divisions is performed by committees. The latter serve also to generate activity by interested members who may not be stewards.

We recommend that divisions consider which committees are or should be standing or permanent committees, how they are selected and constituted and what are the charges and functions of these committees.

These should be listed as an addendum or bylaws to division constitutions. This will help to provide continuity in division operations and would provide documentation that those expressing interest in committee service could review prior to volunteering for a committee.

Suggested standing committees are as follows: Finance Committee, Grievance Committee, Communications Committee, Civil Service Committee, Local Labor/Management Committee, Political Action Committee and Social Committee.

An example of the criteria for selections and constitution of committees is as follows:

- a. The Council Leader shall appoint members of all committees with the approval of the Division Council.
- b. All committees except for Grievance and Local Labor/Management shall be open to the membership.
- c. Terms of office shall be the same as for the officers and stewards.

An example of a description of the charge and functions of a committee is as follows:

Finance Committee - performs budgeting, auditing, and oversight of division funds; reports to Divisions Council and members on fiscal matters.

August 27, 1985

\*1985 CONVENTION RESOLUTIONS PERTAINING TO DIVISION ELECTIONS, AS REFERENCED ABOVE.

### DIVISION CONSTITUTIONS

Whereas, all Division Constitutions have an amendment article defining the only legitimate procedures to effect changes to the constitution, and

Whereas, the PEF Executive Board has mistakenly and unconstitutionally attempted to amend Division Constitutions - once by proclamation, and another time by allowing Steward Councils to circumvent the membership ratification process,

Therefore Be It Resolved, that no other PEF or International body shall propose other methods or make changes to any presently authorized Division Constitution, which negates and/or supersedes the present Division amendment procedure, and

Be It Further Resolved, that only a Division can change its Division Constitution by following its own constitutional amendment procedure.

Adopted by 1985 Convention

### STEWARD ELECTIONS

Whereas, Division Steward Councils are the first-line representatives of the membership with both management and the rest of PEF leadership, and

Whereas, grassroots democracy is the best mechanism to ensure that the interest of the local membership is served, and

Whereas, each division constituency prepared and ratified their own constitution, which was subsequently approved by the PEF Executive Board, and

Whereas, this process allows a steward term of office between 1 to 3 years, and requires that any vacancy must be filled constitutionally within 60 days, and

Whereas, past PEF policy was to pay for the cost of all steward elections, be they regular term or vacancy, and

Whereas, the best method of ensuring membership awareness and participation is the mailing of election notices and ballots to all members in the appropriate constituency, and

Whereas, Division per capita has not increased from \$10 since 1980, while PEF dues have increased 70% over this same period, and



Whereas, PEF has a budget surplus of over \$1/2 million, and  
Whereas, since 1980 PEF policy allowed Divisions to choose a steward term of 1 to 3 years when writing their constitutions, while concurrently until early 1985 PEF policy was to have PEF Central pay for the cost of proper conduction of these elections an implicit agreement was made between PEF Central and all these duly ratified and approved Divisions that all future steward election costs would continue to be paid by PEF Central, and

Whereas, this unilateral change is not only unethical, but in essence the imposition of fiscal sanctions against all Divisions that adhere to their constitutional mandate to have steward elections for terms of office less than 3 years and/or for vacancies created between terms, and

Whereas, the length of office chosen was the one found most appropriate by the Division constituency for its particular circumstances, and should not be changed due to financial consideration, nor should such Divisions be monetarily penalized,

Therefore Be It Resolved, that to protect and promote the integrity of the steward election process, PEF Central be directed to pay for all legitimate costs of all Steward elections.

Adopted by 1985 Convention

## DIVISION FUND INVESTING

It shall be PEF policy that division funds can only be invested in bank interest bearing accounts, CDs, or other federally guaranteed securities.

Adopted: June 8, 2006  
Executive Board Meeting

### **Division Funding (1)**

**WHEREAS:** Changes in division funding made at the March 2018 Executive Board meeting, which allow the PEF Executive Board to set the rate of per-caps paid to Divisions as a part of its annual budgeting process, violates PEF-Convention-set per-cap policy; and

**WHEREAS:** This needs to be made right;

**THEREFORE BE IT RESOLVED THAT** the PEF Executive Board hereby adopts the following changes to the “RULES FOR DIVISIONS: Formation and Financial Management:”

D. PEF Divisions:

Funding, Budgeting and Financial Management In accordance with the PEF Constitution (Article XX, Section B), the following guidelines deal with Division Financial activity:

#### 1. Funding

f. Approved Divisions shall be funded based on their membership in Division accounts maintained at PEF. No other bank accounts for Divisions are permitted, nor shall PEF’s Tax ID number be made available for Division use. The funds shall be provided on a quarterly basis, for the first 200 members, and for 201+ members, at rates to be determined by the Executive Board in connection with the PEF annual budget, but which must be, at a minimum, the per-caps as they existed on October 21, 1998, and “increased at the same rate as salary increases by PEF members” as per the 1998 Convention Resolution regarding Division Funding.

**Fiscal Impact:** None, simply restores PEF Division funding to that which is required by PEF Convention Resolution and historical norms.

Respectfully submitted:

Kevin E. Jones – Executive Board seat 245, DOL Division 202 Council Leader.

Adopted: September 2023 Executive Board

## Division Funding (2)

**WHEREAS:** Changes enacted in the “RULES FOR DIVISIONS: Formation and Financial Management” reduced the amount of funds that a Division can hold in its bank account; and  
**WHEREAS:** Now that these changes have been implemented, PEF seems to all too frequently lose track of how much in per-caps big-PEF owes a given Division; and

**WHEREAS** this money belongs to the Division no matter which pot it may lie;

**THEREFORE BE IT RESOLVED THAT** the PEF Executive Board hereby adopts the following changes to the “RULES FOR DIVISIONS: Formation and Financial Management:”

D. PEF Divisions:

Funding, Budgeting and Financial Management In accordance with the PEF Constitution (Article XX, Section B), the following guidelines deal with Division Financial activity:

### 4. Account Deposits

d. Division funds shall be deposited at the end of each quarterly period in the Division's account at the bank designated by PEF. This deposit may be withheld if a Division is delinquent in submitting any one of the above stated reports.

e. All accounts require at least two signatures, or dual purchase card approval, to spend funds.

f. No more than one (1) year's reimbursement, or \$5,000, whichever is greater, can be accumulated by a Division. Divisions in good standing shall receive quarterly per-cap payments until such time as there is at least one (1) year's reimbursement or \$5,000 in the account, whichever is greater. If multiple quarters of back-due per-caps are being held, the oldest set of per-caps must be released first.

One year's reimbursement is defined as the sum of the last four quarterly per capital payments. The Division Treasurer will receive quarterly written notice of this amount maximum.

Fiscal Impact: None, simply restores PEF Division funding to that which is required by PEF Convention Resolution and historical norms.

Respectfully submitted:

Kevin E. Jones – Executive Board seat 245, DOL Division 202 Council Leader.

Adopted: September 2023 Executive Board

## DIVISION FUNDING INCREASE

WHEREAS, the Divisions of PEF serve as the initial contact point for PEF members, and the division quarterly allocation remains fixed with expenses routinely increasing as a result of inflationary costs increases:

THEREFORE BE IT RESOLVED, that the quarterly per capita allocations to divisions be increased at the same rate as salary increases by PEF members.

For example, an increase of 3 1/2 per cent in individual salary as dues payments to members would generate an increase of 3 1/2 per cent in per capita allocations to divisions.

Adopted: October 21, 1998  
PEF Convention

\*Temporarily Suspended by budget as passed by Executive Board – March 2018

## Division Policy Update

Divisions shall be limited in their allocation to Convention delegates as follows:

No division shall allow any delegate more than \$25 per full day and night at the Convention;

Example: Convention starts Monday and ends Wednesday, maximum allowable shall be \$50.

Convention starts Monday and ends Thursday: maximum allowable shall be \$75.

Any Convention held under one roof, i.e. Concord Hotel, the allocation will remain at \$50 for duration of Convention.

Any of the above allowances must be approved in advance by the division council and be recorded in the minutes of that meeting prior to any Convention.

In addition, no division may reimburse any delegate for a single room supplement. PEF Central provides for 1/2 of a double room. The division may not pay the difference for a single room.

Executive Board  
August 2, 1991

Divisions may allocate up to \$50.00 per delegate toward expenses incurred regarding the PEF Annual Convention.

September 1984  
superseded - August 2, 1991

Funds provided to the Regional Coordinators shall ordinarily not be used for services for members who are a part of an established, funded Division.

February 1982

Treasurers of Divisions will be required to participate in a one day training session within 90 days of receipt of their "Treasurer's kit."

May 1981

One-twelfth of the total Division reimbursements be given each month to the Division.

1. That all Division Councils and Divisions be as prudent as possible with their funds.
2. That expenditures of \$100 or more need majority approval of the Division Council.
3. That expenditures of \$1000 or more must have approval of 50% plus one of the members attending any meeting at which that item is taken up.
4. That expenditures for rents, political purposes, salaries (except steno costs), equipment, are not legitimate items.
5. That Divisions will not duplicate services provided by regional office and central PEF.
6. Duplicating and copying services will be provided at cost.
7. Equipment may be purchased or leased if proven cost effective.

May 1981

PEF ASSUMES THE COST OF DIVISION STEWARD ELECTIONS

PEF will assume the cost of all steward elections.

Adopted: October 19, 2004  
PEF Convention



## ELECTIONS

### ELECTIONS – PROCEDURES/GUIDELINES FOR PEF CENTRAL PAYMENTS REGARDING DIVISION ELECTIONS

1. Per Convention Resolution #2 (11-85)\* and Article V of all Division Constitutions, it remains the responsibility of each Division to form an Election Committee which, in conjunction with the appropriate Regional Coordinator, shall follow their Division Constitution and conduct the actual elections process, including notice preparation, nomination verification, ballot preparation and ballot counting.

2. Postage will be the responsibility of PEF. Therefore, all election notices and election ballots should be mailed out from and received by a PEF office.

A designated PEF Post Office Box shall be used for returned ballots. The ballots will be picked up only at the close of balloting, preferably with an Election Committee member present. The ballots will be sealed and then turned over to an Election Committee representative(s). The sealed ballots are not to be opened until the stated ballot counting date and time, and must be opened in front of witness(s).

Absentee and duplicate ballots may be mailed directly (or hand distributed by an Election Committee member), and the return envelope must clearly indicate the status (absentee/duplicate) of the enclosed ballot. However, a daily listing of requests, address changes, etc. must be maintained. This log must be sent to the Division's Department to obtain reimbursement for any postage cost involved.

3. The production/printing of official election notices and ballots shall be provided by PEF, so that the Division does not incur these costs.

4. The following are the only categories of Election Committee incidental expenses, which PEF Central shall be liable for:

- a. travel over 35 miles - which was created solely due to Committee activities.
- b. food – lunch, dinner, etc., provided at the work location and/or PEF office for Committee meeting(s), ballot counting, etc.

These must be receipted on a standard PEF voucher and accompanied by a statement as to why they were necessary. The Division may, especially for food expenses, initially cover these costs and submit the bill with the voucher to PEF.

(\* NOTE: 1985 Convention Resolutions pertaining to Division Elections are attached at the end of the ELECTIONS Section for reference purposes.)

5. Any additional costs (e.g., staff time (salaries) necessitated for PEF's preparation of election notices, ballots, receiving of nomination forms, etc., salaries, expenses, and/or meals for ballot counting) incurred by PEF due to a Division's failure to follow Article V of their Constitution and form its own functioning Election Committee shall be funded by the Division (i.e., charged to its treasury). This applies whether election is overdue or not.

January 30-31, 1986

## EXECUTIVE BOARD CONSTITUENCIES ON DIVISION MEMBERSHIP LISTS

The quarterly membership reports that are forwarded to Division Treasurers shall include the Executive Constituency to which the member/fee-payer is assigned. Any and all errors of an Executive Board constituency shall be forwarded to PEF Central's attention and PEF shall update the list accordingly.

Adopted: October 19, 2004  
PEF Convention

## FISCAL

In accordance with the PEF Constitution (Article XX, Sec. B), the following guidelines are proposed to deal with Division Fiscal activity:

### A. Funding

Approved Divisions shall be based on their PEF membership. The funds shall be provided on a quarterly basis at a rate to be determined by the Convention. The Fiscal Year shall be April 1 to March 31.

### B. Expenditures

Approved Divisions shall be allowed to spend monies on any activity that is not contrary to the stated goals and policies of PEF. All spending must be in accordance with the Division Budget as approved by a majority vote of the Division Council and is in compliance with other provisions of the specific Division's constitution. Spending in the following area is strictly prohibited:

1. Political activity.
2. Internal caucus activity.
3. Salaried employees.
4. Direct payment to member in excess of actual expense.
5. Reimbursement of member's dues.
6. Legal fees.

### C. Division Responsibilities

Approved Divisions shall:

1. Elect, at least, a Council Leader and Treasurer. When a Division has two or more stewards, it is recommended that the Treasurer be a Steward.
2. Establish a Budget Committee which shall adopt a realistic budget to be approved by the Division Council on or before April 1 and forwarded to PEF Central with the first quarter report.
3. Establish an Audit Committee (to be composed of at least 3 persons with only one being a steward and/or officer of the Division). This Committee shall do a yearly audit of the Division's financial activity and report to the Council, membership and to PEF Central within 90 days of the end of the Fiscal Year.
4. At the conclusion of each fiscal year the Division Audit Committee will conduct an inventory of the fixed assets (e.g., furniture, fixtures) owned by the Division. A Fixed Assets Inventory Report will be submitted by the Division to PEF Central with Audit Report.

5. A Division will report all monies earned and spent not later than 30 days after conclusion of each quarter.
6. Make all financial reports available to the Council and membership, especially the annual Budget and Audit Report.

D. Accounts

1. Division funds shall be deposited at the end of each quarterly period in the Division account at the Amalgamated Bank of New York. This deposit may be withheld if a Division is delinquent in submitting any one of the above stated reports.
2. Divisions may establish accounts at other financial institutions. If this is done, \$50.00 must remain in Amalgamated Bank account and all expenses are to be paid from the second account.
3. All accounts must require at least two signatures to withdraw funds.

E. Accounting

All expenses must be properly documented via invoices or on appropriate forms provided by the Division Department such as:

1. Division expense voucher, with vendor receipts.
2. Telephone logs for long distance phone calls.
3. Petty cash journal.
4. Quarterly journal reports.
5. Divisions that have multiple accounts must submit the bank statements and cancelled checks for all accounts on a quarterly basis.

F. Penalties

1. Division quarterly payments shall be withheld until the previous quarterly report is received.
2. A portion of a Division quarterly payment may be forfeited if the quarterly report or Audit Report is more than 30 days late; i.e.; 61 days 1/90 of funds may be withheld; i.e.; 90 days late 30/90 of funds may be withheld.

G. Authority

The Secretary-Treasurer and the Divisions Committee shall have the authority to adopt rules, procedures and forms necessary to implement this policy.

September 27, 1988

### GRIEVANCES – STEP 3

Please note that the following resolution proposed by the 1983 PEF Convention was adopted by the Executive Board on May 11, 1984 and now constitutes PEF policy:

Whereas, local leadership has direct knowledge of the impact of particular grievances to the agency and

Whereas, local leadership is the first place the member comes to ask for information.

Therefore Be It Resolved, that before PEF makes a final decision not to accept a grievance at Step 3, PEF will consult with the appropriately affected Division Council.

May 11, 1984

## GUIDELINES FOR PEF LOGO

PEF and all of its regions, divisions, and committees shall place the PEF name and or initials on all articles of clothing that they distribute. In addition they are encouraged to use the entire PEF logo and AFL-CIO initials. PEF and any of its regions, divisions and committees may modify the logo by adding words, numbers or symbols to individualize it for the region, division, committee or event.

Adopted: August 7, 2003  
Executive Board Meeting

Renamed at Nov. 21, 2003  
Executive Board Meeting

## **1986 Resolutions**

### **Resolution 22**

#### **Information for Divisions**

WHEREAS, Divisions have been regarded as "stepchildren" within the PEF organizational structure; and

WHEREAS, Divisions are the backbone of PEF; and

WHEREAS, Divisions are charged with the responsibility of being the local communicative and administrative body of PEF; and

WHEREAS, Divisions are unable to comply with said charge unless provided with all relevant membership information:

THEREFORE BE IT RESOLVED, that Division Leaders shall receive on a regular and timely basis information including, but not limited to: Executive Board minutes; minutes and/or reports from Statewide Standing, Special and Ad-Hoc Committees; Regional Coordinator reports; Regional Committee reports and/or minutes; appropriate Agency and Executive-level Labor/Management Committee reports and/or minutes; and any other information and/or material which will enable the Divisions to properly and effectively inform and serve their membership; and

BE IT FURTHER RESOLVED, that such mailings will originate directly from PEF Albany and the respective Regional Offices as appropriate, commencing November 1986.

Submitted by: WNY Labor Division #221 Council

## LABOR COUNCILS

Divisions are encouraged to join local Labor Councils. The Division's treasury will fund the affiliation up to a maximum of 8 cents per member per month. All affiliation costs in excess of 8 cents per member shall be paid by PEF. In regions with fewer than 2,000 members, and no Divisional participation, the Executive Board can authorize the Region to join the local Labor Councils in their area, which will be funded by PEF.

In instances of Statewide Divisions, the Division Council will determine an equitable method of encouraging and funding their members' participation in various Labor Councils throughout the State.

PEF representatives at local Labor Councils will not take any positions that conflict with established policy or positions of PEF.

January 28, 1983



## **Resolution: Membership Mobilization**

Whereas, PEF has renewed its initiative of member engagement spurred on by recent court cases such as Friedrichs vs CTA and Berman vs Public Employees Federation, attempts have been made to reach out to members that may have felt; disenfranchised, marginalized, excluded, or left behind.

Whereas, efforts were often hampered by PEF's own inability to obtain, compile, and report accurate information on its own members. Sometimes even basic information such as work address was unavailable.

Whereas, if PEF is to be able to fight against these union busting efforts such as Berman vs Public Employees Federation, our ability to engage, communicate, and involve our own members must improve.

### Therefore let it be resolved that;

- PEF Staff from MIS, Organizing, and Divisions, shall work together to define criteria and develop strategies to generate effective statewide membership data reports.

- Reports will include (but not necessarily limited to) precise work locations (when possible), Division and Region #'s and ALL of their respective Officers, including stewards, e-board and S/W L/M representatives.

- The intention is to aid mobilizers in engaging members and to help identify those that may have become; disenfranchised, marginalized, excluded and/or left behind. This report shall be distributed, via email, bi-annually to all elected PEF representatives.

### Fiscal Impact:

Minimal – limited to the cost of distribution

### Submission by

Scott Staub - Division 399 Steward

Rocco Brindisi - Region 1 Coordinator

Andrew Puleo - Region 2 Coordinator

Randi DiAntonio - Region 3, Division 259 CL, Eboard Seat #285

Charles McRorie - Region 4 Coordinator

David Dubofsky - Region 5 Coordinator

Jeanette St.Mary - Region 6 Coordinator

Mike Blue - Region 8 Coordinator

Sheik Nabijohn - Region 10 Coordinator

Jemma Hanson - Region 11 Coordinator

Nora Higgins – Region 12 Coordinator

Adopted at 2016 Convention

## MEMBERSHIP – EXECUTIVE BOARD AND DIVISION COUNCIL MEMBERSHIP

The intent of Article IV, Section 14, is that a Departmental Executive Representative during his/her term of office, is a voting member of the Division Council within which he/she is a constituent, and thus has the same rights and privileges of other council stewards.

Further, since PEF Officers and Trustees are also by their nature considered stewards during their term of office, per Article IV, Section 1, each of them is a voting member of the respective Division Council within which he/she is a constituent, and thus has the same rights and privileges of other council Stewards.

January 30, 1986

## OVERDUE DIVISION STEWARD ELECTIONS

- a. The Division Council and Regional Coordinator are to be notified in writing, by the Division/Steward Coordinator three months prior to the election due date.
- b. If any problems are encountered with the running/operation of the election, the Division Council (Election Committee) must notify the Regional Coordinator and Division/Steward Coordinator immediately.
- c. If there is no response from the Division by 45 days prior to the due date of the election, the Division/Steward Coordinator must contact the Division leadership and/or Regional Coordinator to determine what the problems are, if any.
- d. If no election Committee has been formed 30 days prior to the due date (i.e., expiration date of present term), the appropriate Regional Coordinator should attempt to do so. If this is not achieved prior to 15 days before the expiration date of the steward term of office, the Regional Coordinator and/or the Division/Steward Coordinator shall send notices via certified mail to all present stewards. This notice shall state that the Division Council has not formed an Election Committee, per Article V of their Constitution, and if they do not do so by the expiration of their term, the Division will have waived this right and the Regional Coordinator and/or the Division/Steward Coordinator shall have to conduct the election.
- e. Any additional costs (e.g., staff time (salaries) necessitated for PEF's preparation of election notices, ballots, etc., receiving of nomination forms, etc.; salaries, expenses and/or meals for ballot counting) incurred by PEF due to a Division's failure to follow Article V of their Constitution and form its own functioning Election Committee shall be funded by the Division (i.e., charged to its treasury). This applies whether election is overdue or not.
- f. If the Division fails to conduct the election within 30 days after the due date of the election, all division funding is to be withheld.
- g. Once the 30 day grace period is exceeded, the Division shall forfeit pro rata its per capita payments during the time period when no elected Council existed (i.e., from date of steward term of office expiration until new elections has been completed).

This forfeiture shall be based on the following directly proportional formula:

Forfeiture equals # of days overdue/365 days (times) year per capita (times) # of PEF members, (e.g., 73 days late equals 73/365 equals 20%; thus 1/5 of its yearly per caps is lost - if the Division had 100 members this could be  $(1/5 \times (\$12) \times (100))$ , which equals \$240.

These funds will be used (earmarked) to finance the excess overhead incurred by the Divisions Department in handling these elections.

The effective date of this section shall be July 1, 1986 and all stewards shall be sent a notification by April 1, 1986 which shall also include an explanation of the steward election

process for the division. If requested, training will be provided to help the Council and/or the Election Committee.

h. If the Division fails to conduct the election within 3 months after the due date of the election, all stewards whose term of office has expired will be removed from the official OER steward list.

i. The Division has the right to appeal any sanctions to the Executive Board.

January 30-31, 1986

### **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  
Danielle Bridger, PEF Regional Coordinator R8  
Michele Silsby, PEF Regional Coordinator R1  
Gina Corona, PEF Regional Coordinator R4  
Bernadette O'Connor, PEF Regional Coordinator R11  
Radhakrishna Mohan, PEF Regional Coordinator R10  
Barbara Stransky, PEF Regional Coordinator R7  
David Dubofsky, PEF Regional Coordinator R5  
Conrad Davis, PEF Executive Board  
Gregory Salamida, PEF Executive Board

Adopted: October 2022  
PEF Convention

## **PROPOSED POLICY FOR DIVISIONAL ELECTIONS**

The Executive Board hereby interprets the policy to change Division Constitutions during the unprecedented and unexpected present COVID-19 epidemic, and the ongoing social distancing restrictions and Federal, State and local restrictions, to clarify that the impossibility to fill or elect officer/stewards cannot be allowed and PEF must not allow vacancies and non-representation of its members, hereby adopts the following:

The health and safety of our members is our number one priority and at this time, the PEF Divisions Committee does not believe it would be safe or practical for members to be circulating petitions at this time to run for Officer/Steward elections per Article V of their division constitution. This policy shall be in place until the COVID-19 epidemic has ended in this State as determined by the President of PEF.

To allow for safe nominations, this policy would eliminate the need for candidates to submit a minimum of 5 signatures from other dues paying members in their constituency. Interested candidates would be allowed to self nominate. Candidates will fill out and return a Division Candidate Interest form. The Division Candidate Interest form will be a fillable PDF uploaded to PEF's website. The form can be filled in electronically and then emailed to [Divisions@pef.org](mailto:Divisions@pef.org) or printed and then mailed to PEF Headquarters, Attn: Divisions Department, PO Box 12414, Albany, NY 12212. Due to social distancing guidelines, Division Candidate Interest forms will not be accepted in person at PEF Headquarters or any PEF Regional Office. If you are unable to access the form online, one may be mailed to you by calling PEF Divisions Department at 800-342-4306 ext. 337 to request.

If the number of interested candidates does not exceed the number of Officer/Steward positions available, those candidates will be seated.. In the event that a position has more interested candidates than seats available, ballots will be mailed out for those positions. Candidate names will appear on the ballot in random order to ensure fairness for all candidates regardless on whether the candidate submitted their Division Candidate Interest form via mail or email.

Pending the passing of the above policy, the Divisions Department will work with Divisions and guide them through this process.

**Approved by the Executive Board**

**June 11, 2020**

## **PROPOSED POLICY FOR 2020 DELEGATE ELECTION**

The health and safety of our members is our number one priority and at this time, the PEF Delegate Committee does not believe it would be safe or practical for members to be circulating petitions to run for convention delegate for the PEF 2020 Convention.

To allow for safe nominations, this policy would eliminate the need for candidates to submit a minimum of 5 signatures from other dues paying members in their constituency. Interested candidates would be allowed to self nominate. Candidates will fill out and return a Delegate Candidate Interest form. The Delegate Interest form will be a fillable PDF uploaded to PEF's website. The form can be filled in electronically and then emailed to [Divisions@pef.org](mailto:Divisions@pef.org) or printed and then mailed to PEF Headquarters, Attn: Divisions Department, PO Box 12414, Albany, NY 12212. Due to social distancing guidelines, Delegate Candidate Interest forms will not be accepted in person at PEF Headquarters or any PEF Regional Office. If you are unable to access the form online, one may be mailed to you by calling PEF Divisions Department at 800-342-4306 ext. 337 to request.

Constituency allotment will be based on the payroll file from the first pay period in March as per the rules. If the number of interested candidates does not exceed the number of delegate positions available, those candidates will be seated as delegates. In the event that a constituency has more interested candidates than seats available, ballots will be mailed out to the affected constituency. Candidate names will appear on the ballot in random order to ensure fairness for all candidates regardless on whether the candidate submitted their Delegate Candidate Interest form via mail or email.

Pending the passing of the above policy, the Delegate Committee will announce dates for submitting self nominations as well as balloting dates. The committee will give ample notice to all members with an announcement via email, PEF website and PEF social media postings.

**Approved by the Executive Board**

**June 11, 2020**

## NEWSLETTERS – POLICIES REGARDING DIVISION NEWSLETTERS

Divisions shall adopt procedural rules regarding division newsletters as an amendment to their division constitutions. These procedural rules shall at the minimum include the following:

1. The newsletter must list an editor by name.
2. The editor of the newsletter will be deemed the author of all articles unless otherwise signed.
3. The editor will be appointed by a majority of the division council and will serve at the pleasure of the division council.
4. The council may appoint a three member editorial board which shall have the power to disapprove the publication of unsigned newsletter articles by unanimous vote.
5. No newsletter purporting to be a Division newsletter shall be printed or distributed without approval by the editor of the Division newsletter.

In the event no such amendment is adopted by a division, the five procedural rules set forth above, approved by the Executive Board, shall apply until the division amends its constitution accordingly.

May 1985



## PROCEDURES FOR ANNEXATION AND/OR SECESSION

**ANNEXATION:** A petition clearly identifying the constituency to be annexed, signed by 30% of the members at each work location, must be received by the Divisions Department. A letter from the existing Division, signed by the present Divisions Officers indicating that a majority of the Division Council has approved the proposed annexation must accompany the petition. Ballots for approval will be sent to the constituency which proposes to join the existing Division unless the petition contains a majority of the members of the joining constituency. If the majority of those affected members have signed a petition, balloting will not be necessary.

**SECESSION:** A petition clearly identifying the affected portion of the Division constituency which wishes to leave as well as indicating whether a new Division is to be formed or the constituency wishes to join another existing Division must be signed by 30% of the members in each work location proposing to secede. Upon validation of sufficiency of signatures, the petition submitter and existing Division Leader are required to submit within two weeks no more than one-half page of text explaining why the change should/should not take effect. The text is required to explain the impact/benefit of the secession on the membership. This should be sent to the Divisions Department. If no position paper is received, the ballot will be sent out and will include the statement that no position was taken by one or both sides. These position papers will be included in a ballot to the petitioning constituency seeking the consent or disapproval of the change. If a new Division is proposed, a copy of the proposed constitution will be included with the ballot for ratification.

### NOTE:

- 1) Change in Division status shall be allowed only once per year for any petitioning group.
- 2) No secession may be proposed and/or processed which attempts to subdivide into different divisions any agency group located in a single building, except where existing divisions are relocated to a single building as a result of a merger/reorganization by the State of New York. Where divisions are merged under a single agency code in a single location, those divisions remain intact until vote by the membership of each division can be conducted.
- 3) Per Capita payments for any approved constituency change becomes effective the quarter following the submittal.
- 4) The outcome of the Annexation and/or Secession will become part of the Divisions Committee report to the Executive Board.

All correspondence should be submitted to the Divisions Department, PEF,

1168-70 Troy-Schenectady Road, P.O. Box 12414, Albany, NY 12212

Originally adopted by the Executive Board on August 25, 1986

Amended by the Executive Board on March 4, 2005

Amended by the Executive Board on August 17, 2012

Amended by Executive Board on March 8, 2013

## Ratification of PEF Logo and Colors

Whereas, the PEF Executive Board has set forth guidelines: (1) for the logo for PEF and all Regions, Divisions and Committees; (2) that the PEF name/or initials be place on all clothing that is distributed; (3) encouraging the use of the entire PEF logo and the AFL-CIO initials; and (4) allowing PEF and any of its Regions, Divisions and Committees to modify the logo by adding words, numbers or symbols to individualize it for the region, division, committee or event:

Whereas, the PEF Executive Board sets the policy that the PEF name or logo shall not be used in any external flier, advertisement, or endorsement designed to influence political opinion or decision making without the approval of the President or his or her designee by an expedited review and that appeals may be referred to the Executive Board;

Whereas, PEF properties, the PEF website, PEF social media and other PEF items use a PEF Logo and Colors:

Whereas, no specific Logo or Colors for PEF have ever been adopted by the PEF Convention: and

Whereas, the use of branding is extremely important to maintain a consistent message and tool for membership engagement:

Therefore, the PEF Convention hereby adopts as the PEF logo the logo historically used by PEF with the map of the State of NY including the PEF initials, a copy of which is attached.

Therefore, the PEF Convention hereby adopts as the PEF colors blue and yellow.

### Fiscal Impact

There should be no fiscal impact as these are the colors and logos presently in use. In fact, this resolution may save PEF monies by standardizing the logo and colors and encouraging bulk purchases with the same image and colors.



Co-sponsors:

Wayne Spence PEF President  
Randi DiAntonio PEF Vice President  
Sharon DeSilva PEF Vice President  
Joe Donahue PEF Secretary/ Treasurer  
Christopher Buman PEF Trustee  
Bruce Giddings PEF Trustee  
Michele Silsby Reg 1 Coordinator  
Leisa Abraham Reg 3 Coordinator  
Gina Corona Reg 4 Coordinator  
Dave Dubofsky Reg 5 Coordinator  
Christopher Dunham, Reg 6 Coordinator  
Danielle Bridger Reg 8 Advocate  
Radhakrishna Mohan Reg 10 Coordinator  
Jeanette Santos, Past PEF Trustee  
Maddie Shannon Roberts, Past PEF Trustee  
Denise DiBiase  
Amy Pacholk  
Stephanie McLean Beathley Div.167 Council Leader  
Maureen Kozakiewicz EB Seat 250  
Greg Salamida EB Seat 285  
Albert Famularo EB Seat 380  
Jen Voelker EB Seat 430  
Scott Staub EB Seat 445  
Martin Robinson EB Seat 450  
Conrad Davis EB Seat 470  
Jakob Westman EB Seat 486

Adopted: October 2021  
PEF Convention

## RULES FOR DIVISIONS: Formation and Financial Management

### A. General Division Guidelines

1. Constituencies shall be logical, cohesive units. They may be departmental or geographically based. Crossing PEF Regional boundaries is permissible. Division by title or community of interest shall not be allowed. Fifty (50) regular PEF members are needed to start a Division.
2. Divisional Constitutions should follow the model guidelines presented herein. Local adaptation and additions may be necessary, but must not negate the intent and purpose of the model. All changes should be indicated. Explanations may be necessary. The first nine articles are to be named and numbered as outlines. Extra articles, if any, would start with Article Ten (10). With the exception of the Audit Committee, Division Committees listed in Constitutions are not considered mandatory.
3. Thirty percent (30%) showing of interest petitions will be required to start the process. When more than one agency and/or location is proposed for a Division, separate petitions for each agency and/or location will be required.
4. The draft constitution will be sent for a constituency ratification vote. Ratification for approval is a majority of those voting. When more than one agency and/or location is proposed for a Division, separate ratification votes of each agency by location will be required. Ratification votes will be done on-site when practical. If by mail, ballot counting will be done in a location as convenient to Division members as possible.

### B. Division Structure

1. In order to create uniformity of divisional leadership and reduce confusion due to multiple titles for similar functions, the following terms shall describe Division structure:

The Division Council is the governing body of each division.

The Council Leader is the Chief administrative Officer.

The Assistant Council Leader(s) is the assistant administrative officer(s).

The Secretary is the Chief record keeper.

The Treasurer is the chief financial officer.

- NOTE: Divisions may combine the roles of Council Secretary and Treasurer into one Secretary-Treasurer position.

These officers may be elected either by the Council from among themselves or at-large by the constituency. Divisions composed of less than 175 PEF members must elect a Division officer-at-large, so that the Council has at least 4 members (Article IV, Section 1).

2. Division Officers Elections:

Divisions with less than four (4) stewards elect the officers in the following manner:

If a Division has:

1 Steward, this is the Council Leader

2 Stewards, they are Council Leader and Treasurer (or Secretary-Treasurer- S-T)

3 Stewards, the Council Leader, Treasurer (or S-T), Secretary (or Assistant Council Leader).

3. The Term of Office for all elections shall be between one (1) to three (3) years (Article XX, B, 6).

4. Documents, records and reports related to the Division's financial operations and leadership decisions by the Council Leader, Treasurer, Secretary and Assistant Council Leader shall be considered PEF property, and must be transferred to successors. In the event successors are not yet elected, materials must be transferred by the officers whose terms have ended to PEF Finance.

**C. PEF Division Council Standards:** Divisional leadership is responsible for ensuring that the following core union functions are provided to benefit PEF members in the Division:

**Required Tasks and Responsibilities:**

1. Establish required Division Committees\*
2. Conduct at least two Division Membership Meetings per year\*
3. Provide regular (at least monthly) informational updates by meetings, links to the PEF website, emails, e-bulletin board and physical bulletin board postings.
4. Conduct new Membership Orientations whenever new members join the Division
5. Sponsor two Division events per year (such as picnic, holiday party, MBP promotions, EAP event, scholarship awards, etc.)
6. Ensure all Stewards receive training certification within 6 months after election\*
7. Notify Regional Coordinator and Executive Board representatives of all Division meetings\*
8. Prepare annual Division Budget, approved by Division and Stewards' Council\*
9. Submit Annual Audit and Quarterly Financial Reports (per Rules for Divisions)\*

**Membership Engagement**

10. Recruit stewards and membership mobilizers to fully engage all members.
11. Work with Field Services Organizing to have a fully recommitted and mobilized Division.

**Labor/Management**

12. Establish a local Labor/Management Committee\*
13. Conduct at least two Labor/Management meetings per year\*
14. Circulate/share Labor/Management agendas and minutes with to the Division membership and post on local PEF Bulletin Board.

**Contract Enforcement**

15. Establish a grievance structure and serve as a liaison in grievance filings\*
16. Be involved in Disciplines/Discharges and Interrogations

**Political Action and Union Solidarity**

17. Encourage participation in regional Political Action Committee work, voter registration drives, and overall activism.
18. Recruit COPE contributors by requesting participation during new member orientations and political activism.
19. Join with labor groups and participate in Central Labor Council, Area Labor Federation, and in several local/ regional labor events every year.

*\* Indicates Mandatory Requirements per PEF Constitution or Policy.*

Division Council Standards adopted 8/2/02, updated November 2018.

## **D. PEF Divisions: Funding, Budgeting and Financial Management**

In accordance with the PEF Constitution (Article XX, Section B), the following guidelines deal with Division Financial activity:

### **1. Funding**

- a. Approved Divisions shall be funded based on their membership in Division accounts maintained at PEF. No other bank accounts for Divisions are permitted, nor shall PEF's Tax ID number be made available for Division use. The funds shall be provided on a quarterly basis, for the first 200 members, and for 201+ members, at rates to be determined by the Executive Board in connection with the PEF annual budget.
- b. The fiscal year shall be April 1 to March 31.
- c. At inception, and once the new, approved Division has elected officers, a \$500 advancement start-up funds shall be provided from per capita funds. Thereafter, funding shall be quarterly to Divisions in good standing.
- d. Each Division shall receive a quarterly Division membership list from PEF, which shall be the basis of the quarterly per capital payment.
- e. Divisions may request that PEF Finance manage their receipts and expenditures directly, in the event that circumstances warrant such beneficial assistance for operations. In the event that Divisional leadership is not able or willing to implement PEF Division Council Standards, the Secretary-Treasurer may have PEF Finance manage divisional finances through direct beneficial assistance.

### **2. Expenditures**

#### **IMPORTANT NOTES:**

- Approved Divisions are allowed to spend monies on any activity that serves a PEF union purpose, is consistent with the Labor-Management Reporting and Disclosure Act (LMRDA), is pre-approved by the Division Council, and is not contrary to PEF goals and policies, including the Code of Conduct.
  - Documentation **MUST BE MAINTAINED** and **SUBMITTED** to PEF Finance specifying the members participating in meetings and events, and specifying the value of, and members in receipt of, any gifts or giveaways purchased by the Division (see attached Documentation Requirements).
- a. All spending must be explained, receipted, and in accordance with the Division Budget as approved by the majority vote of the Division Council and in compliance with other provisions of the specific Division's constitution.

#### **Spending in the following areas is strictly prohibited:**

1. Political activities
2. Internal caucus activities
3. Salaried employees
4. Honoraria to members
5. Direct payment to members in excess of actual expenses
6. Reimbursement of member's dues
7. Rebates or gifts to members (via cash, check, credit card)
8. Legal fees.

- b. Examples of permitted Divisional expenditures include, but are not limited to:
  - 1. Expenses for Division members' meetings (food, room, supplies, etc.)  
*NOTE: Food purchased for PEF meetings and events MUST be from a licensed restaurant/supplier/caterer, for liability and health & safety reasons.*
  - 2. Expenses for Division operation (postage, printing, etc.)
  - 3. Mileage for Division purposes- consistent with PEF travel policy and specifying union purpose, meeting notice, etc.
  - 4. Tickets and contributions for local functions where the Division should be represented
  - 5. Membership engagement and seasonal events
  - 6. Good & welfare, scholarships.
- c. All STATEWIDE Divisions must ensure that resources are shared fairly with members located across the State, ideally on a pro-rata basis.
- d. Convention expenditures: Approved Divisions have the discretion to allocate up to \$100.00 to each delegate attending PEF Conventions, provided that such allocations are approved in advance by the Division Council, as evidenced by meeting minutes prior to the given Convention. No Division may reimburse any delegate for a single room supplement.
- e. No double reimbursements are permitted: Divisions may NOT reimburse for expenses vouchered for payment by other entities or PEF departments.
- f. No 'discretionary' or 'petty cash' funding amounts allocated to Division Council officers, stewards or members are permitted under any circumstances.
- g. Expenses for Labor-Management meetings should be charged to the Division's LM budget, unless there is an MOU with NYS with other provisions related to expenses.
- h. Expenses for Health & Safety meetings should be charged to the Division's H&S budget, unless there is an MOU with NYS with other provisions related to expenses.

### 3. Division Responsibilities

#### Approved Divisions Shall:

- a. Develop an annual budget to be approved by the Division Council on or before April 1 and forward it to the PEF Finance Department by April 30<sup>th</sup>.
- b. Establish an Audit Committee to be composed of at least 3 persons, with no more than one being a steward and/or officer (cannot include the Treasurer) of the Division. This Committee shall do a yearly audit of the Division's financial activities and report to the Council, membership and to PEF Central within 90 days after the end of the fiscal year by completing the Annual Division Audit.
- c. At the conclusion of each fiscal year have the Division Audit Committee conduct and maintain an inventory of the assets (e.g. furniture, electronics, fixtures) owned by the Division, using the Guidelines for Maintaining an Equipment Inventory. The inventory report will be submitted by the Division to PEF Finance with the Annual Division Audit.
- d. Report and explain all monies received and spent no later than 30 days after the conclusion of each quarterly period, for both checkbook and purchase card Divisions.

- e. Submit original receipts to PEF Central on a quarterly basis, keeping copies on file for the annual audit.
- f. Review Division's trial balance info within 30 days of receipt from PEF Finance, to check for accuracy and make any needed corrections or clarifications in a timely fashion.
- g. Make all financial reports, especially the Annual Budget and the Audit Report, available to the Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor.
- h. Provide current personal email and cell phone contact information for the Division's Council Leader and Treasurer or Secretary-Treasurer to Finance.
- i. Require that the Division have at least one officer who assumes financial leadership, with the responsibility for communicating with Finance (Council Leader and/or Treasurer or Secretary-Treasurer).
- j. Ensure that any Division officer with spending authority complete and submit an approved Application for Purchasing Authority, within 30 days, or the deadline set by Finance, (available online at:  
[http://www.pef.org/pef\\_files/docs/forms/Application\\_for\\_Purchasing\\_Authority.pdf](http://www.pef.org/pef_files/docs/forms/Application_for_Purchasing_Authority.pdf))

NOTE: the Division Financial Management Timeline spreadsheet (attached) is designed to be a helpful planning guide.

#### 4. Account Deposits

- a. Division funds shall be deposited at the end of each quarterly period in the Division's account at the bank designated by PEF. This deposit may be withheld if a Division is delinquent in submitting any one of the above stated reports.
- b. All accounts require at least two signatures, or dual purchase card approval, to spend funds.
- c. No more than one (1) year's reimbursement, or \$5,000, whichever is greater, can be accumulated by a Division. One year's reimbursement is defined as the sum of the last four quarterly per capital payments. The Division Treasurer will receive written notice of the maximum.

#### 5. Accounting for Expenditures

NOTE: All Division expenditures must be pre-approved by the Division Council and properly documented via original invoices, PEF Works entries, participant sign-in sheets and/or on the appropriate forms provided by PEF such as:

- a. Emails and/or minutes documenting Division Council approvals,
- b. Lists of meeting participants (using PEF sign-in sheet form) and giveaway recipients.
- c. Division expense vouchers or PEF Works entries, which need to be submitted with the vendor's detailed and itemized receipts,
- d. Quarterly: Journal Register Reports (checkbook Divisions only) along with itemized receipts and supporting documentation (all divisions).



## 6. Penalties

NOTE: When a Division is delinquent in submitting the required annual budget or audit, or quarterly reports for one or more consecutive quarters, or is missing significant required financial documentation, deposits of Division funds into the Division's account shall be withheld, and penalties may be assessed, until all Division reports are brought current. Exceptions to imposing penalties and/or withholding funds may be made if the Office of the Secretary-Treasurer has knowledge of Division circumstances which explain and excuse the delinquency. Such delinquencies and circumstances shall be included in the Secretary- Treasurer's next report to the Executive Board.

- a. Division quarterly payments shall be withheld until all outstanding reports and accounting entries are submitted.
- b. A portion of a Division's quarterly payment may be forfeited if reports, such as the quarterly report, budget, audit or inventory list, are more than 30 days late (e.g. if 60 days late, one-third of funds may be forfeit, at 90 days, two-thirds, or after 120 days, the entire quarterly amount).
- c. Prior to restoring withheld quarterly payments, a revised budget reflecting such restored funding must be submitted to Finance. Once such a budget is in place, along with the required outstanding documents, funding may then be restored.
- d. Divisions will reimburse PEF for all fees associated with bounced checks written by the division.
- e. Expenses lacking detailed receipts/documentation will be charged against future per caps. Funding for such deductions may be restored if the Division Council leadership provides a full explanation at a membership or stewards' meeting, wherein the participants vote their approval to excuse the error and approve the un-receipted expense. Documentation requesting restoration, including the Division meeting minutes and participant list for such approval, and proof that the action was disclosed to the full Division membership, must be provided to Finance within 90 days of the deduction.

## 7. Purchase Cards

- a. One purchase card (pcard) will be designated to each Division, per the Division Council request. Council requests for additional cards must be approved by the PEF Secretary-Treasurer.
- b. All Division expenses must be approved/signed off within 30 days of the purchase by two Divisional officers. Failure to sign-off on card purchases within 30 days will result in a temporary freeze of the Division's account.
- c. The Division Treasurer shall be the final reviewer and approver of all purchases. ***It is required that one of the Division Council officers (Treasurer, Council Leader, Assistant Council Leader, or Secretary), who does NOT have a purchase card, be empowered to sign-off on all Division expenditures by any other cardholders, in order to ensure a virtual dual sign-off. It is strongly recommended that the Treasurer take on this role and not have a pcard.*** Purchases by the Council Leader and any other officer shall be reviewed and approved by the Treasurer, or other officer without a pcard. In the event that purchases are made by the Treasurer, they shall be reviewed and approved by the Council Leader, or other officer without a pcard.

- d. Purchase cards will be temporarily shut off when a zero balance is reached.
- e. Per Capita shall be available for spending on the first business day of the quarter.
- f. All detailed/itemized original receipts for card purchases made during the fiscal year, as well as relevant original participant lists, must be submitted quarterly for review and retention by PEF, or may be submitted more frequently (monthly) to ensure such documentation is not lost as it is essential to the annual audit. It is strongly recommended that Divisions retain copies of receipts and related materials.

#### 8. Division Status as “Not in Good Standing” or “Improving”

- a. Determinations that Divisions are Not in Good Standing (NGS) or Improving (I) are made quarterly or as needed.
- b. Factors involved in a determination that a Division is “Not in Good Standing” (NGS) include:
  - 1. Missing financial and required documentation, such as an absence of an approved budget, audit, receipts, attendance lists with participant sign-offs, specification of the union purpose of the expense, and/or,
  - 2. Absence of financially responsible leadership.
- c. Factors for a determination that a Division is Improving consist of active work underway with Finance and Divisions staff on the part of Division officers and leaders in order to return the Division to good standing,
- d. The Finance Office will reach out to Division officers (and Executive Board representatives for such divisions) at risk of being listed as NGS prior to the final determination, in order to provide assistance to resolve the factors of concern whenever possible.

#### **E. Authority**

The Secretary-Treasurer and the Divisions Committee shall have the authority to adopt rules, procedures and forms necessary to implement these policies.

**TIMELINE FOR DIVISIONAL FINANCIAL REPORTING AND RESPONSIBILITIES**

	Quarter I: Apr 1-June 30	Quarter II: July 1-Sept 30	Quarter III: Oct 1- Dec 31	Quarter IV: Jan1-Mar 31
<b>PEF Fiscal Year: 4/1 to 3/31 -- Quarters:</b>				
<b>REPORT/ ACTIVITY:</b>				
<b>Application for Purchasing Authority Completion:</b>				
Submission by PEF members with any spending authority, by pcard and/or check: within 30 days, or deadline set by Finance				
	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>
<b>Quarterly Report on Monies received and spent</b>	for Q IV	for Q I	for Q II	for Q III
Provide original receipts to Finance, keep copies in Division	30-Apr	30-Jul	30-Oct	30-Jan
<b>Annual Budget</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>
Create Annual Budget: Treasurer with Division Council	1-Apr			
Submission of Annual Budget to PEF Finance, no later than:	30-Apr			
Share budget with Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor	30-Apr			
<b>Annual Audit:</b>				
Convene Committee, conduct Equipment Inventory after FYE	suggest 15-Apr			
Complete and submit annual audit to PEF Finance, with Asset Inventory, within 90 days of 3/31 FYE	before 30-Jun			
Share audit with Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor	30-Jun			
<b>NOTE:</b> Risk of Penalties if Annual Audit and Inventory not submitted after 30 day grace period ending:			30-Jul	

**SUPPORTING DOCUMENTATION REQUIREMENTS**

<b><u>EVENT or ACTIVITY using DIVISIONAL FUNDS</u></b>	<b>Itemized, Original Receipt for Meals, Purchases, Donations or Contributions</b>	<b>List of all PEF Participants/ Recipients, including their signatures per PEF format</b>	<b>Expense Voucher or PEF Works Entry with details on purpose, rationale</b>	<b>Notes</b>
<i><b>NOTE: The PEF Union Purpose for Expenditure, and Good or Service Purchased, Must ALWAYS be Specified in Detail</b></i>				Submit required documentation within 30 days
Holiday Party	x	x	x	
Summer Picnic	x	x	x	
Members' and Stewards' Meetings, Membership Engagement Session, other	x	x	x	
Travel: MUST comply with applicable PEF travel policies	x	x	x	Describe what, where, when, why
Good & Welfare: e.g. sympathy, get well, retirement plaque, commendation, scholarship	x	x	x	All members to be provided same benefit in same situation, specify names
Giveaways: refer to policy document for guidance	x	x	x	NEVER cash or equivalent

## REPORTING OF DIVISION EXPENDITURES

A member can receive a quarterly report on request from the Division Treasurer. If that request is not fulfilled in a timely fashion, the Regional Coordinator will intervene to make sure the request is fulfilled.

Amended: 09/16/03 Convention

All Divisions within this Union are required to prominently post quarterly expenditure reports which comport with the plain language requirements of this resolution on official union bulletin boards for a minimum period of two weeks following the preparation of such expenditure reports. Divisions will make quarterly expenditure reports available to any member on request. If a member is unable to obtain this report, they should contact their Regional Coordinator.

Adopted: 10/9/02 Convention

New York State

PUBLIC EMPLOYEES  
FEDERATION, AFL-CIO  
159 Wolf Road  
Albany, New York 12205-1189

# DIVISION NEWS



Rand Condell, *President*

James J. Sheedy, *Secretary-Treasurer*

Volume 2, No. 1

Replaces Pages 3.11 – 3.25 of the Steward Manual

April 1986

## Procedural Policies for PEF Central Payments Regarding Division Elections

All Division constitutions call for timely elections and the formation of an Election Committee, yet the Divisions Department is besieged by overdue steward elections and requests for the Divisions Department to conduct the elections.

In view of these problems, and the Convention adoption of Resolution #1, the Divisions Committee formulated the following recommendations which were approved at the January 30/31, 1986 Executive Board meeting:

1. Per Resolution #2 (see Appendix) and Article V of all Division Constitutions (see Appendix), it remains the responsibility of each Division to form an Election Committee which, in conjunction with the appropriate Regional Coordinator, shall follow their Division Constitution and conduct the actual election process, including notice preparation, nomination verification, ballot preparation and ballot counting.

2. Postage will be the responsibility of PEF. Therefore, all election notices and election ballots should be mailed out from and received by a PEF office. A designated PEF Post Office box shall be used for returned ballots. The ballots will be picked up only at the close of balloting, preferably with an Election Committee member present. The ballots will be sealed and then turned over to an Election Committee representative(s). The sealed ballots are not to be opened until the stated ballot counting date and time, and must be opened in front of witness(es).

Absentee and duplicate ballots may be mailed directly (or hand-distributed) by an Election Committee member, and the return envelope must clearly indicate the status (absentee/duplicate) of the enclosed ballot. However, a daily listing of requests, address changes, etc. must be maintained. This log must be sent to the Divisions Department to obtain reimbursement for any postage cost involved.

3. The reproduction/printing of official election notices and ballots shall be provided by PEF, so that the Division does not incur these costs.

4. The following are the only categories of Election Committee incidental expenses which PEF Central shall be liable for:

- a. travel over 35 miles - which was created solely due to Committee activities.
- b. food - lunch, dinner, etc., provided at the work location and/or PEF office for Committee meeting(s), ballot counting, etc.

These must be receipted on a standard PEF voucher and accompanied by a statement as to why they were necessary. The Division may, especially for food expenses, initially cover these costs and submit the bill with the voucher to PEF.

5. Any additional cost (e.g., staff time [salaries] necessitated for PEF's preparation of election notices, ballots; receiving of nomination forms, etc.; per diems and other expenses for ballot counting) incurred by PEF due to a Division's failure to follow Article V of their Constitution and form its own functioning Election Committee shall be funded by the Division (i.e., charged to its treasury). This applies whether election is overdue or not.

### Additional Costs Defined

Since the adoption of the above policies, the Secretary-Treasurer has determined the additional costs for Divisions failing to properly conduct their own elections to currently be:

Preparation of Notice:	\$35, plus \$15 extra if multiple constituencies.
Receipt of Petitions:	\$35, plus \$15 extra for each additional petition over 5 candidates.
Ballot Preparation:	\$35 plus \$15 extra for each additional constituency.
Ballot Counting:	\$35 plus 50 cents for each additional ballot, plus \$15 surcharge for each additional constituency.

Copies of sample election notices, nominating petitions, ballots and tally sheets, as well as worksheets (with check list) to aid in their preparation, are available upon request from the Divisions Department.

# Steward Election Time Table

Failure to form a properly functioning Election Committee is in direct violation of that Division's Constitution, and necessitates an additional workload for those outside the Division. The Division abandons the concept of "with freedom come responsibilities" and cannot be rewarded for this negligence. In fact, once the steward term expires, theoretically the Division's charter ceases to exist.

Therefore, the Executive Board has established the following timetable for the conduct of a timely election:

a. The Division Council and Regional Coordinator are to be notified, in writing, by the Division/Steward Coordinator three months prior to the election due date.

b. If any problems are encountered with the running/ operation of the election, the Division Council (Election Committee) must notify the Regional Coordinator and Division/Steward Coordinator immediately. The Division's Election Committee and/or Regional Coordinator should submit the Election Notice and Nomination Petition to the Division/Steward Coordinator 60 days prior to the due date of the elections.

c. If there is no response from the Division by 45 days prior to the due date of the election, the Division/Steward Coordinator must contact the Division leadership and/or Regional Coordinator to determine what the problems are, if any.

d. If no election Committee has been formed 30 days prior to the due date (i.e., expiration date of present term), the appropriate Regional Coordinator should attempt to do so. If this is not achieved prior to 15 days before the expiration date of the steward term of office, the Regional Coordinator and/or the Division/Steward Coordinator shall send notices via certified mail to all present stewards. This notice shall state that the Division Council has not formed an Election Committee, per Article V of their Constitution, and if they do not do so by the expiration of their term, the Division will have waived this right and the Regional Coordinator and/or the Division/Steward Coordinator shall have to conduct the election.

e. Any additional costs (e.g., staff time [salaries] necessitated for PEF's preparation of election notices, ballots, receiving of nomination forms, per diem and other expenses for ballot counting) incurred by PEF due to a Division's failure to follow Article V of their Constitution and form its own functioning Election Committee shall be funded by the Division (i.e., charged to its treasury). This applies whether election is overdue or not.

f. If the Division fails to conduct the election within 30 days after the due date of the election, all division funding is to be withheld.

g. Once the 30 day grace period is exceeded, the Division shall forfeit pro rata its per capita payments during the time period when no elected Council existed (i.e., from the date of steward term of office expiration until new election has been completed).

This forfeiture shall be based on the following directly proportional formula:

$$\text{Forfeiture} = \frac{\# \text{ of days overdue}}{365 \text{ days}} = \text{yearly per capita}$$

(e.g., 73 days late =  $73/365 = 20\%$ ; thus 1/5 of its yearly per caps is lost – if the Division has 100 members this would be  $(1/5 \times \$12) \times (100)$ , which equals \$240.

These funds will be used (earmarked) to finance the excess overhead incurred by the Division Department in handling these elections.

The effective date of the forfeiture section shall be July 1, 1986, and all stewards shall be sent a notification by April 1, 1986 which shall also include an explanation of the steward election process for the division. If requested, training will be provided to help the Council and/or the Election Committee.

h. If the Division fails to conduct the election within 3 months after the due date of the election, all stewards whose term of office has expired will be removed from the official OER steward list.

i. The Division has the right to appeal any sanctions to the Executive Board.

## Division Steward Elections

### Term of Office

The term of office and commencement date for all stewards are defined in Article V, Section 4, of their Division Constitution. As the 1981 guidelines allowed any length from one (1) to (3) years and any starting date, reference must be made to your own constitution. Copies of your Division's Constitution may be obtained from PEF's Division/Steward Coordinator, if they are not available locally.

NOTE: A Steward and/or Division Officer is elected for a specific length of time to serve a specific constituency. Only resignation, recall by the electing constituency, or leaving the membership of the constituency which elected him/her can end that term of office before its expiration date.

### Steward Election Procedures

Over the years, the Executive Board has set standardized policies to be followed by Divisions in the conduct of elections. These include:

I. The Division Council shall select the Election Committee. The Division Council in consultation with the appropriate Regional Coordinator(s) shall:

Determine the appropriate steward constituencies, provided this apportionment does not exceed the number allowed for this division. Unless changed by PEF or the Divisions Committee, the intradepartmental steward allocation shall be based on one (1) steward per fifty (50) PS&T unit members. No candidate for election shall serve on the Elections Committee. (Article IV, Section 15 and Article V, Sections 1 and 2).

## Division Steward Elections (continued)

II. The Election Committee must confer with the appropriate Regional Coordinator(s) and devise a copy of the election notice, petition and sample ballot, if necessary. It will then be forwarded to the Division/Steward Coordinator.

III. Mailing labels for nominating petitions will become available when the notice, petition and sample ballot are on file in the Division Department in Albany.

IV. Announcement of the election must be distributed by mail, with the nominating petition, in such a way as to ensure that all members are aware of an election.

A nominating petition should appear on the back of the announcement and must require signature of candidate.

Agency fee payers should get notice with membership application card stating that they are not members and if they wish to vote in the election, they should sign and return membership application.

The announcement shall state:

1. Reason for the election:
  - a) Regular Election
  - b) Vacancy in one (1) or more positions.
2. Term of office (must specify two of the following):
  - a) Length of term
  - b) Start of Term
  - c) End of Term
3. Election Committee Members
  - a) Chairperson name, address and phone.
  - b) Committee member's name, address and phone.
4. Division Name and Number
5. Who is eligible and what constituencies.
  - a) The Division's Nominations and Elections Committee must establish and implement uniform procedures regarding enfranchisement of members appearing to be in the election constituency but not on the constituency printout. If the questioned constituent is enfranchised, it must be conditioned upon his/her being switched into the appropriate constituency on PEF records.
  - b) Multiple site divisions must segregate constituencies for elections wherever practical. (Refer to sections relating to Constituencies and Ballot Counting.)
6. Necessary Statements: the following statements must also be included
  1. Three (3) signatures are needed to run for Steward based on 5% of 50.
  2. Only PEF members can run or vote in this election. If you are presently not a PEF member, you may obtain a PEF membership application from the Election committee.
  3. Any complaints concerning the fairness of these elections, which are not received to your satisfaction by the Election Committee, should be brought to the attention of your PEF Regional Coordinator and the Division/Steward Coordinator.

### V. Time Structure for Elections

The announcement should also indicate the election schedule by providing the actual dates for the following:

- a) Return Date of Nominating Petitions – three (3) weeks minimum from mailing of notice.
- b) Date Election Ballots available – one (1) week maximum from return date of Nominating Petition.
- c) Date Absentee Ballots available for on-site election – Three (3) to five (5) days after return date of Nominating Petition, or
- d) Date Duplicate Ballots available for mail election – One (1) week after the date the Election Ballots become available and obtained locally from Election Committee. Duplicate ballots should be identified on return envelope.
- e) Election Ballot Return Date – two (2) weeks minimum from date Election Ballots become available.
- f) Counting of Ballots – two (2) days maximum from Election Ballot return dates.

VI. Typing of petitions, ballots, etc. may be handled at the PEF regional offices, but the responsibility for accuracy is to be borne by the Division's Election Committee. Petitions are to be dated at the election site facility or PEF office upon receipt. Signatures of candidates and verification of membership status of signators of petitions are the responsibility of the Election Committee. A membership printout will be provided for this purpose by the Division Department to the Elections Committee.

If the number of nominating petitions received is equal to or less than allocated seats, no election will be held.

VII. All ballots should clearly state the date upon which the ballots must be received by the Election Committee at designated PEF office or facility. The distribution of the ballots and the return of the completed ballot shall be accomplished in such a manner as to guarantee each member an opportunity to cast his/her ballot without the necessity of his/her physical presence at the polling place.

The Elections Committee and the appropriate Regional Coordinator(s) shall be responsible for the custody and counting of ballots. (Article V, Section 6) All material must be secured in the PEF regional office for one (1) year from the ballot counting.

Where a Regional Coordinator chooses to run for steward, the Division Committee will appoint a neutral party from the Division Committee to assume the Regional Coordinator's role in the election.



## Division Steward Elections (continued)

Election balloting may be on-site, by mail, or a combination of the two. The election results shall be promptly announced after the close of the balloting.

All regular members of the Division shall have the opportunity to vote by written secret ballot for representatives from their constituency. The balloting will be conducted in the manner prescribed in this Constitution and will guarantee the right of each member to vote. The Election Committee must provide at least ten (10) days notice before the election.

Voter must sign outside envelope and state his/her constituency as reflected by apportionment. Any ballots not signed for appropriate constituency shall be voided.

The ballot should have the following instructions:

1. You may vote in this election only if you are a union member.
2. Indicate your preference(s) below by marking the box(es) next to the candidate(s) of your choice.
3. Make no other markings on this ballot.
4. You can vote for no more than (A) candidates
5. Voting for more than the allowable number of stewards will void your ballot.
6. Insert the ballot into the "secret ballot" envelope and then place this in the pre-paid return envelope.
7. You must sign your name and indicate your work location on the return envelope.
8. To be counted a ballot must be received no later than (B) (date and time).  
(A) Should be number of stewards to be elected.  
(B) Should be the deadline for ballot receipt.

### On-Site Procedure

- A "Sample" ballot with a set of rules for the election must be prominently displayed on all official PEF bulletin boards. The rules must include the date, place and time frame for voting, and how to obtain absentee ballots.
- Upon showing just cause, a member who is unable to cast his ballot personally may be permitted to cast his ballot by mail.
- Absentee ballots must be given or mailed only to individual voting members. All individuals requesting absentee ballots must be listed and this list kept as part of the election material. Adequate means for securing absentee ballots must be guaranteed and the election notice must state telephone numbers to call as well as who a member may notify if unable to reach those listed. Absentee ballots must be returned by the close of business the same day of the election.
- Balloting shall be held at a convenient location(s) and time, with such locations and times publicized and posted.

- Balloting areas shall be manned by members of the Elections Committees. Election notices shall state that anyone who wishes to may observe the proceedings.
- All voting members must sign in and be validated by the Elections Committee. Non-members wishing to vote should fill out membership cards prior to voting. These cards should be checked and held by the Election Committee, who shall ensure they are transmitted to PEF for processing.
- Separate tables should be provided so that voters may mark their ballots in privacy.
- If balloting is for more than one day, the Election Committee must secure all ballots.
- The time and place of the vote counting shall be on the election announcement and posted prominently.

### Hours for Polling in On-Site Elections

#### Sites That Have Shift Work

Polls must be open for at least a 12 hour period beginning at 6:30 am.

#### Sites That Do Not Have Shift Work

Polls mostly open at least 1/2 hour prior to the earliest starting times and at least 1/2 hour after the last ending time.

VIII. After the election, the Chairperson of the Election Committee must notify in writing: 1) all candidates whether winner or loser (vote totals of all candidates upon request) and 2) the Regional Coordinator.

The Regional Coordinator, after elections, must update the steward list by adding new stewards, and deleting old stewards.

Immediately the following steward elections, the former Council Leader shall call a meeting of all newly elected stewards; in order to expedite an orderly transition within the division (see Officers Election).

IX. Term of office for a Division Council shall not be extended due to the Council's failure to conduct the election process in a timely and proper manner.

The Division Treasurer and authorized co-signer of the Division must be permitted to expend necessary operational funds in order to meet the fiscal responsibilities of the Division during the interim period that elections are being held. If there is a delay in the elections for any reason, the Division Committee in consultation with the Secretary-Treasurer would reconsider the authorization to continue expending Division funds.

# Steward Constituencies

Constituencies: An historical axiom of trade unionism is "The shop elects its own steward(s)." For a union to be most effective in serving its membership, easy access to a steward familiar with their local problems is a necessity. Therefore, divisions which encompass more than one work location and/or agency code must define steward election constituencies. Different groups must be segregated from each other, so that local self-identity and representation is preserved.

Most common are geographic constituencies, where work location is the determining factor. Sub-division by building site(s) or region(s) are typical. Divisions, which have small local or satellite offices over a large geographic area, should cluster them into single steward constituency groups.

Article IV, Section 15's reference to a steward ratio of one per 50 PS&T (not PEF members) is the maximum number a steward should have to serve. PEF's agreement with the State corresponds to a 1 per 40 PS&T ratio. Therefore, 1 per 50 should be used only for Divisions with a single work location. Flexibility exists even here if the Division can justify it.

For multiple location or agency code Divisions the 1 per 50 basis should be used for each constituency. Therefore, the number of allocated steward can exceed that which would be expected if the Division's PS&T total was divided by 50. Field locations of 20 to 50 should have their own stewards. Further, a ratio lower than 1 per 20 can be used for those parts of a Division with many small community locations by grouping them together either functionally or geographically.

The key to defining constituencies should be maximizing for the best and most broad based steward representation possible, which provides adequate service. It should follow "natural" boundaries, either departmental or geographic, and not be overly constrained by minimizing the representation to an arbitrary 1 per 50 ratio.

PEF can provide the Division Election Committee with separate constituency listings and mailing sets for elections, when constituencies by agency code(s) and/or PEF region(s) (or combinations thereof) are appropriate. When other constituency bases are used, the ballot instructions and voter work location designation on the return envelope are used.

## Officers Election Procedures\*

The length and commencement date of Division Offices may or may not be concurrent with those of the Division's stewards. Those Divisions which elect officers by at-large vote of the entire Division membership should use Article V procedures for that election also. For all of these Divisions, the term of office will be the same as that of the stewards. The commencement date will depend on whether the original officers' election was concurrent with the steward election. Those that used a deferred election schedule for the officers' election may continue to do so. For Divisions with more than three stewards, the field of candidates for Division office is restricted to Council members only (elected stewards and Departmental Executive Board members in the Division constituency).

Most Divisions elect their officers by the parliamentary system (voting restricted to Council members) and usually hold these elections at the first Council meeting following the steward election. The term of office is usually the same length as the steward term of office, although lengths shorter than the steward term can be chosen by the Council, provided it is at least one year.

All rules governing an officer election should be set by the Division Council in advance of the Election. The ability of an individual to run or be considered for multiple offices will be decided by the Division Council.

Officer elections by the Council are usually a much less formal process, since fewer voters are involved and the election generally takes place at a single meeting. However, the right of adequate notice, etc. should be preserved. The following scenarios are examples on how to proceed and other methods approved by the Division Council are acceptable.

### One Meeting Method

A steward not running for Division office should chair the election part of the meeting. Each office should be done separately, starting with the Division Leader. Nominations and seconds from the floor should first be accepted. Then, each accepting nominee should be given time to give a statement of his/her concerns and program for the office being sought. After all nominees for that office have spoken, an open question period from the other stewards to the nominees should follow. Then a secret ballot election for that office should be taken.

### Two Meeting Method

When conducting a Division leadership election, the Council, subsequent to the election of new stewards, shall call a meeting to receive nominations for new officers. A minimum of two weeks' notice should be given to all stewards of the nominating meeting in order to ensure that all have the opportunity to attend. The portion of the meeting concerning nominations should be chaired by a steward not running for any of the officer positions.

Following the close of nominations, the Council should agree upon a date of the next meeting at which the officer elections will be held. A minimum of two (2) weeks is recommended in order to provide sufficient notice for all stewards to attend. At that meeting where the voting takes place, it is recommended that the Election Committee Chair supervise the voting by secret ballot. The results should be announced as soon as they are tabulated. In the event of any controversy or anticipated dispute, it is further recommended that the Regional Coordinator, who should already have been apprised of the meeting, be specifically asked to attend.

\*This policy shall supersede the policy for conducting Division Officer elections as set forth on page 5 of *Division News: Procedural Polices for PEF Central Payments Regarding Division Elections* April 1986.

## **Division Officer Election Procedure** *(For Divisions in which the Stewards elect the Officers)*

Most Divisions elect their officers using the parliamentary system (voting restricted to Council members) and usually hold these elections at the first Council meeting following new steward elections. The term of office for the officers is generally the same length as the steward term of office, although terms of office that are shorter than the steward term can be chosen by the Council, provided such terms are at least one year in duration.

All rules governing an officer election should be set by the Division Council in advance of the Election. The ability of an individual to run or be considered for multiple offices will be decided by the Division Council.

All Stewards need to be given at least fifteen (15) days notice of the date, time, and location of the division's Organizational Meeting.

It is preferable that the Steward Council Organizational Meeting occur immediately after a regularly scheduled Steward Council Meeting prior to the end of the terms of office of the then-current Steward body, as the authority to call meetings and conduct same is clear. However, when the Organizational Meeting does not occur until after the terms of the council members have expired, it is customary for the former council leader to call and chair the meeting, but to hand off the chair's duties to a Steward not running for Council office to conduct the election of new council leader.

Nonetheless, if there are concerns that the election may get contentious, or the new Steward Body is inexperienced, it may behoove the Council to invite the/a regional coordinator or a member of the PEF Divisions Department staff to conduct the election portion of the meeting.

A committee or group of individuals should be chosen in advance and the names of these stewards – who will not be running for any office -- announced to the newly elected steward body as those who will be actually counting the votes, so that any concerns about the make-up of this group can be addressed.

Officer elections by the Council are usually a much less formal process than steward elections, since fewer electors are involved in the process, and the election generally takes place at a single meeting. However, the right of adequate notice, etc. must be preserved, unless waived by every member of the new stewards council. The following scenarios are examples on how the Division may proceed. Other methods approved by the Division Council are acceptable, so long as they meet the standards described herein.

### **One Meeting Method:**

The election of officers to fill each office for which there is a vacancy should be done separately, starting with the top-most position -- which will be Division Council Leader when the election is a part of a Division Organizational Meeting. Nominations and seconds from the floor should first be accepted, and nominations only closed when there are no more nominations. Then, each nominee must be given a choice of either accepting or declining the nomination. Then, each candidate should be given a set amount of time to give a campaign speech, voicing his/her concerns and plans for the division if elected. After all candidates for that office have spoken, an open question period shall follow. Once all questions have been answered, or the pre-set amount of time for questions has been exceeded, a secret ballot election for that office shall be conducted.

### **Two Meeting Method:**

An Organizational meeting is called as above, and conducted in the same manner, however, after nominations are closed, the Council agrees on a date and time for the next meeting, at which the actual election will occur. This meeting should be no less than fifteen days subsequent to the Nominations Meeting. The Election shall then be conducted at the second meeting in the same manner as described above.

**Following Each Individual Vote:**

The results should be announced as soon as they are tabulated.

The ballots from each election should be secured by the group/committee conducting the secret ballot count and given to the newly elected Council Secretary at the end of the election for safe keeping.

A Division Leadership Update form needs to be completed by each of the newly elected officers, even if they were re-elected to the same position, and signed on the back by each of the meeting participants.

Adopted by Executive Board

August 23, 2017

# Ballot Counting Procedure

## Ballot Counting

It is the responsibility of the Election Committee and/or Regional Coordinator to ensure the integrity of the voting process. The chain of custody of the ballot must be documented both before and after counting. The Election Committee will be provided with pre-paid return envelopes to whatever PEF office is the most convenient for the election. If the ballots are not to be counted in this office, provisions should be arranged for the sealing of all ballots in a container on the final return date and transporting them to a more convenient site for counting the next day at noon or early evening, so that any interested candidates can attend.

Any candidate who wishes will be allowed to observe the ballot counting. At the pre-announced time, the Election Committee should explain the counting process that is to be used. The procedure used should conform to the following:

1. First, a total count of all ballots (envelopes) received should be made.

2. Next, the ballots should be sorted into the appropriate constituencies (work locations as indicated on back of return envelopes) and the number of each recorded. (Sample Tally Sheet A) Make sure sum of these equals total of #1.

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Note: Items #3 through #11 must be done individually for each constituency.

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3. If ballots were mailed to non-members to give them the opportunity to join and vote, these should be separated out from the already known members (Use the A & F coding for this sort).

4. Unsigned outer envelopes should then be segregated from those which are signed. The unsigned ones must be sequestered unopened by work location. Only the number received by constituency is to be tallied, as the votes inside are void and should not be counted. A fee payer envelope may be opened to see if a membership card was enclosed, but for this purpose only.

5. Any outer envelope, which meets the signed member criteria, but appears to have been tampered with (e.g., sealed and then reopened, etc.) should be considered a challenged vote. These should remain unopened in the outer envelopes and placed in a separate pile.

6. Unchallenged outer envelopes, which have met the signed by known member criteria, should then be opened and the inner secret ballot envelopes removed. Do not open these inner envelopes at this time.

If a member has satisfied the above criteria, but failed to use the inner envelope (i.e., outer envelope had ballot inside), the ballot should not be disqualified. The second secret ballot envelope is a voter protection for secrecy. If the voter chooses not to use this protection the ballot is still valid since eligibility criteria were met.

7. Signed outer envelopes from fee payers should now be opened to check to see if a completed membership card is enclosed. Only those which, upon opening, contain a signed membership application card are valid. Valid ballots should be added to the proper constituency secret ballot envelope pile. Void ballots which do not meet the membership criteria should be kept in the outer envelopes and placed in the appropriate void pile.

8. Any return envelopes which are empty should be placed in the void pile.

9. An envelope tally, by constituency, of the outer envelopes from the various piles resulting from the sorting procedures should now be made. Each separate category of outer envelopes should be rubber-banded together and the number of each recorded on the official tally sheets. Make sure the sum of void ballots (unsigned (#4), tampered with (#5), non-joining fee payers (#7), and empties (#8) and valid ballots from members (both new (#7) and old (#6)) equals the preliminary total of #2. If these do not agree, a review must be made to find any discrepancies. (Sample Tally Sheet B).

10. The valid inner "secret envelopes" should now be opened. This should be done one constituency at a time to avoid mixing the piles.

11. Once all ballots for a particular constituency have been separated from the envelopes, counting of same can begin. One Election Committee member, after making sure there are no more than the maximum number of votes cast, should read the ballot aloud, vote by vote, to another Committee member, who tallies this on a sheet listing all candidates on the ballot. The sheet should have a few blank lines on the bottom in case any write-ins are received.

PEF Divisions Department 159 Wolf Road Albany, New York 12205 800-342-4306 Alta A. Yetto.....Divisions/Steward Coord. Alice Gagliano .....Assistant	518-458-5412
<i>Division Committee</i> Mike Keenan, Chair Wayne Campbell Ernestine Coleman Warren Deitz Tom Grace Mary Tillman	

# Ballot Counting Procedures (continued)

A third member of the Election Committee may wish to watch this process to review for possible mistakes. When each constituency's ballots have been gone through, a tally for each candidate should be made. (Sample Tally Sheet C)

Election winners are determined by rank-order plurality (e.g. in a five (5) steward constituency the highest five (5) vote getters are elected).

If the difference between the last elected steward and the first runner-up is less than five votes or 5% of the runner-up's vote total, a recount should be performed with the Committee members rotating functions. This should be repeated until the same result occurs twice. All tally sheets must be signed by those counting the ballots.

12. When all constituency elections have been finished, copies of the tally sheets should be made.

The original and all voting material should then be sealed in a container (e.g. box or large envelope(s)). Each sealing should be signed across by a Committee member. These must be stored unopened in a secure place for a period of at least 90 days, in case there are any challenges of the election results.

The Election Committee should send the election results to each candidate, the appropriate Regional Coordinator(s), and the Division/Steward Coordinator. The mailing to PEF's agency fee should include the elected steward(s) social security number and should also include any membership cards received, so that they can be processed.

NOTE: Failure to do above notification will cause delay in updating your Division's steward list with GOER.

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## Appendix

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### Resolution No. 1 - 1985 Convention

Therefore be it resolved, that to protect and promote the integrity of the steward election process, PEF Central be directed to pay for all legitimate costs of all Steward elections.

### Resolution No. 2 - 1985 Convention

Therefore be it resolved, that no other PEF or international body shall propose other methods or make changes to any presently authorized Division Constitution, which negates and/or supersedes the present Division amendment procedure, and

Be it further resolved, that only a Division can change their Division Constitution by following its own constitutional amendment procedures.

### Article IV - Division Council

Section 1. The Division Council shall be composed of the stewards elected by their appropriate constituency. All Council members shall be the official PEF representatives of this Division. The officers of this division shall be elected from the Council members. They shall be known as: Council Leader, Assistant Council Leader, Division Secretary, and Division Treasurer. The Council shall be the principle decision making body for the Division.

Section 14. PEF Departmental Executive Board Members shall:

(a) be a member of this Division Council, if he/she is a member of this constituency.

(b) inform the Division constituency of all matters of concern before the PEF Executive Board.

Section 15. The Division Council in consultation with the appropriate Regional Coordinator(s) shall: Determine the appropriate steward constituencies, provided this apportionment does not exceed the number allowed for this Division. Unless changed by PEF, the intradepartmental steward allocation shall be based on one (1) steward per fifty (50) PS&T unit members.

Section 16. Upon succession, all elected representatives must turn over all records and documents in an orderly fashion to their replacements.

Section 17. All Council members must serve to enhance the well-being of the Division constituency and respect all legitimate inquiries concerning the operation of this Division.

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Clarifying Motion Concerning Executive Board and Division Council Membership (January 31, 1986 Executive Board Meeting)

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The intent of Article IV, Section 14, is that a Departmental Executive Board Representative during his/her term of office is a voting member of the Division Council within which he/she is a constituent, and thus has the same rights and privileges of other council stewards.

Further, since PEF Officers and Trustees are also by their nature considered stewards during their term of office, per Article IV, Section 1, each of them is a voting member of the respective Division Council within which he/she is a constituent, and thus has the same rights and privileges of other council stewards.

# Appendix (continued)

## Article V - Elections

Section 1. The Division Council, maintaining fair apportionment, shall select the Election Committee. No candidate for election shall serve on the Elections Committee.

Section 2. The Election Committee shall coordinate all upcoming elections with the appropriate PEF Regional Coordinator, who shall ensure fair elections.

Section 3. The Elections Committee shall give reasonable opportunity to potential candidates to have their names submitted to the committee. Nominations for any elected position within the Division shall be made by petition signed by not less than five (5%) percent of the members of the appropriate constituency, and the names of such provided for such nominations and filed with the Chairperson of the Elections Committee.

Section 4. The Term of office for all positions shall be \_\_\_\_\_ year(s), and shall commence on\_\_\_\_\_. Any vacancy which occurs shall be filled by a special election to be held within sixty (60) days of the vacancy's occurrence. This vacancy will occur when notification is given to the Council Secretary.

Section 5. All regular members of the Division shall have the opportunity to vote by written secret ballot for representatives from their constituency. The balloting will be conducted in the manner prescribed in this constitution and will guarantee the right of each member to vote. The Election Committee shall provide at least ten (10) days notice before the election.

Section 6. All ballots should provide adequate space for a write-in vote and should clearly state the date upon which the ballots must be received. The distribution of the ballots and the return of the completed ballots shall be accomplished in such a manner as to guarantee each member an opportunity to cast his ballot without the necessity of his physical presence at the polling place. The Election Committee and the appropriate Regional Coordinator(s) shall be responsible for the custody and counting ballots.

Section 7. Election balloting may be on-site, by mail, or a combination of the two. The election results shall be promptly announced after the close of the balloting.

Section 8. Upon showing just cause, a member who is unable to cast his ballot personally may be permitted to cast his ballot by mail.



New York State  
**PUBLIC EMPLOYEES  
FEDERATION, AFL-CIO**  
159 Wolf Road  
Albany, New York 12205-1189

## Division News

NYS PUBLIC EMPLOYEES FEDERATION  
ALTA A. YETTO, DIVISIONS DIRECTOR  
P.O. BOX 12414  
ALBANY, NY 12212



### DIVISION REQUEST FOR ELECTION SERVICES

DIVISION # \_\_\_\_\_ DATE \_\_\_\_\_

DIVISION NAME \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

If you are having trouble finding members to serve on your Divisions Elections Committee and wish the services of the Division's Department in conducting them, please take note to the following. This is a check off list to assist you as to what the charges to your division will be if we are asked to conduct all or part of the process. Please note in the space provided what part(s) of the election process you wish us to handle.

- |  |               |
|--|---------------|
|  | (check off)   |
| PREPARATION OF NOTICE:<br>Plus \$15 extra for multiple constituencies.<br>Plus Staff Service Time at \$10 per hour.  | \$35.00 _____ |
| RECEIPT OF PETITIONS:<br>Plus \$15 extra for multiple constituencies.  | \$35.00 _____ |
| BALLOT PREPARATION:<br>Plus \$15 extra for additional constituencies.<br>Plus Staff Service Time at \$10 per hour.   | \$35.00 _____ |
| BALLOT COUNTING:<br>Plus \$15 extra for additional constituencies.<br>Plus \$.50 each for additional ballots over 50.<br>Plus Staff Service Time at \$10 per hour. | \$35.00 _____ |

This statement must be completed by a designated contact person, preferably the Council Leader or Treasurer requesting PEF's services.



## RULES FOR THE ADMINISTRATION OF FINANCIAL TRUSTEESHIP

- A. Whenever, the PEF Secretary-Treasurer has reason to believe that, in order to protect the interests of the membership, it is necessary to appoint a trustee for the purpose of correcting corruption or financial malpractice. He or she may, in conjunction with and with concurrence by the PEF President, appoint such a trustee to take charge and control of the fiscal affairs of a Division.
- B. The trustee shall be authorized and empowered to take full charge of the fiscal and related affairs of the Division for the protection of the interests of the membership. The trustee shall report on the affairs/transactions of the Division to the PEF Secretary-Treasurer and to the Executive Board. The trustee and all acts of the trustee shall be subject to the supervision of the PEF Secretary-Treasurer.
- C. Upon institution of the trusteeship, all monies, books and other property of the Division shall be turned over to the trustee, who shall receipt for them.
- D. The trustee shall be bonded for the faithful discharge of his or her duties relating to the handling of the funds or other property of the Division.
- E. The trustee shall take possession of all of the funds, books, papers, and other property of the Division for which he or she shall provide a receipt. The trustee shall pay all outstanding claims, properly proved, if funds are sufficient. When self-government is restored, the trusteeship shall end, and all funds, books, papers and other property shall be returned to the Division.
- F. In order to ensure that no trusteeship is imposed without appropriate safeguards, prior to the imposition of trusteeship the PEF Secretary-Treasurer shall present rationale for his or her proposed action to the PEF Divisions Committee. A majority vote of the PEF Divisions Committee shall be required to impose trusteeship. Appeals to this process may be made via the "Division Appeals Procedure" as approved by the PEF Executive Board July 23, 1987.

Adopted: August 22, 1996  
Executive Board Meeting

## STAFF

The Division Steward Coordinator is accountable to the President of PEF through a nonpartisan Division Committee. Accountability shall include the approval of large scale mailings, funding and policy decisions, notwithstanding the final approval of the Executive Board on budgetary items and interpretations of the PEF Constitution.

December 14, 1982

## **Statewide Divisions**

For divisions that are statewide and to insure that all stewards are able to participate in division/council meetings, division leadership/councils may consider:

2. Budgeting and authorizing travel expenses out of their division's treasury for all stewards, council leaders and executive board members to attend division/council meetings.
3. Scheduling division/council meetings at strategic times to take advantage of other meetings, including but not limited to agency Labor Management, agency trainings & agency Health & Safety.
4. Budgeting and arranging for tele town hall meetings or teleconferencing for those unable to travel but wish to participate.

Executive Board  
March 8, 2013

## STEWARD ELECTION GUIDELINES

I. The Division Council shall select the Election Committee (See Article IV, Section 15 and V, Section 1 and 2). \* No candidate for election shall serve on the Election Committee.

II. The Election Committee must send a copy of the election notice to the appropriate regional coordinator(s), who will forward it to the Division Coordinator.

III. Mailing labels will become available when the election notice is on file in the Division Office in Albany.

IV. Announcement of the election shall be distributed and posted in such a way as to ensure that all members are aware of an election and how nominating petitions may be obtained (See Article V, Sections 3 and 4).

A. The Announcement shall state:

1. Reason for the election.
  - a. Regular Election.
  - b. Vacancy in one (1) or more positions.
2. Term of Office (must specify two of the following:)
  - a. Length of term.
  - b. Start of term.
  - c. End of term.
3. Election Committee Members
  - a. Chairperson's name, address and phone.
  - b. Committee member's name, address and phone.
4. Division Name and Number.
5. Who is eligible and what constituencies.
  - a. The Nominations and Elections Committee shall establish and implement uniform procedures regarding enfranchisement of members appearing to be in the election constituency but not on the constituency printout. If the questioned constituent is enfranchised it must be conditioned upon his being switched into the appropriate constituency on PEF records.
  - b. Multiple site divisions must segregate constituencies for elections wherever practical (see VI).

(NOTE: \* These Division Constitution Articles are attached at the end of Guidelines.)

6. Time structure for Election (See Article V, Sections 5 through 9).

- a. Nominating petitions - should appear on back of announcement.
- b. Return Date of Nominating Petition - Three (3) weeks minimum from mailing of notice.
- c. Date Election Ballots Available - One (1) week maximum from b.
- d. Date Absentee Ballots Available for On-Site Election – Three (3) to Five (5) days after b.
- e. Date Duplicate Ballots available for mail election.
  - 1. One (1) week after c and obtained locally from Election Committee.
  - 2. Duplicate Ballots should be identified on return envelope.
- f. Election Ballot Return Date - Two (2) weeks minimum from c.
- g. Counting of Ballots - Two (2) days maximum from f.

7. Necessary Statements. The following two statements must be included:

- a. Only PEF members can run or vote in this election. If you are presently not a PEF member, you may obtain a PEF membership application from the Election Committee.
- b. Any complaints concerning the fairness of these elections, which are not resolved to your satisfaction by the Election Committee, should be brought to the attention of your PEF Regional Coordinator.

V. Any complaints not resolved locally (see IV, 7b above) should be presented to the Divisions Committee.

VI. Constituencies

An historical axiom of trade unionism is “The shop elects its own steward(s).” For a union to be most effective in serving its membership, easy access to a steward familiar with their local problems is a necessity. Therefore, divisions which encompass more than one work location and/or agency code must define steward election constituencies. Different groups must be segregated from each other so that local self-identity and representation is preserved.

Most common is geographic constituencies, where work location is the determining factor. Subdivision by building site(s) or region(s) are typical. Divisions which have small local or satellite offices over a large geographic area, should cluster them into single steward constituency groupings.

Article IV, Section 15's reference to a steward ratio of one per 50 PS&T (not PEF members) is the maximum number a steward should have to serve. PEF's agreement with the State corresponds to a 1 per 40 PS&T ratio. Therefore, 1 per 50 should be used only for Divisions with a single work location. Flexibility exists even here if the Division can justify it.

For multiple location or agency code Divisions, the 1 per 50 basis should be used for each constituency. Therefore, the number of allocated stewards can exceed that which would be expected if the Division's PS&T total was divided by 50. Field locations of 20 to 50 should have their own stewards. Further, a ratio lower than 1 per 20 can be used for those parts of a Division with many small community locations by grouping them together either functionally or geographically.

The key to defining constituencies should be maximizing for the best and most broad based steward representation possible, which provides adequate service. It should follow "natural" boundaries, either departmental or geographic, and not be overly constrained by minimizing the representation to an arbitrary 1 per 50 ratio.

PEF can provide the Division Election Committee with separate constituency listings and mailing sets for elections, when constituencies by agency code(s) and/or PEF region(s) (or combinations thereof) are appropriate. When other constituency bases are used, the ballot instructions and voter work location designation on the return envelope are used.

VII. Term of office for a Division Council shall not be extended due to the Council's failure to conduct the election process in a timely and proper manner.

\*As referenced above:

#### ARTICLE IV - DIVISION COUNCIL

Section 15. The Division Council in consultation with the appropriate Regional Coordinator(s) shall: Determine the appropriate steward constituencies, provided this apportionment does not exceed the number allowed for this Division. Unless changed by PEF, the intra-departmental steward allocation shall be based on one (1) steward per fifty (50) PS&T unit members.

#### ARTICLE V - ELECTIONS

Section 1. The Division Council, maintaining fair apportionment, shall select the Election Committee. No candidate for election shall serve on the Elections Committee.

Section 2. The Election Committee shall coordinate all upcoming elections with the appropriate PEF Regional Coordinator, who shall ensure fair elections.

Section 3. The Elections Committee shall give reasonable opportunity to potential candidates to have their names submitted to the committee. Nominations for any elected position within the Division shall be made by petition signed by not less than ten (10) percent of the

members of the appropriate constituency and the names of such provided for such nominations and filed with the Chairman of the Elections Committee.

Section 4.\* The term of office for all positions shall be ( ) year(s), and shall commence on ( ). Any vacancy which occurs shall be filled by a special election to be held within sixty (60) days of the vacancy's occurrence. This vacancy will occur when notification is given to the Council Secretary.

Section 5. All regular members of the Division shall have the opportunity to vote by written secret ballot for representatives from their constituency. The allotting will be conducted in the manner prescribed in this constitution and will guarantee the right of each member to vote. The Election Committee shall provide at least ten (10) days notice before the election.

Section 6. All ballots should provide adequate space for a write-in vote and should clearly state the date upon which the ballots must be received. The distribution of the ballots and the return of the completed ballots shall be accomplished in such a manner as to guarantee each member an opportunity to cast his ballot without the necessity of his physical presence at the polling place. The Election Committee and the appropriate Regional Coordinator(s) shall be responsible for the custody and counting ballots.

Section 7. Election balloting may be on-site, by mail, or a combination of the two. The election results shall be promptly announced after the close of the balloting.

Section 8. Upon showing just cause, a member who is unable to cast his ballot personally may be permitted to cast his ballot by mail.

\*From Model Constitution - See your own Division's for length of term and commencement date.

January 27, 1984

**Presidential PEF Policy Regarding Stewards Term of Office**

Pursuant to Article VI, D. 12 of the PEF Constitution and subject to review of the PEF Executive Board, the following will be PEF policy.

Stewards changing appointing authorities as a result of State reorganizations will retain their steward standing. Such stewards will be subject to the election timetable of their new Divisions. Notwithstanding the preceding, the term of office for such stewards shall not exceed three (3) years.

Adopted:        March 5, 1998  
                      Executive Board Meeting



## SUPPORT FOR STRONGER DIVISION STEWARD COUNCIL

Be it resolved, PEF will act to provide essential resource materials and services to Division Steward Councils; and

Be it further resolved, PEF Headquarters and Regional Offices will collaborate to provide Division Steward Councils with a regularly updated New Member Orientation Guide, consisting of basic information about PEF, current issues, and written samples (e.g. a “welcome letter”) for communicating division level issues and services to new members; and

Be it further resolved, PEF Headquarters and Regional Offices will collaborate to provide Division Steward Councils with a regularly updated membership meeting fact sheet, consisting of current PEF accomplishments, issues and priorities; and

Be it further resolved, PEF new Steward Training will include a Union Communications Training Module, which will prepare new stewards to communicate effectively with member constituents about organized labor in general and PEF specifically; and

Be it further resolved, PEF Headquarters and Regional Offices will clearly mark or otherwise indicate who is receiving copies of each and every mailing (e.g. Executive Board, Council Leaders, Stewards, Member Mobilizers, rank and file members), as soon as practicable; and

Be it further resolved, PEF Headquarters will provide regular updates to Division Council Leaders, consisting of new membership cards received by MIS, Member Mobilizer enrollment, voter registrations, and COPE member enrollment, as soon as practicable.

Adopted:       September 12, 2000  
                  PEF Convention

**Technical Changes to a Divisions Constitution**

THEREFORE BE IT RESOLVED, that PEF Divisions can petition the Divisions Committee to make technical changes to only articles I and III of their Division Constitution without going through the normal amendment procedures outlined in their Division's constitution.

THEREFORE BE IT FURTHER RESOLVED, the PEF Divisions Committee will review all divisional requests; and

THEREFORE BE IT FURTHER RESOLVED, the PEF Divisions Committee shall submit all approved mechanical changes to the PEF Executive Board for informational purposes.

Adopted: 2013 PEF Convention

# ELECTIONS



## 38<sup>th</sup> Annual PEF Convention Delegate Information

Rochester, New York • September 25-28, 2016

*The number of delegates allotted on the following pages may be increased based on counts as of March 3, 2016. Official numbers of delegates allotted will be available on the [www.pef.org](http://www.pef.org) website under Divisions/Elections.*

### **RULES FOR DELEGATE NOMINATIONS**

1. In order to be nominated, you must be a dues-paying PEF member as of March 3, 2016. You must obtain the signatures of five (5) other dues-paying PEF members from the specific constituency. Dues-paying PEF members signing a petition must also be a member as of March 3, 2016.
2. All nominating petitions will require the signature, printed name, and correct member ID number. **Member ID number consists of up to the first four letters of your first name and up to the first four letters of your last name AS THEY APPEAR ON YOUR PAYCHECK and the five digits of your home zip code.**
3. The accuracy of the information required in the petition is the sole responsibility of the person being nominated.
4. A nominee may not sign his/her own petition.
5. A member may sign only one (1) petition.
6. Nominating petition forms will be available at all Local PEF Offices on March 9, 2016 at 9:00 AM. Petitions can be mailed to you or picked up and will be posted by 12:00 noon on PEF's web site. Faxing is not allowed. Only members submitting a petition have the right to appeal.
7. Only official nominating petitions may be used to gather signatures. Although reproductions of the official form may be used, the Committee will accept only those forms containing original signatures. Reproduced (photocopy, FAX, etc.) signatures will be deemed invalid.
8. All petitions must be received by 5:00 PM on April 1, 2016. Petitions must be returned either by hand delivery or United States Mail as follows:

#### **Hand delivered:**

**To the Local PEF Office** - During regular business hours 9:00 AM to 5:00 PM Monday through Friday, petitions will be accepted at the Local PEF Offices. The Local PEF Offices cannot receive petitions outside of regular business hours. The deliverer will receive a receipt that is signed, date and time stamped.

**To PEF Headquarters** - During regular business hours 9:00 AM to 5:00 PM Monday through Friday only the Divisions Department may immediately provide a receipt that is signed, date and time stamped. Otherwise the petitions can be deposited in the secured Drop Box in the lobby of PEF Headquarters. The petitions will be collected on a daily basis and signed, date and time stamped receipts will be sent to the candidates later.

#### **OR**

**Mailed** - All mailed petitions must be sent to:

NYS Public Employees Federation  
c/o the Divisions Department  
P.O. Box 12414, Albany, New York 12212-2414.

Mailed petitions must be received no later than 5:00 pm on April 1, 2016. Received means "in hand, not mailed or postmarked." Faxed petitions will not be accepted.

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

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

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

Petitioning results will not be given out over the phone. All petitioners will receive a letter by April 18, 2016 announcing the outcome of the petitioning process. Executive Board Members, Council Leaders and Labor Management Chairs will be notified via the email address PEF has on file of a listing of the petitioning results for their area.

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

# RULES FOR DELEGATE ELECTIONS

1. No PEF or employer resources (staff, office, equipment, etc.) may be used for electioneering, and no PEF dues money shall be expended for this purpose. This includes PEF Headquarters, Regional Offices and Local Divisions or Councils.
2. No person shall use the PEF logo or letterhead on any written or printed material for campaign or endorsement purposes in any PEF election.
3. Division newsletters may not endorse, or contain material that appears to endorse, any candidate for delegate.
4. In addition to the above rules, the PEF Code of Ethics will apply to all election activities, which is found in the PEF policy manual.
  - A. Appeals to the Delegate Elections Committee
    1. Any current PEF member who believes he/she is aggrieved by anyone's alleged violation of the Delegate Election rules or any alleged misapplication or misinterpretation of the PEF Constitution or any PEF policy or procedure concerning Delegate Elections and has filed a petition during the regular election period, may appeal such to the Delegate Elections Committee.
      - a. There shall be a time limit of fifteen (15) calendar days following the close of petitioning or end of balloting for filing appeals to the Delegate Elections Committee.
        2. The appeal shall be submitted on a Delegate Elections Appeal Form and filed with the Delegate Elections Committee in person or by mail at PEF Headquarters. The appeal shall contain a concise, factual statement of the facts of the alleged violation, misinterpretation or misapplication. Upon receipt of the appeal, the Delegate Elections Committee shall notify, in writing, persons as may be deemed appropriate, of the appeal. Such persons shall then have 10 working days from notification of the appeal to make a written response to the Committee.
        3. The Delegate Elections Committee shall conduct an investigation of the appeal, if appropriate, and shall use its best efforts to render a decision in writing within 30 calendar days of receipt of the appeal.
    - B. Appeals to the Credentials Committee
      1. The Delegate Election Committee's decision may be appealed to the Credentials Committee to be heard on the Sunday evening prior to the start of the Convention except if a petition was not filed during the regular election period. The appeal shall be filed in writing with PEF's Secretary/Treasurer, delivered in person or by mail, within 15 calendar days following the date of the written decision of the committee.
  5. For Those Constituencies Requiring Elections:
    - a. Ballots will be mailed on **April 22, 2016**.
    - b. Completed ballots must be returned to the PEF post office box in Albany, NY as printed on the nominating petition, by 5:00 p.m. on **May 13, 2016**.
    - c. The ballot count will commence on **May 18, 2016** at PEF Headquarters in Albany, NY.
    - d. Those wishing to observe their election count must notify the Delegate Election Committee by **May 13, 2016**.
    - e. Ties will be broken by the following method:

Each candidate's name will be placed in a container, and a random drawing will take place.
    - f. Ballot results will not be given out over the phone. Candidates will be notified by **May 31, 2016** as to the outcome of the balloting process. Executive Board Members, Council Leaders and Labor Management Chairs will be notified via the email address PEF has on file of a listing of the ballot results for their area. A full listing of the convention delegates will be published on the PEF Website by **May 27, 2016** and published in the July-August issue of *The Communicator*. Alternate delegates will be identified by rank as established by order of vote tally.
  6. If a delegate leaves his/her constituency between the closing date for nominations and the starting date of the convention, the following rules apply:
    - a. If the move was due to an involuntary transfer or a layoff within the PS&T Unit, the delegate may attend the convention.
    - b. If the move was due to a voluntary transfer or promotion within the PS&T unit, the delegate may not attend the convention. If an elected alternate is available, they will be notified.
    - c. If a delegate leaves his/her constituency due to retirement or resignation, the delegate may not attend the convention.
    - d. If a delegate has been off a current payroll (not paying union dues) for more than three (3) months, the delegate may not attend the convention.
  7. If any delegate is unable to attend the convention for any reason, including, but not limited to the above situations, written notification must be received by the Delegate Elections Committee, at PEF Headquarters in Albany, New York, by **September 14, 2016**, in order to allow sufficient time to notify any available alternate there may be, to attend the convention in their place.

## CONVENTION DELEGATE INFORMATION

**The 2016 PEF Convention will be held Sunday, September 25, through Wednesday, September 28, 2016, in Rochester, New York.**

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

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

If you are interested in running as a delegate from your department, review the delegate apportionment list and locate your Agency's Name, Delegate Constituency Number and Agency Code Number. Directly across from the name will be the type of apportionment identified for your work site. Nominating petitions, rules and timetables will be available to each PEF member on **March 9, 2016**, and can be obtained by contacting your local PEF Office.

**Division Convention Stipend – All divisions will pay the same convention stipend to all delegates from their division.**

Note: Each "Delegate Constituency #" in the first column, denotes a separate election district.

### **Resolution / Legislative Agenda DEADLINE**

- **The deadline for submitting resolutions and suggested legislative agenda items for presentation to the 2016 PEF Convention is Friday, July 1, 2016, by 5:00 p.m., or if mailed -- postmarked by July 1, 2016, AND received by July 8, 2016.**
- **Per convention policy, "No resolution received by PEF will be printed for the consideration of the delegates if it lacks a fiscal impact statement."**
- **Please send 2016 RESOLUTIONS, typewritten, and in the established format to:**
  - **NYS Public Employees Federation • c/o the Secretary-Treasurer's Office**
  - **P.O. Box 12414 • Albany, NY 12212-2414**
- **Alternatively, you may submit resolutions electronically, as a Microsoft Word document and drafted in the established format, by e-mailing them to *khintz@pef.org*. To confirm receipt, or for assistance regarding resolution format, please contact the Secretary-Treasurer's Office at the previously stated e-mail address or at (800) 342-4306 ext. 226.**
- **Please send all suggestions for the 2016 PEF LEGISLATIVE AGENDA to:**
  - **PEF Legislative Department • c/o PEF Statewide PAC Chair**
  - **90 State Street, Suite 1029 • Albany, NY 12207-1811**
- **Alternatively, you may submit your legislative agenda suggestions electronically in Microsoft Word format by e-mailing them to *dthomson@pef.org*. To confirm receipt please contact Danielle Thomson at the previously stated e-mail address or at (800) 724-4997, ext. 201.**

## 2016 Convention Delegate Information

Del. Con. No.	Agency Code	Agency Name	Type of Apportionment	# of Deleg. Allotted	Del. Con. No.	Agency Code	Agency Name	Type of Apportionment	# of Deleg. Allotted
100	00640	State Ins Fund	Reg. 1	2	140	37000	Div. 174 Banking Department		9
101			Reg. 2 & 3	2	141	08000	Civil Service	Statewide and Div. 250	1
102			Reg. 4	2	142	09000/ 09180	Envir Cons M/O ENV Cons Lag PR	DEC Reg. 0 - D.169A,B,C	12
103			Reg. 5	2	143		DEC Reg. 1 - D.385		3
104			Reg. 8	7	144		DEC Reg. 2 -D.169D		2
105			Reg. 9	3	145		DEC Reg. 3 -D.169E		2
106			Reg. 10	13	146		DEC Reg. 4 -D.169F		3
107			Reg. 12	5	147		DEC Reg. 5 -D.169G		2
108	01890/ 10870	Comm Supervision	Reg.1, 2, 3& 5	3	148		DEC Reg. 6 -D.169H		2
109			Reg. 4, 6, 7	2	149		DEC Reg. 7 - D.169I		2
110			Reg. 8	2	150		DEC Reg. 8 - D.169J		2
382			Reg. 9	2	151		DEC Reg. 9 -D.169K		3
111			Reg. 10	4	152	10000	Cor Attica		2
112			Reg. 11 & 12	5	153	10010	Cor Auburn		1
374	01110	Off Info Tech Serv	Reg. 1-7	2	154	10020	Cor Clinton		2
375	01110	Off Info Tech Serv	Reg. 8	58	155	10030	Cor Watertown		1
376	01110	Off Info Tech Serv	Reg. 9 - 12	4	156	10040	Cor Great Meadw		2
114	01030	Ex Alc Bev Con	Reg. 1-9	1	157	10050/ 50390	Cor Fishkill (D.310)		2
116	01050/ 01077	Ex Off Gen Serv Homeland Security	Reg. 1 - 7	3	158	10060	Cor Wallkill		1
117	01050/ 01077	Ex Off Gen Serv Homeland Security	Reg. 8	14	159	10070	Cor Sing Sing		2
118	01050/ 01077	Ex Off Gen Serv Homeland Security	Reg. 9 -12	2	160	10080	Cor Green Haven		2
119	01060/ 01070	Ex State Police Ex Mil Navl Aff		3	161	10090	Cor Albion		1
120	01080	Ex Hsg&Cmty Rnl	Reg. 2 - 8	2	162	10100	Cor Eastern NY		1
121			Reg. 1, 9-12	2	163	10110	Cor Elmira Cntr		2
122	01090/ 01360/ 01370/ 01510	Ex Div Human Rt Ex Council Arts Ex Off of Aging Ex Racing & Wgrg Bd	Reg. 1 - 12	3		10300/ 10520/ 10120/ 50390	Roch Fac Butler Cor Bedfrd Hill (D.353)		2
123	01120/ 01400/ 01540/ 21110/	Ex Cons Prot Bd Ex Crime Victim Ex Elections Bd Off Reg Mgt Ast		1	165	10130	Cor Coxsackie		2
124	01190 01131	Ex Veterans Aff Veteran Ed Asst		1	166	10140	Cor Woodbourne		1
125	01300	Ex Adiron Park		1	168	10160	Corrl Srvcs M/O		5
130	01490/ 01530/ 01060	Ex Crmnl Jst Sv Ex Corr Comm Ex State Police		5	170	10630	Cor Southport		1
131	01620/ 01570/ 01580/ 01160/	Off Prev Dom Vi Adv For Disable Council on Chil Justice Center		3	172	10270	Cor Hudson		1
132	(02000/ 00650	Audit Control Insur Fund A & C)	Reg. 1-7 Reg. 3-6 Reg. 8 Reg. 9 -12	2	174	10230	Cor Adirondack		1
134				24		10510/ 10860/ 10240/ 50390	Cor Moriah Cor Chateaugay Cor Downstate (D.296)		1
135				4	175	10250	Cor Taconic		1
373	21065	SW Fin Servs (SFS)		2	176	10290	Cor Otisville		1
136	03000/ 03020/	Law Medicaid Fraud	Reg. 1 - 9 Reg.1 - 9	3	182	10320/ 10360/ 10500	Cor Edgecombe Cor Lincoln Fac Cor NYC Ctl Adm		1
137	03000/ 03020/	Law Medicaid Fraud	Reg. 10 - 13 Reg. 10 - 13	2	183	10170	Cor Queensboro		1
138	06000/ 06010/ 06110	Agricul Markets	S/W	7	184	10350	Cor Ogdensburg		1
139	37000	Div. 268 Insurance Upstate		3	185	10370	Cor Five Points		2
394	37000	Div. 260 Insurance Downstate		8	186	10390	Cor Mohawk		3
				2	188	10430	Cor Wende		2
				2	189	10450	Cor Gowanda		2
				3	190	10460	Cor Groveland		1
				2	191	10470	Cor Collins		1
				2	192	10480	Cor Mid-State		2
				7	193	10490	Cor Marcy		2
				2	194	10530	Cor Franklin		2
				1	195	10540	Cor Altona		1
				1	196	10550	Cor Cayuga		1
				1	197	10560	Cor Bare Hill		1
				1	198	10570	Cor Riverview		1
				1	199	10580	Cor Cape Vincent		1
				2	200	10600	Cor Lakeview		2

Del. Con. No.	Agency Code	Agency Name	Type of Apportionment	# of Deleg. Allotted	Del. Con. No.	Agency Code	Agency Name	Type of Apportionment	# of Deleg. Allotted
201	10610	Cor Ulster		1	257	17020	Tr Utica Reg 2		4
203	10640	Cor Orleans		1	258	17030	Tr Syrac Reg 3		4
204	10650	Cor Washington		1	259	17040	Tr Roch Reg 4		5
205	10660	Cor Wyoming		2	260	17050	Tr Bufflo Reg 5		6
206	10670	Cor Greene		2	261	17060	Tr Hornel Reg 6		3
207	10680	Cor Shawangunk		1	262	17070	Tr Wtrtn Reg 7 and Div. 247 (51420)		4
208	10690	Cor Sullivan		1	263	17080	Tr Pghkps Reg 8		6
209	10800	Cor Livingston		1	264	17090	Tr Bing Reg 9		4
	10300	Cor Roch Fac			265	17100	Tr Hapaug Reg 10		7
210	10810	Cor Gouverneur		1	266	17110	Tr Long Isl City Reg 11		8
211	10820	Cor Willard DTC		1	381	17000	NY Metro Transp Council	Reg. 10	1
212	10840	Cor Upstate		1	267	19000/	State	Statewide	4
213	10850	Cor Hale Creek		1	19010	19010	State Dept Lag		
216	11000/	Educ Main Off	Reg. 8	20	268	20010	Tax & Finance	Reg. 1	3
	11010	Ed Special			269			Reg. 2 & 3	2
217	11000	ACCES - Upstate	(D.230) Reg. 2,4-7	2	270			Reg. 4-7	2
			(D.230) Reg.9	1	271	20010/	Tax Finance	Reg. 8	11
218			Dwnst (D.376)	4	20020/	20020/	Tax & Fin Lag		
219	ACCES (VESID)		Reg. 10 - 12	1	20030	20030	Div Tax Appeals		
220	ACCES (VESID)		Buffalo(D.215)	1	391		D190 Stwrđ const A thru G, Q & R		
221	ACCES (VESID)		Rochester	1	392		D190 Stwrđ const H, I, J, K		12
222	SED		(D.372)Reg. 3 Dwnst & OPD S/W - (D.349)	3	272	20010	D190 Stwrđ const L, M, N, O & P		11
223	11100	Ed Hgr Ed Srvc		1	274		Tax Finance	Reg. 9	2
224	11000/	Educ Main Off		1	275			Reg.11(D.406)	6
	11260	Ed Batavia Blind	(D.298)		276			Reg.11(D.290)	2
225	11270	Ed Rome Deaf		1	277			Reg.12	2
226	12000/	Health Main Off	Reg. 1	2	278	20050	Lottery Div		3
227	12200		Reg. 2&3	2	279	22000	Economic Dev	S/W	2
228			Reg. 4-7, not	2	55630	55630	NYSTAR		
			Saranac Lake or Herkimer		280	23000	Motor Vehicles	Reg. 1 - 7	1
229			Reg. 8 and	43	281			Reg. 8	3
			Saranac Lake or Herkimer		282			Reg. 9 -11	3
230			Reg. 9	1	283			Reg. 12	1
231			Reg. 10	4	284	25000	Off Child. Fam. Sv.	Reg. 1 - 4	3
232			Reg. 12	1	285			Reg. 5, 6, & 7	3
233	12000/	Div. 191G		2	288		Goshen Secure	(D.193)	1
	12200				290		Highland	(D.270)	1
234	12010	Roswell Park		22	291		Mid Hudson	(D.272)	2
235	12030	H Helen Hayes		6	292			Reg. 10,11,12	2
	12120/	H Vet Home Oxford		2	293	25000	OCFS	(D.234)	13
	12180/	H Vet Home Batavia			393	27000	OTDA		8
385	12150/	H Vet Home St. Albans		1	294			(D.191C)	2
384	12190	H Vet Home Montrose		1	296			(D.191H,I,J,M)	2
					298			(D.191W)	1
238	14010	Wkrs Comp Board	Reg. 8	5	299			(D.404)	1
239			Reg. 1-7,9-12	4	300			(D.373)	3
240	14020	Labor	Reg. 1 (D.221)	3	301	25000/	OCFS/OTDA	(D.337&264)	2
242			Reg. 2 &3	2	302	27000		(D.369)	2
243			Reg. 4	2	303	27000	OTDA Albany	(D. 409)	3
244			Reg. 5	5	304		Manhattan	(D.192)	5
245			Reg. 6 (D.217)	1	307		Glendale	(D.399)	5
246			Reg.7 (D.273)	1	308	28050/	SU Stony Brook		37
247			Reg. 8	15	28058/	28058/	SU Stony Brook PR		
248			Reg. 9	3	28200/	28200/	SU Col Westbury		
249	Labor		D.245	9	28390/	28390/	SU Tech Frmgđal		
252	14020	Labor	Reg. 12 (D.200)	3	28570/	28570/	SU Maritime Col		
253	16000	Public Service	Reg. 10	1	28580	28580	SU Col Optomtry		
254			Rest of State	6	309	28100	SUNY HSC Bklyn		13
255	17000	Trans Main Of		15	28108	28108	HSC Bklyn PR		
256	17010	Tr Albany Reg 1	(D.258)	5	310	28110/	SUNY HSC Syr		32



Del. Con. No.	Agency Code	Agency Name	Type of Apportionment	# of Deleg. Allotted	Del. Con. No.	Agency Code	Agency Name	Type of Apportionment	# of Deleg. Allotted
	28118/	HSC Syr Hosp PR			336	50500/	So Beach Chld S		9
	28170/	SU Col Cortland				50790	MH S Beach Cntr		
	28230/	SU Col Oswego				50000	Main Off Div 253		
	28550	SU Env Sci&Frst					Only		
	28350/	SU Tech Alfred			337	50510	MH Wash Hts Un		1
312	490--/	All Parks and Recs. S/W		8	338	50550/	Elmira Child SV		4
	491--/					50920	MH Elmira Psy C		
	492--/				339	50590	Cap Dst C You		5
	493--/					50980	MH Cap Dst P Ct		
	494--/				340	50810	W NY Ch Psy Ctr		2
	01510/	ExRacing&WgrBd	(D.305)		341	50820	MH Sag PC C Yth		2
	19002				342	50850	MH Rck PC C Yth		2
313	50000	MH Main Off	(D.392A only)	4	346	51000/	OPWDD Main Off	(all D. 257)	7
314	50000	MH Main Off	(all other work sites excluding D.392A)	5		50390	MH Central NY PC Reg	(D.257)	
					347	51000/	OPWDD Main Off	(D.167)	4
315	50010/	MH Bing Psy Ctr		3		51330	Western NY DDSO	(D.167)	
	50731	Bington Child S			348		J.N. Adams	(D.243)	2
316	50020/	MH Kngbr Py Ct		4	349	51350	Long Island DDSO	(D.209)	6
	50520	Bklyn Children			350	51210	Hudson Valley DDSO		5
317	50030	MH Buflo Psy Ct		5	351	51240	Central NY DDSO	(D.304)Reg 4	3
318	50390	MH Cntrl NY PC Reg. 1-5,8,10-12		5	352		Rome	(D.189)Reg 6	5
					353	51250	Taconic DDSO	(D.248)	3
377	50800	NYC Childrens Ct		6	354	51270	Staten Island DDSO	(D.280)	3
320	50080	MH Manhatn P Ct		5	355	51290	Capital District DDSO		3
321	50100	MH Midltn Psy C		1		51380	Brooklyn DDSO	(D.244)	2
	50170	MH Rockland PC items in Sullivan & Orange County			356	51420	Sunmount DDSO	(D.242)	4
					357	51430	Ins Res Dev Dis	(D.345)	2
322	50110/	MH Roch Psy Ctr		5	359	51450	Metro NY DDSO	(D.407)	2
	50743	MH Roch Child Serv			360		Manhattan	(D.292)	3
323	50120/	MH St Law Psy C		5	361	51470	Bernard Fineson DDSO	(D.207)	3
	50570	St. Law Child Sv			362	51780	Monroe	(D.259)	4
	53500	OASAS Trmt. Ctrs.	Reg.		363		Craig	(D.201)	3
324	50150	MH Creedmr P Ct		8	365		Newark	(D.246)	4
325	50390	MH Cntrl NY P C	Reg. 9	3	366	51940	Broome DDSO	(D.197)	5
326	50170	MH Rockland PC Not items in Sullivan & Orange County		9	367	53500	OASAS Trmt Ctrs	(D.311)	2
						53500	OASAS Trmt Ctrs	(Reg 2-5,8)	
327	50180	MH Psych Inst		3	369	53000	OASAS Main Off	(D.265)	2
328	50190/	MH Hutchings PC		4	370	53000	OASAS Main Off	(D.314)	2
	50738	Hutchs Child Sv.			371	53500	OASAS Trmt Ctrs	(Reg. 9-12)	4
329	50200	MH Pilgrim P Ct		8	372	51940	Val Ridge CIT	(D. 403)	1
330	50210/	MH Mhwk Val PC		3	400	99001	N.D.R.I.		1
	50540	Mhk Vly C Yth				99003	NDRI St & Adm Ser		
	53500	OASAS	Reg.		401	99002	Alb Hsng Author		1
331	50310	MH Bronx Psy Ct		5	403	99004	Albany CO Prob		2
332	50340	MH Nat Kln Inst		2	404	99005	NYS Canal Corp.		1
333	50350	MH Krby Psy Cnt		2	405	99006	Eastern Niagara Hosp.		3
334	50390	MH Cntrl NY PC	(D.344 only)	5			(Lockport Hosp.)		
335	50440	MH Mid Hdsn PC		3	407	99008	Allegany County		1

## GENERAL POLICIES

There will be a committee established for rules for all special elections.

August 1-3, 1983

Any member appointed to a Special Elections Committee shall not sign campaign literature in support of a candidate in that election.

July 1981

Any publication on official PEF letterhead will not be used to endorse any PEF member for union election.

February 1981

All union members must have access to membership lists, especially for election purposes.

February 1980

Union Officers or Board Members should not affix their official union titles to any endorsement (in union elections) which is in a PEF publication or non-union publication.

February 1980



# SPECIAL ELECTION

## Rules and Requirements



### I. Term of Office

Pursuant to the PEF Constitution and Bylaws, the term of office for all Officers, Regional Coordinators, Trustees and Executive Board Representatives will be until the next regular election.

### II. Election Period

The election period begins the first day of petitioning and ends when petitioning is complete. If balloting is needed the election period would end the day the ballots are counted.

### III. Candidate Eligibility Requirements

1. Candidates for Officer and Trustee positions must have been **active** members of PEF, as defined in Article V.B.2. of the Constitution and By-Laws, for two years prior to the close of petitioning. Candidates for Executive Board representative must have been active members of PEF for 180 days prior to the close of petitioning. Members may request information from PEF headquarters regarding the length of their membership in the Union.
2. A person may seek the nomination for only office or position.

### IV. Definitions

1. A **certified candidate** is any member who meets the eligibility requirements for the position he/she is seeking; who fulfills the requirements for nomination; and who is certified by the PEF Elections Committee.
2. A **majority** is established at that point which exceeds fifty (50) percent of the ballots cast.
3. **Received** means in hand, not mailed or post-marked.
4. **Member I.D. number consists, of the first initial of your first name and up to the first four letters or your last name AS THEY APPEAR ON YOUR PAYCHECK and the last four numbers of your social security number.**
5. **Regular** membership shall be open to any person employed by the State of New York in the Professional, Scientific, and Technical Unit, and additionally

those in comparable titles employees by New York State Public Authorities, New York State Benefit Corporations, Political Subdivisions of the State of New York, and not-for-profit/charitable and for-profit organizations which provide services to New York State Citizens by virtue of direct or indirect contractor relationships with NYS, its Public Authorities, Public Benefit Corporations and/or Political Subdivisions, including those laid off, on paid leave or unpaid leave, or any duly elected officer of PEF.

6. An **active** member shall be a regular member who has performed paid services during the preceding two years, plus one day, in a job title represented by PEF, or a duly elected Officer or Trustee of PEF.

### V. Mailing of Campaign Literature

1. All payments must be received at time of request.
- 2a. PEF will honor any reasonable request by a potential candidate to mail campaign literature to members at the potential candidate's expense. These requests will be honored from the eligibility date for signing petitions to the last day of petitioning in the order received. The campaign literature must be provided to the Election Committee in sealed, stamped (postage paid) envelopes which are ready for mailing. Each potential candidate must check with postal officials to determine the proper postage.
- 2b. Potential candidates must pay for each mailing to cover the cost of address labels. Arrangements will be made for PEF to put address labels on the envelopes containing campaign literature at a rate of \$14.00 per hour. Potential candidates should contact the Election Committee at [518-785-1900] 1-800-342-4306 Ext. 231 to arrange a mailing.

### VI. Elections Committee

The President shall appoint, and the Executive Board shall approve, a minimum of three (3) and a maximum of five (5) PEF members **who are not seeking an office or**

**position in this election** to serve as the PEF Elections Committee. This Committee will fulfill the duties and responsibilities outlined in these Election and Campaign Rules and the Regular Election Committee Guidelines. A quorum shall consist of a majority of the members of the committee.

### VII. Campaign Rules

1. The conduct of PEF elections shall be consistent with the standards for such elections developed under the Labor Management Reporting and Disclosure Act (LMRDA).  
*NOTE: PEF elections are governed by the requirements of the LMRDA and PEF's internal rules on elections.*
2. Nominating signatures may not be solicited for an individual for more than one office or position.
3. Pursuant to Article IX.B.1. of the PEF Constitution, individuals or slates must obtain the signatures of at least five percent (5%) of the appropriate constituency on official nominating petitions only, in order to appear on the ballot. A membership list with addresses will be available for review (no photocopies) twice within 30 days prior to the election period. No member is entitled to receive a copy of the list. The membership list will be available for review **by appointment only** at PEF Headquarters or PEF Regional Offices between 9:00 am - 5:00 pm, Monday through Friday. If you wish to view a list contact the Election Committee at [518-785-1900] 1-800-342-4306 Ext. 231.
4. Only official nominating petitions may be used to gather signatures. Although reproductions of the official form may be used, the Committee will accept only those forms containing original nominating and circulator signatures. Reproduced (photocopy, Fax, etc.) signatures will be invalid.
5. Potential candidates are solely responsible for insuring that only acceptable petitions are submitted.
6. **Nominating Signatures.** If any of the following conditions and requirements is not fulfilled, the signature will be invalid:

- a. Only **regular** PEF members in good standing, from the appropriate constituency, shall be eligible to sign nominating petitions. Forty-five (45) days prior to the close of petitioning is the cutoff date for membership.
  - b. All nominating petitions will require the signature, printed name, and correct member I.D. number of the member signing. The printed name and member I.D. number must be legible for the signature to be valid.
  - c. Members may sign petitions only for those individuals for whom they are eligible to vote.
  - d. Members may not sign more than one nominating petition, for any individual elective position. Members may sign petitions for up to three individuals each for Vice President and Trustee. (In the case of duplicate signatures, the signatures on the first petition **received** by the Elections Committee shall be valid.)
7. Nominating petitions may be circulated only by **regular** PEF members. The circulating member must legibly complete the information on the bottom of each petition submitted; only original circulators' signatures will be accepted. Failure to do this will render the entire petition invalid.
8. The use of union funds or facilities to promote the candidacy of any person is prohibited regardless of whether union officials know about or approve of the use. It is not the intent of this rule to limit candidate forums at which all candidates have equal access.
9. The prohibition against the use of union funds applies to direct expenditures from the union including but not limited to:
- a. use of union owned or leased equipment such as telephones, fax machines, copy machines, etc., or use of conference rooms.
  - b. use of union supplies such as stamps, paper, envelopes, etc.
  - c. giving free services or special discounts to a candidate customer such as printing, photocopying, etc.
10. a. No PEF staff, office, equipment, material or electronic media (e.g., e-mail and internet) may be used for electioneering. No PEF dues money shall be expended for the purpose of electioneering. This applies to PEF headquarters, regional offices, and local divisions, or councils. For

- purposes of this election, regular PEF members on union leave working in a non-elected position for PEF or serving in positions funded by joint contract funds shall be considered PEF Staff; unless the position is specifically protected by the PEF Constitution.
11. All funds and resources used by individuals and/or slates in support of their election efforts shall be donations from PEF Members only.
  12. No person shall use the PEF logo or letterhead on any written or printed material for endorsement or campaign purposes in any PEF election process.
  13. During the election period, no PEF publications may endorse, or contain material that appears to endorse, overtly criticize, or overtly praise any potential candidate for PEF offices covered by these election rules.
  14. In accordance with the collective bargaining agreements between PEF and any employer of workers represented by PEF, no material which constitutes election material for or against any person, organization or faction thereof shall be allowed on PEF bulletin boards, if such postings are prohibited by the pertinent collective bargaining agreement(s).
  15. No PEF member may knowingly misrepresent the candidacy intentions of any other PEF member. *(Continued)*
  16. In addition to the above rules, the following PEF Code of Ethics will apply to all election activities: *(Note: Ethic, charges arising as a result of this election process will be processed by the Elections Committee).*
    - a. No member shall use the PEF name or logo for other than official PEF business.
    - b. Only official PEF literature shall be posted on PEF bulletin boards provided under contractual rights by the collective bargaining agreement with the State of New York.
    - c. Only official PEF business shall be conducted at meetings arranged in the name of PEF. Meeting space at PEF-operated facilities shall be allocated in a fair and equitable manner.
    - d. No member shall commence litigation against PEF or any of its Officers, Executive Board members or general members, without first seeking redress from the procedures set forth herein.

- e. All members shall conduct themselves in a manner that is conducive to fairness and fair play working only for the good and welfare of the membership.
- f. No official PEF letterhead or PEF publication will be used to endorse a PEF member for union election.
- g. Official PEF publications will not be utilized for individual accusations which are slanderous or which effectively amount to character assassination of other PEF members.
- h. No steward shall be denied the opportunity to have a meeting convened to deal with issues of interest to that steward or his/her constituency.
- i. No member or officer shall bring charms of a malicious or frivolous nature against another member or officer.
- j. No elected official shall engage in corrupt or unethical practices by taking money, books, records, or other property belonging to PEF or its divisions. The unauthorized destruction; alteration; or mutilation of records, vouchers, or receipts will constitute a violation of this code.
- k. No officer or member shall abridge the rules and procedures adopted by the PEF Convention or Executive Board, nor violate an oath of office.
- l. No member or officer shall engage in corrupt practices or racketeering.
- m. No elected PEF official shall engage in dual Unionism or advocate secession from PEF.
17. Gifts which have monetary value exceeding \$2.00 may not be given to PEF members during the election period. This is not intended to prohibit distribution of traditional campaign item such as key chains, magnets, pencils, bookmarks, pens, etc.

### **VIII. Nominating and Campaign Procedures**

Potential candidates may obtain all necessary forms from any PEF office by requesting them in person, by mail, or by phone. Forms will not be accepted if faxed from a PEF office. Forms will also be available from the PEF website [www.pef.org](http://www.pef.org) 24 hours after their availability at the PEF offices.

All subsequent deadlines (dates and times) refer to **received** at PEF headquarters, postmarked or fax dated by the deadline specified here, and received within seven days of the deadline. Petitions

may be returned by certified mail, return receipt requested, although this is not required. However, certified mail sometimes takes longer than regular mail. Postal failures or inadequacies are not grievable situations.

**All mail concerning this election MUST be sent to PEF Headquarters, P.O. Box 12414, Albany, NY 12212-2414 ATTN: PEF Special Elections Committee.**

Pursuant to the PEF Constitution, individuals must obtain the signatures of at least five percent (5%) of the appropriate constituency on official nominating petitions only, in order to appear on the ballot.

The number of signatures required for each office and Executive Board seat will be noted on the nominating petition.

The Elections Committee recommends that nominating petitions be submitted throughout the nominating period.

It is the candidate's responsibility to make sure that nominating petitions are submitted or sent to the Elections Committee. Petitions may be mailed, faxed, scanned or e-mailed to PEF Headquarters or hand delivered to any appropriate PEF Regional office. Hand delivered petitions shall be faxed by the Regional Office to PEF Headquarters upon receipt, and it will be subsequently mailed to PEF Headquarters. Petitions mailed or faxed by candidate must be postmarked or fax dated by the petitioning deadline and subsequently received by PEF Headquarters within seven days of the deadline or the petitioning period.

All persons submitting nominating petitions will be given (or mailed) a receipt showing the date, time and sequence numbers of the petitions received. A receipt will also be sent to the potential candidate. Petitions will be available for review **ONLY** by prior appointment with the Elections Committee. Any member can view any member's petition upon reasonable request to the Elections Committee. Any member shall be allowed to review nominating petitions within two hours of arriving at PEF Headquarters and notifying the committee or staff of their intent to review petitions.

All petitions will be verified and valid signatures tabulated by the Elections Committee, which will certify the signature tally and the validity of each nomination.

Petitions will be available for review **only** by prior appointment with the Elections Committee.

Letters will be sent to all individuals for whom nominating petitions were submitted, notifying them whether or not they have been certified as candidates to appear on the ballot. No petitions will be available for review after the election period.

Labels for election purposes may be purchased **only** by certified candidates, by contacting the election committee. Priority for processing label requests will be given to those in contested elections. Candidates are solely responsible for the content of this material.

#### LABEL TYPE

The types of labels available to all certified candidates are as follows:

1. Cheshire— order this type of label for mailing house use
2. Peel and Stick
3. Electronic Format

#### LABELCOST

All labels must be paid for before they are generated. Mailing of labels to certified candidates is by first class; overnight/express mailing by prior request and payment only.

0 to 1,000	\$ 25.00
1,001 to 3,000	\$ 50.00
3,001 to 10,000	\$ 75.00
10,001 to 20,000	\$ 100.00
20,001 to 55,000	\$ 180.00

For additional information, please refer to the Mailing Label Request Form for Certified Candidates.

On the petition verification date, the ballot positions will be determined by draw at **12:00 noon** at PEF Headquarters. These positions will be maintained through any runoff elections. Candidates are welcome to attend at their own expense.

#### IX. Election Procedures

The PEF Elections Committee will submit lists of certified candidates and eligible voters to the American Arbitration Association (AAA). Balloting will be conducted by AAA based on these lists, using a double envelope system to ensure a secret ballot.

Unless otherwise specified in these rules, recommendations of AAA shall prevail.

In all cases, if a membership card is received at PEF headquarters from any person in a bargaining unit represented by

PEF by the close of the petitioning process, he/she may vote in this election.

No candidate's professional title will appear on the ballot (i.e. PhD, M.D., etc.) No candidate's name will appear on any ballot in an **uncontested** election.

If a certified candidate becomes ineligible to hold that office, his/her name will not be included on the ballot. If ballots have already been printed or mailed, **but before tabulation**, any votes cast for an ineligible candidate shall be void and shall **not** be considered in establishing a majority or determining election results. Any vacancy occurring after the ballot count is certified will be filled by special election, according to PEF's Constitution.

Votes for an office will be considered void if the votes cast are for more candidates than authorized for the office.

Write-in votes are not allowed.

Members receiving no ballot(s) or a ballot placing them in an incorrect Region or Executive Board constituency will be able to call the AAA hotline, (800) 529-5218, for a ballot or substitute ballot. All such ballots will be held unopened by AAA until just prior to the ballot count, when their validity is determined by the PEF Elections Committee. Any significant number of ballot problems in any one constituency should be reported immediately to the Elections Committee at PEF Headquarters.

It shall be the responsibility of a member of the PEF Election Committee to personally watch the ballot counting process and visually review the election results. A candidate or designated representative shall be able to watch the ballot counting process, as well as review the returned ballots and envelopes and appropriate constituency lists.

#### Policy on Ballot Recount -

Recounts will be held for any individual **only** under the following circumstances:

1. **1000 or more total valid votes cast** - Where the difference in the candidates' tallies is less than 2% of the total.
2. **999 or less total valid votes cast** - where the difference in the candidates' tallies is less than 20 votes.

Pursuant to the PEF Constitution election **will be by majority of valid ballots** cast and if no majority is achieved, a runoff election will be held as soon as possible.

In the instance of offices of President, Secretary/Treasurer, Regional Coordinator and Executive Board, if no majority is achieved on

the first ballot, a runoff election shall be held between the two highest vote-getters.

In the instance of offices of Vice President and Trustee, the basis for establishing a majority shall be determined by the number of members voting for that office, regardless of the number of candidates for whom they vote. If all positions are not filled on the first ballot a runoff election shall be held using the AAA rule of two to determine the winners.

A complete list of the certified election results will be published.

## **X. Election Grievance and Appeals Procedure**

### ***Grievances to the Election Committee***

1. Any current PEF member who believes he/she is aggrieved by anyone's alleged violation of the Election rules or any alleged misapplication or misinterpretation of the PEF Constitution or any PEF policy or procedure concerning Elections, may grieve such to the PEF Elections Committee.
2. Any ethics grievances arising as a result of the election process will be adjudicated by the Elections Committee.
3. The grievance shall be submitted on an Elections Grievance Form and filed with the Elections Committee in person or by mail at PEF Headquarters. The grievance shall contain a concise, factual statement of the facts of the alleged violation, misinterpretation or misapplication. Upon receipt of the grievance, the Elections Committee shall notify, in writing, persons as may be deemed appropriate, of the grievance. Such persons shall then have fifteen (15) working days from notification of the grievance to make a written response to the Committee.
4. The Elections Committee shall conduct an investigation of the grievance, if appropriate, and shall render a decision in writing as soon as possible. The Committee shall use its best efforts to render a decision in writing within 60 calendar days of receipt of the grievance. The Committee's decision shall be mailed. Upon receipt of the appeal, the Secretary/Treasurer shall promptly give written notice of the pendency of the appeal to the Elections Committee

- to the grievant and to such other persons as may be deemed appropriate.
5. The Election Committee may award appropriate relief in any grievance, including the following:
    - a. ordering compliance with the Constitution, policy, procedure or Election rule violated;
    - b. ordering, as deemed necessary, the conduct of a new election (petitioning and/or balloting);
    - c. suspending the ballot count until the grievance/appeal has been adjudicated.
    - d. referring a grievance to the President for a hearing before the Election Hearing Panel when the Elections Committee's recommendation for relief includes a reprimand, fine, suspension, expulsion or other discipline.

### ***Hearings Before the Election Hearing Panel***

6.
  - a. Upon receipt by the President of a grievance referred by the Elections Committee for a hearing, the President shall appoint a five-person Hearing Panel, subject to confirmation by the Executive Board, to preside at the hearing or trial. The members of the Hearing Panel shall be members of the Executive Board. No party to the grievance or potential witness to the events at issue in the grievance may be a member of the Hearing Panel.
  - b. The accused may appear before the Hearing Panel in person and with witnesses to answer the grievance. A full and fair hearing will be conducted, with the accused afforded the right to question witnesses and examine any evidence presented by the party filing the grievance. Witnesses must be sworn in and testify under oath. The parties may select another PEF member to represent him or her in the presentation of a defense. The accused may elect to present a defense in writing rather than personally appear. In the absence of a written or personal defense, the hearing or trial shall still proceed.
7. Judgment of the Hearing Panel
  - a. Upon completion of the hearing, the Election Hearing Panel shall vote on  
  
or the Election Hearing Panel and to such other persons as may be deemed appropriate. These persons may make

hether to sustain the grievance in whole or in part. A majority vote of the Election Hearing Panel shall be required to sustain the grievance. The Election Hearing Panel shall use its best efforts to render a decision in writing within thirty (30) calendar days of the end of the hearing or trial. The Election Hearing Panel's decision shall include a summary of the evidence presented and shall state the basis upon which the decision is made. The Election Hearing Panel's decision shall be mailed to the accused, the party who filed the grievance, and to such other persons as may be deemed appropriate. If the grievance is not sustained, it shall be dismissed.

- b. If the grievance, or any portion thereof, is sustained, the Election Hearing Panel shall render judgment and may impose discipline. Discipline may include:

1. Requirement that the guilty party or parties conform to the Constitution, policy, procedure Election Rules, or Code of Ethics.
  2. Commands to do or perform or restrain from specific acts.
  3. Fine.
  4. Reprimand.
  5. Deprivation of PEF privileges.
  6. Removal from office.
  7. Suspension or expulsion from PEF.
8. Judgments of the Election Hearing Panel are final unless a party to the grievance appeals the decision to the Executive Board.
  9. Hearings before the Election Hearing Panel shall be conducted pursuant to the rules of Procedures for Election Hearings.

### ***Appeals to the Executive Board***

1. The Election Committee's decision or the Election Hearing Panel's decision may be appealed to the PEF Executive Board. The appeal shall be filed in writing with PEF's Secretary/Treasurer, delivered in person or by mail.
2. The appeal shall be considered at the next scheduled meeting of the Executive Board, provided the appeal is postmarked at least twenty (20) calendar days prior to that meeting. written submissions to the Board concerning the appeal.
3. It shall require an affirmative vote of one third (1/3) of Executive Board

- members present and voting to hear an appeal. If the Executive Board votes: not to hear the appeal, the decision of the Elections Committee or the Election Hearing Panel shall be final.
4. If the Executive Board votes to hear the appeal, in considering the appeal, the Executive Board shall allow the Elections Committee or the Election Hearing Panel, the appellant and such other persons as shall be deemed appropriate to present oral arguments. The appellant shall be granted equal time as allotted to the Elections Committee or the Election Hearing Panel, but not less than 10 minutes, for presentation of the appeal. It is the appellant's responsibility at his/her own expense, to be present at this meeting for presentation of any oral argument.
  5. The Secretary/Treasurer shall notify the appellant, the Elections Committee, or the Election Hearing Panel and any other parties as may be deemed appropriate, of the Executive Board's decision on an appeal.

6. The Board may affirm, reverse or modify the decision of the Election Committee or the Election Hearing Panel, including the Election Hearing Panel's award of relief. The decision of the Board shall be final.

**Representation**

Members shall have the right to present their own case or have another PEF member present the case. Outside attorneys will not be present during any proceedings.

**Time Limits**

1. For specific electoral races: There shall be a time limit of thirty (30) calendar days following the ballot count for filing appeals to the Elections Committee. Should balloting not be necessary, the time limit will be thirty (30) calendar days following the last day of petitioning.
2. For other than specific electoral races: The time limit for filing grievances with the Elections Committee shall be thirty (30) days after the ballot certification.
3. To appeal the Committee's decision to the Executive Board: There shall be a

time limit of thirty (30) calendar days following the date of the written decision of the Committee.

**Miscellaneous**

1. The Elections Committee or the Executive Board may, however, without considering the merits or the grievance, deny any grievance which it deems is frivolous, repetitive, moot, or brought in an unduly delayed fashion. A decision by the Committee to reject a grievance on one of these bases shall be appealable, as provided above, to the Executive Board.
2. Nothing in the procedure shall in any way impair the authority of any PEF officer, body or committee from fulfilling normal obligations during the pendency of an appeal.
3. Any questions related to these rules and procedures should be directed to the Elections Committee (not PEF staff) through PEF headquarters.

<b>SPECIAL ELECTION COMMITTEE</b>		
Craig Walek, Chair	Anna Schrom	Karl Berger
Kristie Shapiro, PEF Staff		

## **STATEWIDE ELECTION VIDEO DEBATES**

Therefore, be it resolved that as part of PEF's ongoing Triennial Elections process for President, Secretary-Treasurer, Vice Presidents and Trustees, PEF shall conduct candidate debates, video those debates, post those video debates on its website and publicize their location and availability to the members.

Adopted: September 2007  
PEF Convention



EOL

## **Employee Organizational Leave Policy**

- If the Committee member will be requesting the use of EOL, the Executive Assistant to the Secretary-Treasurer should be notified ASAP.
- EOL requests need to be submitted as far in advance as possible, as the S-T's office must submit any EOL requests to GOER with at least three weeks notice.
- EOL will be approved for a full or half day based on the Committee work day scheduled, with relevant travel time (half day before or after meeting).
- If EOL is not requested with sufficient advance notice, the member will have to charge time to accruals and then await the EOL decision following the next quarterly submission to GOER.
- On a quarterly basis, GOER reviews EOL requests and approves or denies them. If approved, time is hopefully restored with the agency, and member. This process typically takes several months.
- Executive Board members not present at conclusion of business and who have not been excused will not be reimbursed for expenses or EOL.
- All completed EOL request forms must be submitted no later than six weeks after the quarter in which dates requested occurred, or the request can be denied.
- Exceptions to these guidance policies may be made by the Secretary-Treasurer in the event of exceptional extenuating circumstances.

August 2021 Executive Board Meeting

## EXECUTIVE BOARD

**ADEQUATE TIME TO RETURN PETITIONS AND BALLOTS**

It shall be PEF policy that any nomination, election, contract ratification vote or other electoral procedure involving all of PEF and any division, region or other unit in PEF, to extend the petitioning and election period to a minimum of 21 days.

Adopted: November 18, 2005  
Executive Board Meeting

Budget Executive Board Meeting

It shall be the policy that the PEF Budget will be the priority item to be addressed at the first Executive Board meeting of the calendar year and shall be placed as the first item on the agenda for that meeting.

Adopted February 18, 1994  
Executive Board Meeting

Amended September 2022  
Executive Board Meeting

## **Buy Union Resolution**

Whereas, purchasing union goods and services benefits our members; and

Whereas, PEF purchasing practices have a direct effect on the communities and the union movement:

Be it resolved, that PEF will make a concerted effort to buy union made goods and union services; and

Be it further resolved, that PEF will make a concerted effort to purchase New York State products and American made products; and

Be it further resolved, that PEF will encourage purchases in local communities where it is in the best interest of PEF members.

Adopted: August 25, 1999  
Executive Board Meeting

## CHANGE OF TERMS AND CONDITIONS OF EMPLOYMENT

It shall be the policy of PEF that all PEF representatives shall, upon notification of a possible layoff or change of terms and conditions of employment that they shall immediately notify the labor/management coordinator, the labor/management chair, and the field representative assigned to that agency. The labor/ management coordinator shall immediately notify the office of the President, and the field staff representative shall immediately notify the director of field staff.

May 13, 1988

## CHANGES TO THE PEF CODE OF ETHICS

WHEREAS, in 1980 the PEF Executive Board adopted the PEF Code of Ethics, which was amended in the year 2006, and

WHEREAS, PEF established a PEF Ethics Committee, with the responsibility of addressing disputes filed under the PEF Code of Ethics and the PEF Professional Conduct Policy, and

WHEREAS, the PEF Code of Ethics needs amending to address both procedural and substantive matters ( regarding time periods, appeals to the Executive Board, and more), and

WHEREAS, it is imperative that PEF allow the PEF Ethics Committee, the PEF Constitutional and By-Laws Committee, and the PEF General Counsel, to meet, discuss, and propose changes to the PEF Code of Ethics, and

WHEREAS, it is in PEF's best interest that the newly proposed Code of Ethics be presented to the PEF Executive Board for approval;

THEREFORE, BE IT RESOLVED, the PEF Ethics Committee, the PEF Constitutional and By-Laws Committee, and the PEF General Counsel should meet to discuss proposed changes to the PEF Code of Ethics, which must be presented to the PEF Executive for approval

Fiscal Impact: None, if the Committee can discuss matters through phone conference, or meet during lunchtime at Executive Board meetings

Submitted by: Sharon V. DeSilva, esq., Region 8, Division 234, Executive Board  
Wayne Spence, President of PEF  
Debra Walton, Region 8, Division 234, Assistant Council Leader  
Lyndon Jones, Region 8, Executive Board  
Kay Wilkie, Region 8, Executive Board  
Michael Blue, Region 8 Coordinator  
Nora Higgins, Region 12 Coordinator  
Scarlet Ahmed, Executive Board  
Ken Ferro, Executive Board, Division 205 Council Leader  
Richard Fletcher, Executive Board  
Joe Donahue, Executive Board, Division 190 Council Leader of  
Randi DiAntonio, Executive Board  
Ralph Mabb III, Executive Board, Council Leader of Division 211  
Dave Dubofsky, Region 5 Coordinator  
Andrew Puleo, Region 2 Coordinator  
Timothy Lane, Region 8, Division 234 Steward  
David Takor, Region 8, Division 234 Steward  
Germaine Greco, Division 192, Executive Board  
Sheryl Sperry  
Darlene Williams, Executive Board  
William Osta  
Diane Jaulus, Executive Board  
Johnny Neal, Division 190, Tax and Finance  
Charla Anderson, Region 8, Steward  
Tania R. Tinley Region 8, Division 205 Steward



Monica Sharp, Region 8, Division 234 Steward  
Michelle Santos, Region 8  
Sara Bentancohurt, Region 8, Division 234 Steward  
Carolyn Cole, Executive Board, Division 197 Council Leader  
Barbara Gregorek, Division 234, Council Leader  
Karis Browder

Adopted at 2017 Convention

## CHANGES TO THE PEF PROFESSIONAL CONDUCT POLICY

WHEREAS, on August 13, 2004, the PEF Executive Board adopted the PEF Professional Conduct Policy, and

WHEREAS, PEF established a PEF Ethics Committee, with the responsibility of addressing disputes filed under the PEF Code of Ethics and may address disputes filed under the PEF Professional Conduct Policy, and

WHEREAS, the PEF Professional Conduct Policy needs amending to address both procedural and substantive matters, and

WHEREAS, it is imperative that PEF allow the PEF Ethics Committee, the PEF Constitutional and By-Laws Committee, and the PEF General Counsel, to meet, discuss, and propose changes to the PEF Professional Conduct Policy, and

WHEREAS, it is in PEF's best interest that the newly proposed PEF Professional Conduct Policy be presented to the PEF Executive Board for approval;

THEREFORE, BE IT RESOLVED, the PEF Ethics Committee, the PEF Constitutional and By-Laws Committee, and the PEF General Counsel should meet to discuss proposed changes to the PEF Professional Conduct Policy, to be presented to the PEF Executive for approval

Fiscal Impact: None, if the Committee can discuss matters through phone conference, or meet during lunchtime at Executive Board meetings.

Submitted by: Sharon V. DeSilva, esq., Region 8, Division 234, Executive Board  
Wayne Spence, President of PEF  
Debra Walton, Region 8, Division 234, Assistant Council Leader  
Lyndon Jones, Region 8, Executive Board  
Kay Wilkie, Region 8, Executive Board  
Michael Blue, Region 8 Coordinator  
Nora Higgins, Region 12 Coordinator  
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Ken Ferro, Executive Board, Division 205 Council Leader  
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Timothy Lane, Region 8, Division 234 Steward  
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Sheryl Sperry  
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William Osta  
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Johnny Neal, Division 190, Tax and Finance

Charla Anderson, Region 8, Steward  
Tania R. Tinley Region 8, Division 205 Steward  
Monica Sharp, Region 8, Division 234 Steward  
Michelle Santos, Region 8  
Sara Betancohurt, Region 8, Division 234 Steward  
Carolyn Cole, Executive Board, Division 197 Council Leader  
Barbara Gregorek, Division 234, Council Leader  
Karis Browder

Adopted at 2017 Convention

## **Code of Conduct for PEF Elected Officials**

*(per PEF Convention 2017 Resolution #2)*

The Public Employees Federation (PEF) hereby articulates its requirement that all PEF elected officials comply with this Code of Conduct, consistent with AFT and SEIU policies.

Reference to the requirement of compliance with this Code of Conduct will be included in the PEF oath of office for Statewide Officers, Regional Coordinators and Executive Board members.

All PEF elected officials must comport themselves in a manner consistent with this Code of Conduct, thereby observing the highest standards of professional conduct, in order to properly represent union values and the best interests of PEF members.

Code of Conduct requirements for elected officials include, but are not limited to:

- ❖ Fair, honest, civil, respectful and ethical conduct and practices toward PEF members, staff and fellow officials;
- ❖ Financial behaviors and transactions respecting fiduciary responsibilities to PEF's best interests and resources;
- ❖ Proper use and care of union assets and fair dealing;
- ❖ Communications -- electronic (internet, social media, email), verbal, and/or in print -- that are honest, accurate and advance unionism and PEF's best interests;
- ❖ Protection of confidentiality;
- ❖ Compliance with applicable PEF policies as well as laws, rules and regulations;
- ❖ Prohibition of taking personal advantage from union opportunities;
- ❖ Avoidance of any conflicts of interest;
- ❖ Prevention of retaliation against PEF members, staff or elected officials reporting code of conduct violations in good faith, and
- ❖ Adherence to consequences for Code of Conduct violations.

### Enforcement:

In the event of alleged violations of this Code of Conduct, charges may be initiated by PEF Officers or Members pursuant to the PEF Code of Ethics. The procedures under the PEF Code of Ethics shall be utilized to enforce the provisions of this Code.

### **Necessary Amendment to PEF Code of Ethics:**

In order to implement the Enforcement provisions of the Code of Conduct and effectuate the processing of charges, the Ethics Committee must be provided jurisdiction.

Hence, the "Violations" section of the PEF Code of Ethics is hereby amended as follows to include:

"For elected officials, any violation of the PEF Code of Conduct for Elected Officials."

Approved by Executive Board  
August 23, 2018

## **COLLECTIVE BARGAINING NEGOTIATIONS POLICY**

This policy is intended to govern PEF's internal procedure for the conduct of negotiations for any new or successor collective bargaining agreement covering any PEF represented bargaining unit.

The President of PEF designates the Contract and Negotiations Committee (Contract Team) for every bargaining unit represented by PEF. (Constitution, Article XIV). Every PEF Contract Team shall review this policy prior to the start of negotiations for any new or successor collective bargaining agreement and indicate their review in writing.

Prior to beginning negotiations for any new or successor collective bargaining agreement the President will inform the employer of: (1) the identities of PEF's lead negotiator(s) and members of the Contract Team; and (2) that no tentative agreement will be presented to the membership for a ratification vote unless it is approved by the PEF Executive Board.

No collective bargaining agreement will be negotiated by or for any PEF represented bargaining unit without the lead negotiator(s) present at all negotiating sessions.

ADOPTED: MARCH 2, 2006  
EXECUTIVE BOARD MEETING

CONSTITUTIONAL INTERPRETATION

## Agency Reorganization

In the event of a reorganization, merger, elimination, or other managerial change in a department or agency, Section VII, C, 5 of the PEF Constitution shall be interpreted to mean that the affected Executive Board constituencies immediately prior to the change or changes. This in effect maintains the same Executive Board representation, unless an Executive Board representative transfers to an agency or location different from that of the plurality of his/her constituency.

Adopted: December 4, 1997  
Executive Board Meeting

## **Constitutional Interpretation**

Article X A. (2)

The interpretation of this section would be that the balloting would commence on the first Monday of June and continue for three weeks. This would distinguish the "balloting period" from the remainder of the "election period" which the rules propose would begin on March 6, 2000 and run through June 27, 2000.

Adopted: March 4, 1999  
Executive Board Meeting

## CONSTITUTIONAL INTERPRETATION

### Article XVI D.2

The Executive Board's interpretation of the term "contested delegate" is a member who has submitted a delegate petition and the petition has been received.

Adopted: March 5, 2004  
Executive Board Meeting



## CONSTITUTIONAL INTERPRETATION

### Tentative Agreement Rejection

A contract or tentative agreement brought to this body requires a yes vote of the Executive Board in order to be sent to the membership. If this body should vote no, the tentative agreement is rejected and the union then goes back to the table.

Executive Board  
November 6, 1991

Constitutional Interpretation

Article XIV

All collective bargaining agreements or portions thereof be referred directly to the Contract Team for a formal vote prior to sending it to the Executive Board.

Executive Board  
December 12, 1991

CONVENTION AND EXECUTIVE BOARD TRANSCRIPTS  
AVAILABLE TO PEF MEMBERS

Transcripts of the Convention and Executive Board meetings will be provided to members, as soon as practical after the meetings in a protected member-only area at, [www.pef.org](http://www.pef.org). The transcripts will be provided in a keyword searchable format at no cost to the PEF members.

Adopted: September 2007  
PEF Convention

Convention and Executive Board Transcripts Available to PEF Members - update

The requirement for online access to Executive Board and Convention transcripts pursuant to the 2007 PEF Delegate Convention resolution entitled, "Availability of Convention and Executive Board Transcripts to PEF Members" shall be suspended until such time as security of said transcripts can be reasonably assured.

Adopted: September 2008  
PEF Convention

## Creating a Code of Conduct for PEF Elected Officials

**WHEREAS**, fair, honest, civil and ethical behaviors and practices on the part of elected officials are essential to the optimal functioning of the Public Employees Federation (PEF);

**WHEREAS**, proper representation of union values, PEF members and their best interests may only be maintained if all PEF elected officials commit to the highest standards of professional conduct;

**WHEREAS**, the results of recent internal audits and risk assessments related to statewide elected officials indicate the need for a clear articulation of the highest standards for ethical and fiduciary conduct on the part of those enjoying access to PEF assets and resources;

**WHEREAS**, certain social media commentary on the part of statewide elected officials, particularly when directed against PEF staff, indicate the need for a clear articulation of the highest standards for ethical and civil conduct to be expected from those honored to serve PEF and its members;

**WHEREAS**, PEF executive leadership should set forth and communicate code of conduct guidelines consistent with PEF's mission, in order to inspire the confidence and earn the respect of PEF members, PEF staff, SEIU, AFT and our broader community;

**THEREFORE**, be it resolved that it is recommended to the PEF President that a Code of Conduct for PEF Elected Officials be drafted for consideration and implementation by the Executive Board; such Code of Conduct to address such matters as:

- avoidance of conflicts of interest,
- prohibition of taking personal advantage from union opportunities,
- protection of confidentiality,
- proper use and care of union assets and fair dealing,
- compliance with laws, rules and regulations,
- communications - electronic (social media, email, internet), print and otherwise,
- prevention of retaliation against staff, members or officials reporting code of conduct violations in good faith, and
- enforcement mechanisms.

*Fiscal Impact:* \$0

*Submitted By:*  
Kay Alison Wilkie  
Executive Board Seat 55  
Division 262 DED

Wayne Spence  
President, PEF

Adreina Adams  
Vice President, PEF

Andrew Puleo  
Regional Coordinator – Region 2

David Dubofsky  
Regional Coordinator – Region 5

Mike Blue  
Regional Coordinator – Region 8

Charles Roland  
Interim Regional Coordinator – Region 11

Nora Higgins  
Regional Coordinator – Region 12

Maddie Shannon-Roberts  
Trustee - OTDA

Sarah Lauser  
Trustee - OSC

Sharon DeSilva  
Executive Board Seat 450, OTDA/OCFS

Ken Ferro  
Council Leader, Executive Board Seat 197, Division 205 DOH

Joe Donahue  
Council Leader, Executive Board Seat 487, Division 190 DTF

Mary Ellen Hoffman  
Executive Board Seat 480, Division 190 DTF

Ed Bellamy  
Executive Board Seat 485, Division 190 DTF

Jakob Westman  
Executive Board Seat 486, Division 190 DTF

Bobbi Stafford, RN  
Executive Board Seat 97, PEF Ethics Committee, SUNY H&S Chair, Division 320 SUNY Upstate

Darlene Williams  
Executive Board Seat 360, Division 254 OMH

Germaine Greco  
Council Leader, Executive Board Seat 455, representing Regions 10-12, Division 192 OTADA

Teresa Lefler  
Executive Board Seat 300, OPWDD & OMH

Randi DiAntonio, LMSW  
Executive Board Seat 285, Division 259 OPWDD

Diane Jaulus  
Council Leader, Executive Board Seat 50 Division 353 DOCCS

John Thomsen  
Executive Board Seat 127, Division 179 DHSES/OGS

Ralph Mabb III  
Council Leader, Executive Board Seat 420, Division 211 DMV

Danielle Freeman  
Executive Board Seat 90, Division 355 HESC

Richard Fletcher  
Executive Board Seat 445, OTADA

Radhakrishna Mohan  
Executive Board Seat 217, SIF

Lyndon Jones  
Executive Board Seat 5, OSC

Brenda Grober  
Council Leader, Division 262 DED

Jeff Janiszewski  
Division 262 DED

Amy DeMarco  
Executive Board Seat 190, DOH

Conrad Davis  
Executive Board Seat 470, Tax and Finance

Sheila Ambrose  
PEF Steward, Division 205, DOH

Stephanie McLean Beathley  
Council President, PEF Division 167

This resolution recommends to the PEF President that a Code of Conduct for PEF Elected Officials be drafted, for consideration and implementation by the Executive Board.

Adopted at 2017 PEF Convention

## POLICY ON ACCESS TO PEF DEPARTMENTS

Access to all departments in PEF without first going through Field Staff is available to L/M Chairs, Executive Board members and Council Leaders. PEF leaders are encouraged, whenever possible, to use the normal intake procedures. If direct access is necessary, leaders are also encouraged to place their inquiries in writing and copy their Field Representative, Executive Board member, Council Leader, Regional Coordinator or Statewide L/M Chair, as appropriate.

Adopted: March 5, 2004  
Executive Board Meeting



### **Distribution of Printed Materials**

The sergeants at arms shall limit the display of placards and banners to the visitor's section and shall ensure that no delegate distributes printed material in the Convention Hall unless directed by the Convention Chairperson. All items handed out by staff shall be identified by date and originator of the material.

Adopted: August 24, 1999  
Executive Board Meeting

### **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, 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

Adopted: October 2022  
PEF Convention

## **1988 Resolutions**

### **Resolution 59 – Establishment of PEF Executive Council**

WHEREAS, the Constitution and Bylaws of PEF daily put the ultimate decision-making power directly in the hands of the members by the power of recall and impeachment; and

WHEREAS, PEF policy is established in those same members' hands, every 3 years by the occurrence of the triennial election; and

WHEREAS, the Convention of PEF formulates PEF's direction each year while it is in session or when it recalls itself into session; and

WHEREAS, the Executive Board meets at least quarterly to determine policy for the next 3 months; and

WHEREAS, PEF has 12 constituency-elected Regional Coordinators whose function is to ensure adequate services in their respective regions; and

WHEREAS, those officers currently meet with the Statewide Officers of PEF on a monthly basis:

THEREFORE BE IT RESOLVED, that it be the policy of PEF that the President meet with the officers at least once a month to meet and confer on policy and that votes be taken as appropriate at these meetings, and that minutes be kept and distributed to the Executive Board.

Submitted by: Howard A. Shafer

## Executive Board Action on Collective Bargaining Agreements

A mail ballot will be utilized to fulfill the requirement of Article VII, Section D. 13 of the PEF Constitution when all of the following conditions exist:

1. The Contract and Negotiations Committee of the bargaining unit recommends the contract;
2. The membership of the bargaining unit is less than ten percent (10%) of the total PEF membership;
3. No regular Executive Board meeting is scheduled within an acceptable time frame to allow action on a timely basis;
4. A majority of seated Board members return the mail ballots and of this number a majority approve the tentative collective bargaining agreement.

If 1 through 4 above are not satisfied, the President shall call a special meeting of the Executive Board, pursuant to Article VI, D., 6., for the purposes of discharging the Board's duties.

Executive Board Meeting  
May 19, 1990

## **Executive Board Agenda**

WHEREAS, The PEF Constitution, Article VII, Section D(1), provides for the Executive Board to adopt an agenda for Executive Board meetings; and

WHEREAS, the PEF Constitution, Article VII, Section D(3), provides for the Executive Board to set the policy for this union between Conventions; and

WHEREAS, the PEF Constitution, Article VII, Section D(4), provides for the Executive Board to interpret the Constitution, the Special Rules of Order and all policies of the union; and

WHEREAS, Executive Board members may propose policy changes for PEF through member items submitted to the Secretary-Treasurer to be included in the agenda for the Executive Board to consider and approve; and

WHEREAS, in the past, there have been numerous occasions where Executive Board member items have not been addressed due to time constraints; and

WHEREAS, Executive Board member items are of critical important to this union as they are a means for Executive Board members to accomplish their business of their members; and

WHEREAS, failure of the Executive Board to act upon member items at Executive Board meetings is detrimental to this union;

THEREFORE, BE IT RESOLVED, that any proposed agenda submitted by the Secretary-Treasurer for the Board's consideration should include Executive Board member items directly after the President and Secretary-Treasurer's report, and prior to any committee reports, other speakers before the Board and any other reports or items; and

BE IT FURTHER RESOLVED, that the PEF Secretary-Treasurer, or any other member of the Board, may make recommendations for changes to the proposed agenda as provided herein, when circumstances arise, by motion submitted at the Executive Board session.

Adopted at May 2014 Executive Board

### **Executive Board Mailing Policy**

Executive Board members shall have the right to have copies of correspondence they generate circulated to other members of the Board. Such copies will be sent in the next general mailing conducted by the PEF distribution system.

Board members will also receive copies of correspondence that precipitate a response from PEF officers that are circulated in the Board mailings. Both sides of the correspondence will be mailed.

Adopted: August 25, 1999  
Executive Board Meeting

EXECUTIVE BOARD MEETING LOCATIONS

It shall be PEF policy that each regular quarterly Executive Board meeting shall be for two consecutive days, preferably in the Capital District and when possible on Thursday and Friday.

Adopted: December 12, 2000  
Executive Board Meeting

EXECUTIVE BOARD MEETING TRAVEL AND EOL

Executive Board members not present at conclusion of business and who have not been excused will not be reimbursed for expenses or EOL.

January 28, 1989  
Executive Board Meeting



## **Executive Board Member Item Submission**

### **Member Items for Consideration by the PEF Executive Board: Format, Content and Presentation**

*Approved by the Executive Board 8/7/2019  
Amended by the Executive Board September 2022*

In order to be considered for inclusion on an Executive Board agenda, member items must be emailed to the Secretary-Treasurer's office by the specified deadline, and include:

- a brief descriptive title to be used on the agenda;
- background information on the member item, to include a narrative explanation, justification and any relevant attachments on the matter; and
- fiscal impact on PEF's budget, where relevant, specifying cost estimates.

During the Executive Board's consideration of each member item on the agenda, the sponsor(s) shall be allotted up to a total of 5 (five) minutes for the presentation of the member item.

#### **Instructions:**

To submit a member item for consideration at Executive Board meetings, it is required to provide the information per policy, specified below. When submitting member items electronically, the deadline time will be 11:59PM EST/DST on the day of the deadline.

For your convenience, please download and complete the fillable PDF document accordingly. Send this document along with any relevant attachments via email to Janay Anderson at [janderson@pef.org](mailto:janderson@pef.org) before the member item deadline.

To ensure your submission receives consideration, please make sure to comply with Policy and download and fill out the Member Item Submission PDF form that can be found on the PEF website in the members-only section: <http://www.pef.org/about/pef-documents/>

**Member Item Submission for Executive Board Consideration**

Name of Executive Board Sponsor:

Agency/Division:

Date Submitted:

Title of Member Item:

Background Information (narrative explanation/justification):

Fiscal Impact on PEF (if applicable):

Notes/Attachments/Other:

Adopted: August 7, 2019  
Executive Board Meeting  
Completed July 2020

**EXECUTIVE BOARD MOTIONS NOT TO BE CONDUCTED BY MAIL, TELEPHONE  
OR E-MAIL**

Except for the approval or disapproval of tentative collective bargaining agreements for PEF represented negotiating units with less than 500 members, no Executive Board motions shall be conducted by mail, telephone, or e-mail ballots.

Adopted: June 9, 1999  
Executive Board Meeting

### Executive Council Meetings

The Executive Board and PEF administration shall have the flexibility to budget for no fewer than nine council meetings per year instead of twelve per year to help mitigate budget problems.

Adopted: 1996 PEF Convention

FISCAL POLICY INSTITUTE

The Public Employees Federation shall be a member of the Fiscal Policy Institute.

January 31, 1991  
Executive Board Meeting

## 1989 Resolutions

### Resolution 16 - Full Contract Disclosure

WHEREAS, the Executive Board and the membership cannot make an informed judgment on the merits of a proposed contract unless all agreements are fully disclosed prior to a ratification vote; and

WHEREAS, in 1985 and 1988 the membership was not informed of PEF's agreement with management that the "class of '82" performance advance issue did not represent a contract violation; and

WHEREAS, in 1988 the membership was not notified of the unilateral withdrawal of the pay equity arbitration:

THEREFORE BE IT RESOLVED, that it will be the policy of PEF that the Executive Board and membership will be notified in writing of all agreements - verbal and written - made during the contract negotiating process, prior to any ratification vote.

Submitted by:  
Roger Benson  
Norman Abramowitz

## **GUIDELINES FOR PEF E-MAIL ACCOUNTS OTHER THAN STAFF**

The New York State Public Employees Federation provides e-mail accounts to officers and Executive Board members. These accounts are to be used to conduct official PEF business. This shall include, but not be limited to communicating with members, management, PEF staff, other Officers and Executive Board members, other labor organizations and interest groups.

Communications sent via PEF e-mail address should be in conformation with the PEF Code of Ethics.

The following specific rules must be observed:

Distribution of e-mail and attachments shall be limited to a size determined by the system administrator currently limited to one megabyte.

Do not send chain letters (including virus warnings or hoaxes warnings) or pass them on.

Intentional distribution of files infected with a virus is strictly prohibited.

As required by PEF election rules, the e-mail account may not be used for internal election or caucus activities.

No private business solicitations are permitted.

Authorized users must not permit a third party use of the e-mail account.

Passwords must not be revealed to third parties.

Sale of and unauthorized distribution of e-mail addresses is strictly prohibited.

Authorized users should respect requests to remove one's e-mail address from your mailing list.

Specific charges of abuse should be filed with the Ethics Committee. A determination of abuse may result in suspension of e-mail privileges and is appealable to the Executive Board.

When e-mailing a large number of people, protect the confidentiality of the e-mail addresses by using blind carbon copies.

In the future, if PEF has the ability to expand its e-mail capabilities, it may be offered to other classes of elected or appointed leaders. The President or Secretary-Treasurer may extend e-mail privileges to other regular PEF members whose responsibilities require access. Such privileges may be revoked at the discretion of the grantor.

Users are reminded that while PEF will make reasonable efforts to preserve the confidentiality of e-mail communication, PEF is subject to numerous laws, regulations, policies and maintenance that may require disclosure.

Adopted: June 6, 2002  
Executive Board Meeting

## **GUIDELINES FOR REIMBURSEMENT OF EXECUTIVE BOARD TRAVEL**

PEF will fund travel related expenses once annually for an informational meeting with the Executive Board's constituency if that constituency is over seventy (70) miles from the Executive Board member's home address, or if the Executive Board member needs to pay tolls, and will fund an Executive Board member's attendance at a critical rally or demonstration with prior approval of the Secretary-Treasurer.

The funding for these-travel related expenses will be limited to the excess of budget over actual expenses that has been accrued to date for Executive Board expenses.

Adopted: August 7, 2003  
Executive Board Meeting



## **1989 Resolutions**

### **Resolution 17 – Health Care / Cost Containment**

WHEREAS, the cost and availability of health care has become a national crisis. This is particularly true in the nation's largest cities where such problems as drug abuse and AIDS have increased the need for hospital resources at a time when staff have become more difficult to recruit; and

WHEREAS, health insurance is now New York State's most expensive fringe benefit. As could be seen in the last negotiations as costs continue to increase; and

WHEREAS, state management will look to shift these costs to state employees; and

WHEREAS, given the number and complexity of pressures which are now on the system, the method of service delivery and financing cannot stay the same. New approaches must be developed to meet the country's health care needs:

THEREFORE BE IT RESOLVED, that PEF dedicate appropriate resources to the analysis of public policy related to the United States health care industry, especially as it impacts on health care in New York State; and

BE IT FURTHER RESOLVED, that such analysis should focus on the present and future workforce needs of the health care system and the impact of changes in the cost of health care on insurance rates as related to contract negotiations; and

BE IT FURTHER RESOLVED, that the PEF officers and Executive Board use these analyses to develop public policy positions to address the problem of rising health care costs and increased strain on the health care system from staffing shortages, ineffective treatment modes, lack of staff training, lack of facilities, and other problems; and

BE IT FURTHER RESOLVED, that the PEF officers and Executive Board develop strategies for ensuring adoption of any public policy position developed.

Submitted by:

Maggie Litzenberger, V.P.

Barry Markman, V.P.

Neila Cardus, Region 9 Coordinator

William Crotty, Region 7 Coordinator

Terry Kirwan, Region 4 Coordinator

Ken McClenathan, Region 3 Coordinator

JoCecelia Moore, Region 6 Coordinator

Ken Robertson, Region 10 Coordinator

## Historic Preservation and Record Management

The PEF Historic Preservation and Record Management Advisory Committee shall be established to identify the past, present and future documentation reflecting conduct of PEF's union activities and its representation of its members as well as allied documentation relating to this activity.

Adopted May 3, 1993  
Executive Board Meeting

## **Human Rights Complaint Policy**

It will be PEF's consistent policy not to provide legal representation to members litigating individual discrimination claims. These are claims in which a single member alleges improper treatment based on discriminatory motives by his or her employer.

PEF may, however, sponsor cases where the claimed discrimination impacts on collective bargaining rights, has some unit wide impact, or involves large groups of members.

Executive Board  
August 1, 1991

## **IMPROPER PRACTICE POLICY**

PEF files and processes Improper Practice (IP) charges against employers on behalf of union activists who have been discriminated against for their involvement in Taylor Law defined protected activities. These IP charges are filed with PERB. In many cases, a mutually acceptable settlement of the IP occurs prior to the PERB process being completed. PEF practice is to settle these PERB IP charges only after explaining the terms to the individual(s) involved, getting their approval of the terms and providing them with a copy of the draft settlement.

In those instances where there is a disagreement as to the terms of a settlement between the individual(s) named in the charge and the PEF professional advocate assigned to the case, the PEF member/activist will have a right to appeal to the appropriate supervisor for relief and from there to PEF's Director of Labor Relations. The decision of the Director of Labor Relations will be subject to the approval of the PEF President in consultation with the PEF member in question. During this appeal process no settlement will be executed by PEF.

Adopted: June 6, 2002  
Executive Board Meeting

1989 Resolutions

PEF ISSUES III

Resolution 89 - Inadequate Legal staff

WHEREAS, members, from time to time, have been informed that the statewide legal staff is unable to accept a case because of case loads of the attorneys, and

WHEREAS, failure to take such cases has a harmful effect on all members:

THEREFORE BE IT RESOLVED, that if legal staff is unavailable, the Executive Board be notified and consider the hiring of another attorney by directing cost saving measures in other areas of the budget, to represent the individual and the Public Employees Federation in the particular matter.

Submitted by:  
Region 8 Stewards' Council

## INCUMBENT EXECUTIVE BOARD MEMBERS SERVING AS CONVENTION DELEGATES

No incumbent member of the Executive Board may simultaneously serve as a regular convention delegate through the annual delegate election process and as an elected member of the Executive Board. Unless a Board member expressly resigns his or her Executive Board seat, the member's regular delegate seat is automatically vacated and will be filled in favor of the first available alternate delegate elected from the affected constituency as a result of the annual convention election process.

Adopted: January 31, 2008  
Executive Board Meeting

## Invite Trustees to Meetings

Trustees are charged by the PEF Constitution to “Document and report to the membership any activities of this Federation they perceive as not being in the best interest of the membership” and Trustees must also “remain informed about the union’s activities to complete their Constitutional duties”.

**At least one PEF Trustee will be invited to all meetings of the Executive Council.**

Adopted at June 2018 Executive Board meeting

## **LEGAL SERVICE POLICY**

### **Procedures for the Review and Update of the PEF Legal Services Procedure**

- A. Field representative submits to the appropriate Director of Field Services a request for a legal review of a particular issue. Such request will include all information as required per 6/25/84 Legal Intake procedures and the Field Services guidelines for legal referrals.
- B. The appropriate Director of Field Services will respond to the field representative after review of the issue submitted.
- C. (1) If a determination to proceed with a legal issue is made, the field representative will work in concert with the assigned attorney.  
  
(2) If a determination not to proceed with a legal issue is made, the field representative involved will so inform the individual(s) involved within seven (7) days in writing by certified mail, return receipt requested as to the reason(s) why.
- D. In the event that the determination not to proceed with a legal issue is made, the individual(s) may request, through the field representative, that the appropriate Director of Field Services review the issue and decision with the individual(s) involved.
- E. If the individual(s), after reviewing the issue with the appropriate Director of Field Services, is dissatisfied with the determination rendered, he/she, upon written request to the [Director of Field Services] staff designee, may have the issue and determination reviewed by the Legal Appeals Review Committee.
- F. A Legal Appeals Review Committee will make a final determination on whether to proceed on a legal issue that has been rejected by the Legal Department. The Committee's determination shall be sent to the appellant by certified mail, return receipt requested.
- G. The Committee shall be comprised of a permanent three person panel of members of the PEF Executive Board appointed by the President and a staff designee who will chair the meeting and will be a non-voting member of the Committee.
- H. The committee will include at least one statewide officer or regional coordinator. The President shall retain the right to appoint alternates to the committee only when a committee member is a party to the action.
- I. Appeals brought before the Legal Appeals Review committee which appear to include conflicts between groups or officers within PEF or have a policy making implication shall be forwarded to the Board with a recommendation for final disposition. It is understood that the process shall be as expeditious as possible to allow for any appellant requesting such in order to file court papers in a timely manner.



- J. Appeals in which the opinion of PEF Legal has been overturned may be referred to the Executive Board as indicated in I by a dissenting member of the Appeals Committee and/or the President of PEF.
- K. Regional Coordinators, Executive Board Members and Division Leaders whose constituent is an appellant may make an appearance before the committee and will be so notified.
- L. If the appeal process cannot be completed in time to allow an appellant to timely commence his or her legal action and an appellant retains private counsel and is successful in their action, they can request reimbursement from the Board.

Executive Board  
February 25, 1993

Revised: August 5, 2005  
Executive Board Meeting

Revised: August 18, 2006  
Executive Board Meeting

## **NOTIFICATION TO LOCAL OR AGENCY LABOR/MANAGEMENT CHAIRS**

It shall be PEF policy that when and if PEF's Statewide Elected Officials and/or Staff meet with management, that the appropriate Local or Agency PEF Labor/Management Chair be notified before the meeting of its scheduling, and be given a briefing after the meeting of the topics discussed.

Adopted:       October 2006  
                  PEF Convention

## **Mailing, Labels and Membership List Policy**

Names, addresses, telephone numbers, e-mail addresses and fax numbers of PEF members and fee payers are provided to Executive Board Members, Division Officers, Regional Coordinators, Statewide Officers and Trustees. This information is provided for union purposes only and may be shared with other entities on a need-to-know basis. For example, labor councils may request a list of telephone numbers and members for phone banking purposes. Information may not be sold. The privacy of the members should be respected.

### **1. Labels**

Mailing label sets will be created by PEF Central Office for elections. Regional offices will create their own label sets for Regional business. Mailing label sets will be produced in other instances, on a case by case basis, determined by the Secretary-Treasurer.

### **2. Mailings**

Contents of all mailings must be union-related and consistent with all PEF Executive Board policies, and the PEF Constitution and Special Rules of Order.

PEF will mail to specific constituencies by request of the chief elected official of that constituency.

Costs for mailings will be charged back to the respective committee, Division, Region or other PEF budgeted entities. Costs will include postage, supplies, and labor.

Mailings to Executive Board constituencies are not funded by the PEF Central budget. These mailings can be supported by personal or other funding sources, including Divisions. The union will distribute at PEF Central expense, packets of the Executive Board reports to individual worksites with Board members identifying contact persons.

Upon their request, correspondence of Executive Board members to other Executive Board members will be included in the next general Executive Board mailing conducted by PEF.

Executive Board members will receive in Board mailings the initial correspondence and the subsequent response, so that both sides of an issue will be available.

### **3. Membership Lists**

Total Regional data will be distributed quarterly to Regional Coordinators. Distribution may be either electronic or paper format.

Quarterly PEF Division listings without addresses will be distributed to Division Treasurers.

Total constituency data will be distributed within 15 days to Council Officers and Executive Board members upon written request and in accordance with the Election rules.

Monthly printouts of new employees with home addresses will be provided to PEF Membership Benefits.

Adopted: August 22, 2000  
PEF Executive Board Meeting

## MEETINGS

Any Item on the Agenda that is a policy change be noted, and for Member Items, also contain a fiscal impact where appropriate.

Executive Board Meeting  
November 30, 2018

~~It shall be policy, that one of the quarterly scheduled Executive Board meetings shall be held outside the capital district and the PEF members in the Region where the meeting is scheduled to be held, will receive notification of the meeting.~~

Executive Board Meeting  
August 12, 1998

Abolished on June 29, 2018  
Executive Board meeting

As part of the tentative Executive Board agenda, a list of services provided to PEF at a cost or without cost, would be included. This will include the cost of rooms for meetings, for any group wishing to avail itself of such facility.

Executive Board Meeting  
January 30, 1986

~~All PEF meetings should be regarded as open meetings unless declared in Executive Session according to proper procedures; and resort to use of physical force is never appropriate in dealing with PEF colleagues except in an emergency self defense situation. **All PEF meetings are professional meetings, regardless if they are closed or open. Any PEF member or officer who resorts to verbal/emotional or physical force can be brought up on ethics charges.**~~

Executive Board Meeting  
April 30, 1985

Updated on June 29, 2018  
Executive Board Meeting

Child care will be provided at Conventions and Executive Board meetings.

Executive Board Meeting  
August 20, 1982

MEMBER MOBILIZING ROSTER

The Member Mobilizing Roster shall not be used for any political purposes.

Adopted: August 17, 2001  
Executive Board Meeting

## Midterm Changes to Executive Board Constituencies

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

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

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

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

THEREFORE, BE IT RESOLVED: that it be recommended to the President to direct the Constitution and Bylaws Committee, in conjunction with the Division affected, to review and evaluate the problem and propose solutions, including any necessary constitutional amendments to insure membership representation in such cases.

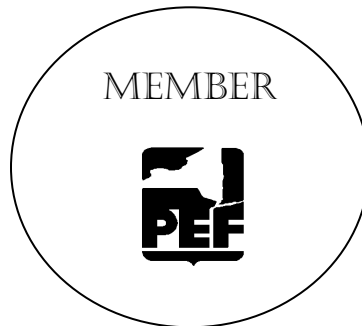
FISCAL IMPACT: Minimal, as the Committee already meets, and this would be an agenda item.

Wayne Spence, PEF President  
Joe Donahue, PEF Secretary-Treasurer  
Darlene Williams, PEF Vice President  
Randi DiAntonio, 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  
Danielle Bridger, PEF Regional Coordinator R8  
Michele Silsby, PEF Regional Coordinator R1  
Gina Corona, PEF Regional Coordinator R4  
Bernadette O'Connor, PEF Regional Coordinator R11  
Radhakrishna Mohan, PEF Regional Coordinator R10  
Barbara Stransky, PEF Regional Coordinator R7  
David Dubofsky, PEF Regional Coordinator R5  
Conrad Davis, PEF Executive Board  
Gregory Salamida, PEF Executive Board

Adopted: October 2022  
PEF Convention

# **MOBILIZING FOR POWER**

*The PEF Member Mobilization Initiative*



## **A Guide for Executive Board Representatives, Division Officers, Shop Stewards and Member Mobilizers**

ADOPTED: JUNE 9, 1999 - Executive Board Meeting

*Roger E. Benson*  
*President*

*Jane Hallum*  
*Secretary-Treasurer*

*Clifford R. Merchant*  
*Director, Education and Training*

**ROLES**

**AND**

**RESPONSIBILITIES \***

**\* Not every title is identified at this stage, but  
will be as the program unfolds**



## **ROLES AND RESPONSIBILITIES FOR ELECTED LEADERS**

### **PRESIDENT**

1. Provide overall leadership and administer the member mobilization program by directing the utilization of PEF resources.
2. Sell/market/promote member mobilization program.

### **SECRETARY/TREASURER**

1. Assure the funding appropriated for the member mobilization program is disbursed and employed for the intended purpose.
2. Sell/market/promote member mobilization program.

### **VICE PRESIDENTS**

1. Coordinate, oversee, and implement the member mobilization program.
2. Sell/market/promote member mobilization program.
3. Report to President on progress of the member mobilization program.
4. Serve as a resource to Regional Coordinators, Executive Board Representatives and Council Leaders.
5. Receive planning and progress reports from the Member Mobilization Committee.

### **REGIONAL COORDINATORS**

1. Coordinate, oversee, implement, and encourage the member mobilization program.
2. Receive charts from Council Leader.
3. Receive organizational reports from Council Leader.
4. Coordinate regional activities and implement statewide activities.
5. Report to President on progress of the member mobilization program.
6. Sell/market/promote member mobilization program.
7. Use charts to evaluate division organization and implement action plans (ex. phone banks).

### EXECUTIVE BOARD REPRESENTATIVES

1. Address policy issues at Executive Board meetings relative to Member Mobilization.
2. Assume Leadership for promoting Member Mobilizer involvement in their constituency.
3. Identify mobilizing activities for use to address labor/management issues.
4. Coordinate with respective Council Leader(s) to assure Member Mobilizers are recruited and charted in their constituency.

### COUNCIL LEADER

1. Serve as the overall mobilization coordinator for their Division.
2. Update location mapping.
3. Recruit Member Mobilizers (everyone an organizer).
4. Identify specific constituencies for Stewards and Member Mobilizers.
5. Assure stewards and Member Mobilizers get and distribute information.
6. Motivate stewards and Member Mobilizers to keep members on task.
7. Notify Field Representatives and Regional Coordinator of any planned mobilization action in advance.
8. Chart members in their division and forward to Regional Coordinator.

### STEWARDS

1. Coordinate mobilization with Member Mobilizers.
2. Recruit Member Mobilizers (goal: 1:10 ratio for member mobilization).
3. Serve as Member Mobilizers for non-organizing area.
4. Assist Council Leaders in charting.

### DELEGATES

1. Assist Stewards with mobilization activities.
2. Attend all PEF Convention training and activities related to the member mobilization program.
3. Serve as a Member Mobilizer for non-organized areas.

PAC, LABOR/MANAGEMENT AND  
HEALTH AND SAFETY COMMITTEES

1. Consider member mobilization program as a resource for all unresolved issues before the respective committee.
2. Notify the respective Regional Coordinator, Executive Board Representative and Field Service Director, in advance, of any member mobilizing activity planned to achieve the goals of the committee.
3. Assume leadership for promoting Member Mobilizer involvement in their constituency.

MEMBER MOBILIZER (10% of the Membership)

1. Update & maintain chart of their 10 people.
2. Lead 2-5 other "activists" in activities.
3. Communicate information both ways.
4. Attend PEF meetings.
5. Wear buttons.
6. Sign petitions letters.
7. Distribute literature.
8. Participate in COPE and attend Rally.
9. Recruit other Member Mobilizers.

PEF MEMBERSHIP

1. At least 30% of the Membership participate in at least one of the following activities:
  - Be a Member Mobilizer
  - Attend a local or regional union meeting
  - Wear buttons/stickers
  - Display something in their work area (tentcards, slogans, stickers, etc.)
  - Sign a petition
  - Help distribute literature
  - Call or write to a legislator
  - Visit a legislator
  - Participate in COPE
  - Participate in a rally/informational picket
  - Use this model for Labor/Management or Grievance Handling
2. Receive information one on one from a Member Mobilizer.

## **ROLES AND RESPONSIBILITIES OF PEF STAFF**

### **DIRECTOR OF LABOR RELATIONS**

1. Oversee, coordinate, and implement the appropriate staff involvement from the Field Services, Contract Administration, Civil Service Enforcement, Health and Safety and Legal Departments in the member mobilization program.
2. Report to the President on the utilization of PEF resources to administer the member mobilization program.
3. Sell/market/promote member mobilization program.

### **STAFF DIRECTOR**

1. Oversee, coordinate, and implement the appropriate staff involvement from the Public Relations, Education and Training, Legislative, and Divisions Departments and the Executive Offices in the member mobilization program.
2. Report to the President on the utilization of PEF resources to administer the member mobilization program.
3. Sell/market/promote member mobilization program.

### **FIELD SERVICE DIRECTORS**

1. Motivate/promote member mobilization program.
2. Evaluate regional programs and motivate elected leaders and staff to be on task.
3. Report to Director of Labor Relations on member mobilization program development.
4. Aggressively assure Field Representatives complete member mobilization assignment.
5. With other Directors, develop standardized training and accounting of member mobilization program.

### **EDUCATION AND TRAINING DIRECTOR**

1. Work with the Member Mobilization Committee and the Director of Labor Relations to motivate and promote member mobilization program.
2. Develop standardized training for the member mobilization program and provide education and training assistance.
3. Provide assistance to the Member Mobilization Committee and elected leaders with the coordination of member mobilization activities.

### FIELD REPRESENTATIVES

1. Train all assigned steward councils and member mobilizers.
2. Assist Council Leaders in recruiting member mobilizers.
3. Provide assistance to activate member mobilizers at request of elected official (Regional Coordinator, Officers).
4. Notify Staff Director and Regional Coordinator of any plans for Mobilizing action.
5. Mentor Council Leaders in charting and all other member mobilization program.
6. Work with Regional Coordinator/Council Leaders to develop work plans for divisions.
7. Selling/marketing/promoting member mobilization program.

### POLITICAL DIRECTOR

1. Identify member mobilization activity to achieve our political goals (provide direction).
2. Organize/implement member mobilization political activity.
3. Use Field Service Director duties for PAL program.
4. Integrate the political action organization with member mobilization organization.

### TRAINING SPECIALIST

1. Assist Field Representatives with the training of Steward Councils and Member Mobilizers.
2. Provide assistance to activate Member Mobilizers at request of elected officials (Officers, Regional Coordinators) or Education and Training Director.
3. Assist Field Representatives with the mentoring of Council Leaders in charting and all other member mobilization program activities.
4. Work with Regional Coordinators, Executive Board Representatives, Council Leaders and Field Representatives to develop work plans for Divisions.
5. Sell/market/promote member mobilization program.

### NURSE ORGANIZER

1. Provide assistance to activate Member Mobilizers at request of elected officials (Officers, Regional Coordinators) or the Director of Labor Relations.
2. Assist Field Representatives with the mentoring of Council Leaders in charting and all other member mobilization program activities.
3. Work with Regional Coordinators, Executive Board Representatives, Council Leaders and Field Representatives to develop work plans for Divisions.
4. Sell/market/promote member mobilization program.

### CENTRAL OFFICE ADMINISTRATIVE SUPPORT

1. Maintain statewide member mobilization program database.
2. Maintain statewide training records for member mobilization program.
3. Prepare statewide and regional database reports for Statewide Officers, Regional Coordinators and Executive Board Representatives.
4. Assist with member mobilization program activities, such as mailing and phone banks.
5. Be trained on member mobilization.
6. Suggest program improvements to elected leaders and staff.

### REGIONAL OFFICE SECRETARY

1. Input database on charting.
2. Keep records of training member mobilizers.
3. Forward charting information to Central Office database.
4. Be trained on member mobilization.
5. Suggest program improvements to elected leaders and staff

- Please note that this is a work in progress. As the member mobilization program progresses and staff not already identified in this document become significantly involved additional roles and responsibilities will be developed.

## **NON-PROFIT VOLUNTARY SERVICE**

Whereas, the Public Employees Federation (PEF) is asked from time to time to help raise money for a non-profit voluntary service agency which has a state subsidized contract; and

Whereas, the (State Subsidized Agencies) (Not for Profit agencies) receive federal and state dollars as one of their primary funding sources; and

Whereas, this contract may compete with PEF member provided services; and

Whereas, PEF is opposed to contracting out state services through privatization; and

Whereas, PEF is considering organizing these alternate Operated Agencies:

Therefore, be it Resolved that the Public Employees Federation should in no way, either officially or unofficially volunteer, donate money, time or services to agencies who are deemed as Contracting out Services where there is a loss of PEF member jobs (e.g. ARC & UCP) and that members who care to donate or volunteer their services, be encouraged to also do so within our own State Operated Services System.

Executive Board  
March 3, 1992

NOTIFICATION ON MOTIONS AND RESOLUTIONS POLICY

When the Executive Board is asked to consider motions or resolutions which have union wide impact or which compel a position on all agencies represented by PEF, members will receive two weeks' notice and a copy of the proposed motion.

Adopted: December 2, 1994  
Executive Board Meeting



## Notification Policy

It shall be incumbent upon PEF labor relations and field staff to immediately notify both the Council Leader and the Executive Board, only with the consent of the member involved, of all instances where a Division member has been notified that they are to be interrogated as well as instances where a Division member has been issued a Notice of Discipline; and both the Council Leader and Executive Board members shall be apprised of the full extent of the issues involved.

Adopted May 5, 1994  
Executive Board Meeting

## Nursing Issues

Since the nurses comprise the largest title group in PEF, that nurses be given the same level of consideration as other important issues, such as the state budget; that the officers of PEF develop a plan of action on nursing issues; present it to the Executive Board for its approval and direct the Nurses Committee to implement that plan; that this plan be published in the Communicator; and that the statewide Chair of Nurses Committee report progress on this plan to the officers monthly and to the Executive Board when it meets; and that these reports be printed in the Communicator.

Executive Board  
December 12, 1991

## PEF Oath of Office for Elected Officials

I, [**insert name**], solemnly promise to uphold the Constitution and the Code of Conduct for Elected Officials of the Public Employees Federation, and to faithfully and honestly execute my duties as [**insert office**] of the Public Employees Federation.

Approved January 28, 2019

### O.M.H. and O.M.R.D.D. Organizing

Effective immediately (8/1/91) a Pilot Project consisting of an extensive organizing drive shall take place at the Voluntary Operated Agencies serviced by the OMRDD facilities slated for closure. These facilities in the Pilot Project initially will be Letchworth, Long Island, Wilton, O.D. Heck and all other closure facilities thereafter. This will also include the OMH facilities located in the vicinity of the four OMRDD sites and all other OMH facilities thereafter.

This organizing drive shall be directed by but not limited to the Regional Coordinator, Council Leader, Executive Board Member, Statewide L/M Chair, the PEF Organizer, the Chair of the Organizing Committee, and assigned facility field representatives. The voluntary agencies to be organized shall be determined by the above mentioned group. All efforts shall be made by PEF to obtain and utilize financial, educational and any other required services from our International SEIU (AFT) (i.e., a loan SEIU strike fund) for this organizing campaign.

Executive Board  
August 2, 1991

## Organize the Contractors

Whereas, the overwhelming majority of private not-for-profit and private for-profit groups in New York State, that through the State's efforts at privatization will attempt to take over the provision of services we perform are non-unionized; and

Whereas, these same groups profit from the sub-standard wages, benefits, and working conditions of their employees; and

Whereas, because of these conditions the turnover rate of staff is excessively high and the quality of the services provided substantially diminished; and

Whereas, it goes against the whole purpose of unionism for public sector unions to try to "complete" with low-quality, low-cost competitors, the only antidote to contracting out is to organize the contractors:

Therefore be it resolved, that PEF seek whatever assistance and support from its Internationals (SEIU and AFT) that is needed to continue the drive to organize the contractors; and

Be it further Resolved, that with these resources PEF utilize its members and staff to help fulfill these organizing drives.

Submitted:    Neila Cardus  
                  Bernice Jones  
                  Bill Crotty  
                  Paul Marling  
                  Michael Valentino

1988 Resolutions

Resolution 58 - Organizing Non-PS&T Employees

WHEREAS, membership is open to certain non-PS&T employees under the provisions of Article V of the PEF Constitution; and

WHEREAS, bringing new bargaining units into PEF requires a significant commitment of union resources; and

WHEREAS, organizing non-PS&T bargaining units requires PEF to provide them legal representation and to negotiate a contract with their employer; and

WHEREAS, PEF does not have unlimited resources; and

THEREFORE BE IT RESOLVED, henceforth it will be the policy of this union that each organizing effort which could result in a representation election to add non-PS&T employees to PEF membership, will be specifically authorized by the PEF Executive Board prior to the initiation of an intensive organizing effort.

Submitted by: Roger E. Benson  
James J. Sheedy  
David S. Greene

## **PEF CODE OF ETHICS**

In 1980, the Executive Board adopted a Code of Ethics. Recommended by the PEF Ethics Committee, the Code includes a mechanism to deal with violations of the *PEF Code of Ethics*, as well as violations of the PEF Constitution, Special Rules of Order, and PEF policy, as set forth herein.

### **ETHICS VIOLATIONS**

PEF's elected officials and members may be charged with:

1. A violation of the PEF Constitution and Special Rules of Order;
2. A violation of the PEF Code of Ethics;
3. A violation of the Guidelines for PEF E-Mail accounts;
4. A violation of PEF policy related to financial matters including but not limited to the PEF policy on Personal Gifts and Gratuities, or the PEF policy on Purchase and Distribution of Giveaways to PEF Members by PEF Elected Officials;
5. A violation of the PEF Professional Conduct Policy, or;
6. For elected officials, a violation of the Code of Conduct for PEF Elected Officials.

<sup>1</sup> As used in the PEF Code of Ethics herein, the term "member" shall include elected officials.

### **CODE OF ETHICS**

1. No member<sup>1</sup> shall use the PEF name or logo for anything other than official PEF business.
2. Only official PEF literature shall be posted on PEF bulletin boards provided under contractual rights by the collective bargaining agreement with the employer.
3. Only official PEF business shall be conducted at meetings arranged in the name of PEF. Meeting space at PEF operated properties shall be allocated in a fair and equitable manner.
4. No member shall commence litigation concerning a union matter against PEF or any of its officers, Executive Board members, or members without first seeking redress from the Executive Board or its duly appointed committee(s).
5. All members shall conduct themselves in a manner that is conducive to fairness and fair play working only for the good and welfare of the membership.

6. No official PEF letterhead, PEF publication, PEF Internet website (including but not limited to Divisional and Regional websites, Facebook pages, etc.), or any other PEF electronic media, shall be used to endorse a PEF member for union election.
7. No official PEF letterhead, PEF publication, PEF Internet website (including but not limited to Divisional and Regional websites, Facebook pages, etc.), or any other PEF electronic media, shall be used to make an accusation against another PEF member which is defamatory.
8. No Steward shall be denied the opportunity to have a PEF meeting convened to deal with issues of interest to that Steward or his/her constituency.
9. No member shall bring charges of a malicious or frivolous nature against another member.
10. No member shall engage in corrupt or unethical practices by taking money, books, records, or other property belonging to PEF or its Divisions, Committees or Regions. The unauthorized destruction, alteration, or mutilation of records, vouchers, or receipts, will constitute a violation of this Code.
11. No member shall abridge the rules and procedures adopted by the PEF Convention or Executive Board, violate an oath of office, nor disclose information obtained in Executive Session.
12. No member shall engage in corrupt practices or racketeering concerning a union matter.
13. No elected official shall engage in dual unionism or advocate secession from PEF.
14. No member shall harass or assault another PEF member at a union meeting or event; and no member shall engage in discrimination or bigotry toward another PEF member concerning a union matter.
15. If a member is convicted in a court of law or enters into a plea bargain agreement for misuse or misappropriation of PEF monies; or if PEF obtains a civil judgment against a member for the misuse or misappropriation of PEF monies; or as part of a settlement agreement between PEF and the member, the member agrees to reimburse PEF for monies improperly obtained or disbursed; or if a court, tribunal, agency, board, administrative or regulatory body, finds that a member engaged in frivolous, malicious, vexatious, defamatory, or abusive conduct towards PEF or any of its members concerning a union matter, and the time to appeal such finding has expired, PEF's Secretary-Treasurer (or President if the Secretary-Treasurer is a party to such conviction, judgment, settlement agreement or finding) shall be informed of the conviction, judgment, settlement agreement or finding. The Secretary-Treasurer (or President as the case may be) may file charges on behalf of PEF against the member with the Ethics Committee. Nothing herein should be



construed to discourage legal action taken in good faith. This paragraph shall not preclude other members in good standing from filing charges with the Ethics Committee against a member for the alleged misconduct set forth in this paragraph.

## COMMITTEE ON ETHICS AND RESPONSIBILITY

To enforce the provisions of this Code, the President shall appoint five members in good standing to the Committee on Ethics and Responsibility (Ethics Committee). The President will appoint one Ethics Committee member to serve as Chair. The Ethics Committee will decide cases based only on the submission of evidence (documents, recordings, videos, etc.) in Executive Session with no oral testimony from parties or witnesses. The Ethics Committee will then render a written decision, which may include sustaining, dismissing, or referring the case to the President for a hearing before a Hearing Panel. A quorum consisting of at least three Ethics Committee members shall be required to consider and render a decision on charges; all decisions will be by majority vote.

## PROCEDURE

### A. Charges

Charges may only be initiated by members in good standing. The written charges must be legible and specific, and filed on a form provided by the Ethics Committee. This form shall be signed by the Petitioner (charging party) and notarized. The form shall contain:

1. Name and home address of the Petitioner.
2. Name and home or work address (if known) of the Respondent.
3. A specific citation of the Code of Ethics violation must be listed by number and/or specific paragraph of the Constitution and/or PEF policy (listing the name and precisely citing the exact language are recommended).
4. A clear and concise statement of the facts surrounding the allegations, to include the date and place of occurrence as well as the date of discovery of the allegation. The names of witnesses should be identified, and their notarized statements included. Provide all necessary written and verbal evidence (documents, witness statements, recordings, text messages, videos, etc.) to substantiate the charge. The burden for producing evidence and investigating the issues rests with the Petitioner.

### B. Filing

The Ethics Petition shall be filed, by mail or personal delivery, with the PEF Executive Department Paralegal, or equivalent position within the Executive Department, at PEF Headquarters. The PEF Executive Department Paralegal shall refer the case immediately

to the Chair of the Ethics Committee. Charges must be filed no later than 60 days after the charging party discovers the alleged violation. If a charge is filed against a group, each member of that group must be named in the charge and must be notified. The date of filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of Petitions shall not be accepted.

The PEF Executive Department Paralegal, or equivalent position within the Executive Department, shall serve the Respondent(s) with a copy of the charges either personally or by certified mail, return receipt requested, directed to the last known home address of the Respondent. The Respondent shall have 20 days in which to respond if personally served. If the charges are served by mail, the 20 days to respond begin to run 7 calendar days from the date of mailing, as shown by the date of postmark. The same time to respond applies in the event the document is undeliverable or refused. The Respondent's response must be filed, by mail or personal delivery, with the PEF Executive Department Paralegal at PEF Headquarters. Emails or facsimiles of the Respondent's response shall not be accepted. Copies of all correspondence from the Petitioner and Respondent shall be forwarded to the Ethics Committee for review and resolution. A copy of the Respondent's response will be sent to the Petitioner.

### **C. Ethics Committee Review**

Meetings of the Ethics Committee will be held in Executive Session and all members of the Ethics Committee will have a duty to keep all matters confidential. The Ethics Committee will make every effort to meet within 60 days of receipt of the Petition to review and then decide each case. The Ethics Committee's decision shall be served on the parties either personally or by certified mail, return receipt requested. The Ethics Committee may:

1. **Dismiss the charges** if the Ethics Committee finds a lack of evidence to substantiate the Petition or procedural violation; or
2. **Sustain the charges and issue an Ethics decision** to the parties defining their responsibilities under the Code of Ethics, e.g. the Constitution, Code of Conduct, or PEF policy, if violations are found to be of a minor or technical nature.
3. If it finds substantial evidence of a more serious Ethics violation (see Ethics Violations 1 through 6), **refer the matter to the President for a hearing before a Hearing Panel** and issue an Ethics decision to the parties.
4. Only the Ethics Committee Chair shall be authorized to answer procedural questions raised by any party.
5. The Ethics Committee Chair must remove a committee member from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition.

6. The Ethics Committee Chair must recuse him/herself from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition. If the Ethics Committee Chair recuses him/herself, the PEF President will appoint an alternate Ethics Committee Chair (from the existing Ethics Committee members).

7. Ethics Committee decisions dismissing charges or sustaining charges found to be of a minor or technical nature are final and effective upon the expiration of the time to appeal such a decision. If the Ethics Committee decision is appealed to the Executive Board, the Ethics Committee Chair will prepare a written summary of the case to be presented to the Executive Board.

#### **D. Appeals to Executive Board**

1. Appeals of Ethics Committee decisions dismissing charges or sustaining charges found to be of a minor or technical nature may be brought to the Executive Board by any party to the Petition. Appeals may also be brought to the Executive Board by any party to the Petition from any Hearing Panel decision. All appeals must be filed, by mail or personal delivery, with the PEF Executive Department Paralegal at PEF Headquarters. The date of filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of appeals shall not be accepted. The Appellant shall have thirty (30) days to appeal if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused.

2. The appeal shall contain a concise statement of the facts that the Appellant feels warrants such an appeal, based only on information and evidence presented to the Ethics Committee, the Hearing Panel, or both.

3. A one-third (1/3) vote of the present and voting Executive Board members is required to hear the appeal. No member of the Ethics Committee, no witness, and no party to the appeal, shall vote on whether to hear an appeal from an Ethics Committee decision dismissing charges or sustaining charges found to be of a minor or technical nature. No member of the Hearing Panel that presided over the hearing, no witness, no member of the Ethics Committee and no party to the appeal, shall vote on whether to hear an appeal from the decision of the Hearing Panel. The Executive Board, upon one-third (1/3) vote of those present and voting, shall hear the appeal during the Executive Board session, provided that the Appellant postmarks the appeal within thirty (30) calendar days prior to the meeting.

4. If the Executive Board does not vote to hear the appeal, the decision is final.

5. Travel, Employee Organization Leave (EOL), and other expenses to attend the appeal will not be provided by PEF. Neither appeals nor postponements will be scheduled for the convenience of any party.

6. If the Executive Board votes to hear the appeal, the parties will have a maximum of ten minutes to provide in-person presentations to the Executive Board, unless the Board votes to provide extra time. If the Board votes to provide a party extra time, all other parties must be afforded the same allowance. A presenter must be a party or member in good standing asked by a party to present. While attorneys who are PEF members in good standing may present the case on behalf of the Appellant or Appellee, outside attorneys are not allowed to participate in the presentation. If a party has more than one presenter they must cumulatively remain within the total allotted time. Only information and evidence presented to the Ethics Committee, the Hearing Panel, or both, may be presented to the Board during such in-person presentations.

7. If the Executive Board votes to hear an appeal from an Ethics Committee decision **dismissing charges** it may, by a majority vote of the present and voting Executive Board members with the exception of the Ethics Committee members, witnesses, and parties to the appeal who shall not vote:

a. sustain the Ethics Committee decision;

b. overturn the Ethics Committee decision and find that the allegations were of a minor or technical nature. In such case, the Executive Board shall recommend that the Ethics Committee Chair draft a decision defining the party's responsibilities under the Code of Ethics, e.g. the Constitution, Code of Conduct, or a specified covered PEF policy; or

c. overturn the Ethics Committee decision by finding substantial evidence of a more serious Ethics violation. In such case, the matter will be referred to the President for a hearing before a Hearing Panel.

8. If the Executive Board votes to hear an appeal from an Ethics Committee decision **sustaining charges** of a minor or technical nature it may, by a majority vote of the present and voting Executive Board members with the exception of Ethics Committee members, witnesses, and parties to the appeal who shall not vote:

a. sustain the Ethics Committee decision;

b. overturn the Ethics Committee decision and dismiss the charges; or

c. overturn the Ethics Committee decision by finding substantial evidence of a more serious Ethics violation. In such case, the matter will be referred to the President for a hearing before a Hearing Panel.

9. If the Executive Board votes to hear an appeal from a **Hearing Panel** decision it may, by a majority vote of the present and voting Executive Board members with the exception of members of the Ethics Committee, members of the Hearing Panel that presided over the hearing, witnesses and parties to the appeal who shall not vote:

- a. sustain the Hearing Panel's decision;
- b. amend the Hearing Panel's decision by vacating or mitigating any discipline;
- c. overturn the Hearing Panel's decision by dismissing the Petition; or
- d. remand the Hearing Panel's decision to the Hearing Panel for reconsideration with recommendation(s) from the Executive Board. Upon the Hearing Panel's reconsideration, either party may appeal to the Executive Board in accordance with this Code. If the Executive Board votes to hear the appeal, it may, by a majority vote of the present and voting Executive Board members with the exception of members of the Ethics Committee, members of the Hearing Panel that presided over the hearing and/or reconsideration, witnesses, and parties to the appeal who shall not vote: (a) sustain the Hearing Panel's decision; (b) amend the Hearing Panel's decision by vacating or mitigating any discipline; or (c) overturn the Hearing Panel's decision by dismissing the Petition.

10. A decision by the Executive Board shall be considered final.

#### **E. Hearing Panel**

1. Upon receipt by the President of a decision referred for a Hearing Panel, the President shall select five members and two alternates from the PEF Executive Board to preside at the hearing. Such selection shall be subject to confirmation by the Executive Board. The President shall appoint one Hearing Panel member to serve as Chair.

If the President is a party to the Petition, the Secretary-Treasurer shall select five members and two alternates from the PEF Executive Board, subject to confirmation by the Executive Board. If the President is a party to the Petition, the Secretary-Treasurer shall appoint one Hearing Panel member to serve as Chair.

If both the President and Secretary-Treasurer are parties, the Ethics Committee Chair shall select five members and two alternates from the PEF Executive Board, subject to confirmation by the Executive Board. If both the President and Secretary-Treasurer are parties, the Ethics Committee Chair shall appoint one Hearing Panel member to serve as Chair.

The alternates shall only attend the hearing if a vacancy occurs on the Hearing Panel. In the event of such vacancy, the Hearing Panel Chair shall select an alternate from the two alternates that have been confirmed by the Executive Board and such alternate shall preside at the hearing.

No party to the Petition, witness to the events at issue, or Ethics Committee member may be a member of the Hearing Panel.

The Hearing Panel Chair must remove a Hearing Panel member from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition.

The Hearing Panel Chair must recuse him/herself from consideration of a Petition should the Chair determine that a conflict of interest exists regarding such Petition. If the Hearing Panel Chair recuses him/herself, an alternate Hearing Panel Chair shall be appointed (from the existing Hearing Panel members).

2. At least one Petitioner must appear before the Hearing Panel or the case will be dismissed. The Petitioner(s) has the option to either present his/her own case or be accompanied by a PEF member in good standing to present on his/her behalf. The Respondent may appear before the Hearing Panel and with witnesses to answer the charges. The Respondent may select another PEF member in good standing to represent him/her in the presentation of a defense. The Respondent may present a defense in writing rather than personally appear. In the absence of a written or in-person defense, the hearing shall proceed. While attorneys who are PEF members in good standing may present the case on behalf of a Petitioner or Respondent, outside attorneys are not allowed to participate in the hearing.

3. The final witness list, if any, must be submitted to the Ethics Committee Chair by a party one week prior to the date of the hearing. If a party elects to have a member in good standing present on his/her behalf, the name of such member must be submitted to the Ethics Committee Chair by a party one week prior to the date of the hearing. Such witness list and name of member, if any, shall be distributed to all parties by the Ethics Committee Chair.

4. The hearing will be audio recorded by the Hearing Panel Chair, with a true and accurate audio copy provided to the parties upon request. Any other recording (video, audio, etc.) or reproduction is expressly forbidden by anyone present at the hearing, as the hearing is held in Executive Session. The official record of the hearing will be the Hearing Panel Chair's audio recording.

5. A full and fair hearing will be conducted with the Respondent afforded the right to question witnesses and examine any evidence presented by the Petitioner. Witnesses need not testify under oath.

6. Upon completion of the hearing, the Hearing Panel shall, by majority vote, decide on whether to sustain the charges in whole or in part. The Hearing Panel will make every effort to render its written decision within thirty (30) calendar days of the conclusion of the Panel's deliberations. The Hearing Panel's decision shall include a summary of the evidence presented and shall state the basis upon which the decision was made.

7. The Hearing Panel decision shall be served on the parties either personally or by certified mail, return receipt requested, to all parties.

8. If the charges, or any portion thereof, are sustained, the Hearing Panel shall render a decision and may impose discipline. Discipline may include, but is not limited to:

- a. Require the guilty party or parties to conform to the Code of Ethics.
- b. Direct a party to perform or restrain from specific acts.
- c. Censure a party.
- d. Deprive a party of specified PEF privileges for a specified time period.
- e. Suspend a party from membership in PEF for a specified period of time.
- f. Revoke a party permanently from membership in PEF.
- g. Recommend removal from office in accordance with the PEF Constitution.

9. Judgments of the Hearing Panel are final and shall take effect upon the expiration of the time to appeal. All appeals must be filed, by mail or personal delivery, with the PEF Executive Department Paralegal at PEF headquarters. The Appellant shall have thirty (30) days to appeal if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused. If appealed, the judgment of the Hearing Panel will not be enforced until the Executive Board renders a final decision.

#### **F. Failure to Comply**

Failure by an elected official to comply with a final judgment imposing discipline shall be considered an action detrimental to PEF's interest and may lead to removal from office in accordance with the PEF Constitution.

Failure by a member to comply with a decision of the Ethics Committee, Hearing Panel or Executive Board will be grounds for further disciplinary action in accordance with the Code of Ethics.

#### **SEIU VIOLATIONS:**

In the case of charges filed under SEIU Constitution, those appeals shall be pursuant to Article XVII, Section 6, 7 and 8 of that constitution.

Adopted: March 8, 1996  
Executive Board Meeting  
Revised: March 3, 1999  
Executive Board Meeting  
Amended: June 7, 2002  
Executive Board Meeting  
Revised: November 22, 2002  
Executive Board Meeting  
Revised: August 5, 2005  
Executive Board Meeting  
Amended: March 3, 2006  
Executive Board Meeting  
Revised: August 18, 2006



### **Rules of Procedure For Hearings (Before Hearing Panel)**

1. The PEF Executive Department Paralegal will notify all parties to the charge by certified mail, return receipt requested, at least 30 days in advance of a hearing as to the date, hour and place of the hearing. Copies of the Ethics Committee decision and these rules will be forwarded to the parties.
2. At least one Petitioner must appear before the Hearing Panel or the case will be dismissed. The Petitioner(s) has the option to either present his/her own case or be accompanied by a PEF member in good standing to present on his/her behalf. The Respondent may appear before the Hearing Panel and with witnesses to answer the charges. The Respondent may select another PEF member in good standing to represent him/her in the presentation of a defense. The Respondent may present a defense in writing rather than personally appear. In the absence of a written or personal defense, the hearing shall proceed. While attorneys who are PEF members in good standing may present the case on behalf of a Petitioner or Respondent, outside attorneys are not allowed to participate in the hearing.
3. The Hearing Panel Chair shall determine the admissibility of evidence and decide all procedural questions in accordance with the Code of Ethics and these rules. Relevant evidence, whether presented through documents or testimony, will be reviewed by the Hearing Panel. Conformity to legal rules of evidence shall not be necessary. Hearsay evidence may be admissible.
4. Final witness lists will be submitted to the Ethics Committee Chair one week prior to the scheduled hearing. If a party elects to have a member in good standing present on his/her behalf, the name of such member must be submitted to the Ethics Committee Chair by a party one week prior to the date of the hearing. Such witness list and name of member, if any, shall be distributed to all parties by the Ethics Committee Chair. The Hearing Panel Chair may reduce the number of witnesses, should duplication and redundancy be apparent.
5. The Ethics Committee Chair will present a detailed written summary of its findings to the Hearing Panel.
6. All hearings shall be held in Executive Session. Only parties to the charge, member representatives if any, and witnesses are allowed to participate in the hearing. Witnesses will remain outside the hearing room until called to testify by an authorized Hearing Panel member.
7. The Hearing Panel Chair will announce at the beginning of the hearing that the proceedings



are in Executive Session and that there is an obligation for confidentiality for all those present for the hearing. The hearing will be audio recorded by the Hearing Panel Chair, with a true and accurate audio copy provided to the parties upon request. Any other recording (video, audio, etc.) or reproduction is expressly forbidden by anyone present at the hearing, as the hearing is held in Executive Session. The official record of the hearing will be the Hearing Panel Chair's audio recording.

8. Each party to the charge will be allowed a maximum of 15 minutes to present a statement of their case, unless the Hearing Panel Chair determines that additional time is needed.

9. Witnesses will be allowed to testify for up to 10 minutes on direct examination. The Hearing Panel has the right to ask questions and the Hearing Panel Chair may extend the time if he/she determines that additional testimony is needed.

10. Cross-examination of witnesses, Petitioners and Respondents will be allowed.

11. Each party to the charge will be allowed a maximum of 15 minutes to summarize their respective positions.

12. The Hearing Panel Chair shall be authorized to adopt such other rules of procedure as are necessary to ensure an orderly and efficient proceeding and to provide all parties with due process.

13. At the conclusion of the hearing, the Hearing Panel will deliberate the charges set forth in the Petition. A majority vote will then decide whether to sustain or dismiss the charges in whole or in part; and what penalty, if any, shall be imposed.

14. As a matter of procedure, the PEF Executive Department Paralegal will serve a copy of the Hearing Panel decision to all parties within 7 days of the date the final decision is rendered.

15. Appeals may be brought to the Executive Board by any party to the Petition from any Hearing Panel decision. If appealed, the judgment of the Hearing Panel will not be enforced until the Executive Board renders a final decision. The Secretary-Treasurer will ensure that the penalties (if any) are enforced. If such penalty applies to the Secretary-Treasurer, the President will ensure that the penalty is enforced.

Rules 1- 12 Adopted August 5,  
1994 Executive Board Meeting  
Revised: December 4, 2020  
Executive Board Meeting

New York State Public Employees Federation  
Committee on Ethics and Responsibility  
1168-70 Troy-Schenectady Road  
PO Box 12414  
Albany, NY 12212-2414  
1-800-342-4306  
Online at PEF.org

**ETHICS PETITION ERC# \_\_\_\_\_ Office Use**

1. \_\_\_\_\_  
Petitioner Name Full Home Mailing Address
2. \_\_\_\_\_  
Respondent Name Full Home Address or Work Address  
(include agency)

*Instructions:* Obtain a copy of the PEF Code of Ethics, the PEF Constitution, or the PEF Policy Manual. These documents are available from your local PEF office, on the PEF website, or from the above address. On the form below, describe the alleged Ethics Violations by numbers and/or the specific article of the Constitution, and/or PEF policy text, indicating how the Respondent violated those sections, providing appropriate documentation, evidence, and notarized witness statements, as well as date(s) of occurrence. Use additional sheets if necessary. Either type or print your Petition. Upon completion, have your signature notarized, and send a copy of the completed form with attachments to the PEF Executive Department Paralegal at the above address within 60 days after the charging party discovers the alleged violation.

3. List the specific title(s) and section(s) violated (per instructions above): \_\_\_\_\_

4. Statement of facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Use additional sheets if necessary.

5. Oath: \_\_\_\_\_, being duly sworn, deposes and says that (s)he is the Petitioner above named and that (s)he has read the above Petition consisting of this and \_\_\_\_\_ additional page(s) and is familiar with the facts alleged therein, which facts (s)he knows to be true, except as to those matters alleged on information and belief, which matters (s)he believes to be true.

\_\_\_\_\_  
Signature of Petitioner

Sworn to me this \_\_\_\_ day of \_\_\_\_\_ of 20\_\_\_\_

\_\_\_\_\_  
Notary Public

## ETHICS PETITION INSTRUCTIONS

1. Statement of facts should be clear and concise. Use of excess verbiage detracts from understanding the issues.
2. Ensure that the filing deadline meets the 60 day timeliness test, otherwise the Petition will be dismissed. The Petition must be filed no later than 60 days after the charging party discovers the alleged violation. The date of the filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of Petitions shall not be accepted. If the latest example of an unethical act is part of a series of events, indicate that the actions are *continuous* so that earlier occurrences can be cited, and not ruled invalid.
3. Provide a clear and concise statement of facts surrounding the allegations, to include the date and place of occurrence as well as the date of discovery of the allegation. The names of witnesses should be identified, and their notarized statements included. Provide all necessary written and verbal evidence (documents, witness statements, recordings, text messages, videos, etc.) to substantiate the charge. The burden for producing evidence and investigating the issues rests with the Petitioner. Unsupported claims will be dismissed.
4. Do your own investigation. The Ethics Committee meets and only reviews submitted paperwork, allegations listed in the paperwork, and does not have the resources to interview witnesses or research unsubstantiated charges.
5. Your case will have a number assigned after submission. The number starts with the year of filing, followed by a number indicating the order in which it was received e.g. (ERC 2020-001). **Refer to your case number in all subsequent correspondence.** The Ethics Committee is not responsible for the misfiling of documents not referencing the case number.
6. If additional evidence or documentation comes to light subsequent to your initial filing, you may submit such documentation provided that time permits that copies can be provided to the Respondent prior to the hearing of the case.
7. Once the Ethics Committee reaches a decision, it is final. Further recourse is through an Executive Board Appeal. Refer to Section D of the Code of Ethics for the appeals procedure.

New York State Public Employees Federation  
Committee on Ethics and Responsibility  
1168-70 Troy-Schenectady Road  
PO Box 12414  
Albany, NY 12212-2414  
1-800-342-4306  
Online at PEF.org

**ETHICS PETITION RESPONSE ERC# \_\_\_\_\_ Office Use**

Respondent Name

Full Home Address

*Instructions:* Obtain a copy of the PEF Code of Ethics, the PEF Constitution, or the PEF Policy Manual. These documents are available from your local PEF office, on the PEF website, or from the above address. On the form below, respond to the charges as appropriate. Use additional sheets if necessary. You may attach notarized witness statements or other exhibits to document your statement. Either type or print your response. Upon completion, have your signature notarized, and send a copy of the completed form and attachments to the PEF Executive Department Paralegal at the above address. You shall have 20 days in which to respond if personally served. If the charges are served by mail, the 20 days begin to run 7 days after the date of the mailing by PEF, as shown by the date of postmark. The same time to respond applies in the event the document is undeliverable or refused. If additional time is requested, it may be granted at the discretion of the Ethics Committee Chair for good reason/cause. Contact the Chair of the Committee.

I have received the Petition filed against me, and the following statement is my response:

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Use additional sheets if necessary.

Oath: \_\_\_\_\_, being duly sworn, deposes and says that (s)he is the Respondent above named and that (s)he has read the above Petition consisting of this and \_\_\_\_\_ additional page(s) and is familiar with the facts alleged therein, which facts (s)he knows to be true, except as to those matters alleged on information and belief, which matters (s)he believes to be true.

\_\_\_\_\_  
Signature of Respondent

Sworn to me this \_\_\_\_ day of \_\_\_\_ of 20\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public

## INSTRUCTIONS for ETHICS PETITION RESPONSE

1. All documents relating to your response should have the **case number referenced**. This is the number that appears in the upper right hand corner of the Petition. The number starts with the year of filing, followed by a number indicating the order in which it was received (e.g. ERC 2020-001).
2. Provide a clear and concise rebuttal. Use of excess verbiage detracts from understanding the issues.
3. Check to ensure that the Petition filed against you was filed within the 60 day time limit. The Petition must be filed no later than 60 days after the charging party discovers the alleged violation. The date of filing shall be the date of the postmark or the date of hand delivery as evidenced by a signed receipt. Emails or facsimiles of Petitions shall not be accepted.
4. Provide documentation, if possible, to support your rebuttal of the charges filed against you. Remember, the burden for proving the charge is placed upon the Petitioner. You may provide any additional documents to assist in your defense such as, but not limited to, notarized witness statements and relevant exhibits.
5. Do your own investigation. The Ethics Committee meets and reviews submitted paperwork only.
6. Once the Ethics Committee reaches a decision, it is final. Further recourse is through an Executive Board appeal. Refer to Section D of the Code of Ethics for the appeals procedure.

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Online at PEF.org

**ETHICS APPEALS FORM ERC#\_\_\_\_\_ Office Use**

Appellant Name

Full Home Address

*Instructions:* Obtain a copy of the PEF Code of Ethics, the PEF Constitution, or the PEF Policy Manual. These documents are available from your local PEF office, on the PEF website, or from the above address. In the space provided below, state why you are appealing the decision rendered by the Ethics Committee or the Hearing Panel. Use additional sheets if necessary. **Please note – new information may not be submitted in the Appeal that was not presented to the Ethics Committee, the Hearing Panel, or both.** Either type or print your response. Upon completion, have your signature notarized, and send a copy of the completed form and attachments to the PEF Executive Department Paralegal at the above address. You shall have thirty (30) days to appeal if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused.

I have received a copy of the Ethics Committee, or Hearing Panel Decision, and the following statement(s) are my reasons for appealing:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Use additional sheets if necessary.

Oath: \_\_\_\_\_, being duly sworn, deposes and says that (s) he is the Appellant above named and that (s) he has read the above Appeal consisting of this and \_\_\_\_\_ additional page(s) and is familiar with the facts alleged therein, which facts (s) he knows to be true, except as to those matters alleged on information and belief, which matters (s) he believes to be true.

\_\_\_\_\_ Sworn to me this \_\_\_\_ day of \_\_\_\_ of 20 \_\_\_\_  
Signature of Appellant

\_\_\_\_\_  
Notary Public

Appendix A: Ethics Process Flow Chart

**ETHICS CHARGES FILED**

Charges must be filed no later than 60 days after charging party discovers alleged violation.

**RESPONDENT HAS 20 DAYS TO RESPOND**

The Respondent will be served with a copy of the charges. The Respondent shall have 20 days to respond if personally served. If the charges are served by mail, the 20 days to respond begin to run 7 calendar days from date of postmark of this mailing.

**ETHICS COMMITTEE WILL REVIEW PETITION**

Committee may: dismiss charges - sustain charges of a minor or technical nature - or refer the matter to the President for a hearing before a Hearing Panel.



**OR**



**1. If the Committee dismisses or sustains charges of a minor or technical nature:**

**2. If referred to the President for hearing before a Hearing Panel:**

**EITHER PARTY MAY APPEAL TO THE EXECUTIVE BOARD**

**REFERRED TO HEARING PANEL**

**-President will appoint panel with confirmation from the Executive Board**

\*Appeals must be filed within thirty (30) days if the decision is personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of the postmark. The same time to appeal applies in the event the document is undeliverable or refused.

\*All parties notified at least 30 days in advance of hearing.

\*Hearing conducted. Decision rendered and parties notified.

\*Decision by the Executive Board is final.

\*Either party can appeal to the Executive Board. Appeals must be filed within thirty (30) days if personally served. If the decision is served by mail, the 30 days to appeal begins to run 7 calendar days from the date of the mailing, as shown by the date of postmark. The same time to appeal applies in the event the document is undeliverable or refused.

\* Decision by the Executive Board is final.

## PEF COLORS

PEF and all of its regions, divisions, and committees shall place the PEF name and or initials on all articles of clothing that they distribute. In addition they are encouraged to use the entire PEF logo and AFL-CIO initials. PEF and any of its regions, divisions and committees may modify the logo by adding words, numbers or symbols to individualize it for the region, division, committee or event.

Adopted: August 7, 2003  
Executive Board Meeting



## **PEF Monument Policy**

Whereas, PEF members have been killed while heroically performing their job duties for the citizens of the State of New York; and

Whereas, PEF wishes to establish a permanent memorial to honor those members:

Therefore, it will be PEF policy to engrave on the stone memorial located at PEF Headquarters the names of those members who have been killed by the violent act of another, and those killed in automobile accidents, while performing their job duties in a position represented by PEF.

Adopted: August 1, 2002  
Executive Board Meeting

**PEF NAME OR LOGO**

It will be the policy of PEF that the PEF name or logo shall not be used in any external flier, advertisement, or endorsement designed to influence political opinion or decision making without the approval of the President or his or her designee by an expedited review. Appeals may be referred to the Executive Board.

November 30 – December 1, 1989  
Executive Board Meeting

Note – (Intent not to eliminate the PEF logo from Division stationary.)

**PEF Officer Etiquette: Attending Functions in Regions**

WHEREAS, the Public Employees Federation is a union of Professional, Scientific and Technical employees; and

WHEREAS, as a union of Professionals, PEF members demand excellence in the conduct of their union affairs; and

WHEREAS, PEF has adopted a rule requiring that PEF-Central notify local Division and/or E-Board Representatives before meeting with such Agency's Commissioner, or other Agency Head; and

WHEREAS, it has now become an issue that PEF officers routinely attend events in Regions without giving reasonable notice to that Region's Regional Coordinator; and

WHEREAS, this practice is not in the best interest of the members of those constituencies, as the constituents of those Regions voted to elect said Regional Coordinator and to have them represent them; and

WHEREAS, this practice is also disrespectful to such Regional Coordinators;

THEREFORE, be it resolved that henceforth, any PEF officer, PEF Trustee, or PEF staff member who plans to attend any function within any one of PEF's 12 Regions shall give reasonable advanced notice of same to the affected Regional Coordinator(s).

Adopted at June 2015 Executive Board

## **PEF PROFESSIONAL CONDUCT POLICY**

The Public Employees Federation recognizes that a productive working environment is free from intimidation and harassment. All PEF members, elected officials and employees have a right to be treated in a professional, respectful and courteous way, with dignity and consideration. No PEF member, elected official or employee should be the subject of abusive behavior in the workplace. Examples of abusive behavior includes threats, the regular and/or frequent use of profanity towards another or use of a hostile tone characterized by shouting. The purpose of this policy is to address serious instances of abusive behavior in the workplace and is not intended to suppress members' exercise of their right to freedom of speech.

The President is designated as Chief Executive Officer under the PEF Constitution, and in that position is responsible to ensure that PEF meets all its legal obligations to investigate and review allegations of abusive behavior, and to protect members, elected officials and employees from such behavior.

When a PEF employee reports to the President's Office in writing that he or she has been subjected to abusive behavior by an elected official or member, and the employee has been unable to resolve the situation directly with the alleged offender, the following process shall be utilized:

1. The President or his/her designee shall review the allegation of abusive behavior and determine whether there is cause to believe further review is warranted.
2. If further review is warranted, a committee appointed by the President and approved by the Executive Board shall be convened to investigate the allegation. The committee shall consist of five (5) members, all of whom shall be Executive Board Representatives. The subject of the report will be advised of the nature of the allegation and the identity of the person making the allegation, and will be given an opportunity to respond, which generally shall include a meeting with the committee.
3. Within sixty (60) days from the beginning of its investigation, the committee will issue written findings and recommendations to the President.
4. Following the committee's issuance of written findings and recommendations, either the President or the committee may initiate charges under the PEF Code of Ethics against the offending party.

5. If upon receipt of the allegations the President determines that emergency action is necessary, the President is authorized to take whatever responsible and interim action is necessary to mitigate the situation. Such measures may include, but are not be limited to, instituting a cooling off period by temporarily limiting access to the work site to one or more of the parties, prohibiting further communications between the parties during the pendency of the investigation, or reassigning work to reduce interactions between the parties. Emergency action is appropriate when a party's continued presence represents a potential danger to persons or property or would severely interfere with operations. The intent of this section is that the office subject to the emergency action should remain open and functioning to ensure continuity of PEF operations.

The appropriateness of the President's use of emergency action shall be reviewed by the committee as part of its investigation. The committee's conclusion as to the appropriateness of the President's use of emergency action shall be set forth in its written findings and recommendations to the President, and that conclusion may be appealed to the Executive Board by any interested elected official or member.

6. In the event the President is the subject of the abusive behavior report, the Secretary-Treasurer shall replace the President under the terms of this policy.

The following process shall be utilized when a PEF member or elected official alleges that a PEF employee has engaged in abusive behavior:

1. The PEF member or elected official should first try to resolve the situation directly with the employee.
2. If no satisfactory resolution with the PEF employee is achieved, the PEF member or elected official may address this allegation to the employee's supervisor in writing. The employee's supervisor shall advise the PEF member or elected official in writing within sixty (60) days from referral, whether and on what basis the situation may be resolved. Internal existing progressive disciplinary processes which apply to the employee may be utilized.

3. If no resolution through the employee's supervisor is achieved, the PEF member or elected official may refer the written allegations to the President of PEF.
  
4. The President or his/her designee will investigate the report and take the necessary action to resolve the situation. Within sixty (60) days from referral to the President, the PEF member or elected official shall be advised, in writing, when the situation has been resolved.

Adopted: August 13, 2004  
Executive Board Meeting

## PEF QtP Guidelines

### I. Introduction

This document defines the role of PEF leadership at all levels in developing quality initiatives.

The current 1991-1995 collective bargaining agreement between the Public Employees Federation (PEF) and New York State (NYS) contains language under Article 24.2 which identifies the NYS Quality through Participation (QtP) initiative as a topic of joint discussion at Executive Labor/Management committee meetings. The language reads:

"Among the topics for this forum will be joint discussion, planning, and problem-solving regarding the Quality through Participation initiative, particularly as it impacts PEF and PS&T employees. Quality through Participation seeks to introduce, adapt and install total quality management methods (such as customer-driven quality goals and standards, employee empowerment, analysis of work processes, and continuous improvement) into State operations to support high quality services and increased job satisfaction for employees."

It is essential that PEF representatives in agencies involved in quality initiatives work closely with PEF Central in establishing ongoing communications and in determining the appropriate roles for each as issues around quality are identified.

PEF Central is committed to providing support and resources to assist PEF representatives as they respond to quality programs in their agencies.

### II. Goals

PEF Central will pursue its commitment to build a strong labor and management relationship based on trust and cooperation. To that extent we commit to:

1. Ensuring that decisions are made jointly and at the appropriate level of authority
2. Defining PEF's role at each L/M level
3. Developing mutual openness and honesty
4. Pursuing career development
5. Ensuring job protection
6. Promoting reinvestment, gainsharing and rewards and recognition
7. Building true partnership with written agreements

### III. Structure

#### A. Executive Level – Role of PEF Central and GOER

1. PEF and GOER will establish training programs, both jointly and separately, for members and managers on quality principles, philosophy and tools.

2. PEF Central and GOER will develop gainsharing agreements for agencies that achieve savings through quality projects.
3. PEF Central and GOER retain the authority to select and approve pilot programs that require changes in law, rule, regulation or collective bargaining agreement.
4. PEF Central and GOER have the authority to pursue legislative proposals or changes that would further joint quality goals.

#### IV. Agency Level – Role of Statewide and Local L/M

Agency labor/management committees must create and implement a partnership agreement which defines the principles and parameters of their relationship. This partnership agreement must recognize:

1. The need for adequate PEF representation on all committees and PEF selection of those representatives
2. The need for a balance between union and management goals and objectives
3. The need for full and timely disclosure of all information
4. The need for joint decision-making
5. The need for joint development of agency training and participation in the agency budget process regarding Quality programs
6. The need for administrative leave and relief from assignments
7. That employee needs will not be jeopardized as a result of their participation in quality programs
8. The need to protect employees from loss of employment
9. The need to provide career development

#### V. Conclusion

This partnership can only be realized through the existing labor/management committee structure. That structure remains in effect under our collective bargaining agreement and is the primary point for conducting discussions about quality.

PEF has a legal obligation to represent its members regarding terms and conditions of employment. Bargaining unit employee rights are delineated within their respective collective bargaining agreements and by law. Nothing in agency partnership agreements shall supersede, nullify or change any of the collective bargaining agreements between the State and PEF.

PEF will support changes in current law, rule and regulation only when there exists a clear benefit to its members.

Programs and practices developed at worksites as a result of quality activities are applicable only to that worksite, and do not serve as precedent elsewhere. Pilot programs, with specific timeframes, may be established to address issues of mutual concern. Agency quality programs



must not result in contracting out of PS&T work or privatization of State services.

PEF must be assured that changes in NYS toward a new quality culture and workplace will not result in a diminishment of the rights and opportunities our members have, but will serve to enhance those rights and working conditions.

Adopted at the February 17, 1994  
Executive Board Meeting

PLEDGE OF ALLEGIANCE

It shall be PEF's Executive Board policy to display the American flag at all Executive Board meetings.

The members of the Executive Board shall stand to pledge allegiance to our country's flag at the beginning of each day's session of the Executive Board meeting.

January 29, 1987

**Policy On Executive Board Meetings During The Emergency Caused By  
The Novel Coronavirus**

March 2020

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and more are expected to continue; and

WHEREAS, Andrew M. Cuomo, Governor of the State of New York, by Executive Order 202 dated March 7, 2020, declared a State disaster emergency for the entire State of New York. This Executive Order shall be in effect until September 7, 2020; and

WHEREAS, COVID-19's impact on the health and welfare of the public has substantially escalated since the March 7, 2020 Executive Order; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States of America, declared a national emergency due to the COVID-19 outbreak; and

WHEREAS, on March 15, 2020, Andrew M. Cuomo, Governor of the State of New York, directed nonessential State employees in Rockland, Westchester, NYC, Suffolk, Nassau to not report to work for two weeks and to work from home to the extent practicable; and

WHEREAS, on March 16, 2020, Andrew M. Cuomo, Governor of the State of New York, directed all nonessential State employees to not report to work for two weeks and to work from home to the extent practicable; and

WHEREAS, many schools across the State of New York, including the New York City Public Schools, are closed until at least April 20, 2020; and

WHEREAS, on March 16, 2020, Andrew M. Cuomo, Governor of the State of New York, signed an Executive Order closing all schools statewide for two weeks;

WHEREAS, medical professionals have strongly urged New Yorkers to practice social distancing, avoid public gatherings, and stay home; and

WHEREAS, COVID-19 has spread so rapidly that some local governments, including San Francisco, have issued a shelter in place order; and

WHEREAS, the COVID-19 outbreak is expected to intensify; and

WHEREAS, as of March 18, 2020, Andrew M. Cuomo, Governor of the State of New York, had implemented: An executive order directing non-essential businesses to implement work-from-home policies effective Friday, March 20; Businesses that rely on in-office personnel must decrease their in-office workforce by 50 percent; Retail shopping malls, amusement parks and bowling alleys to close by 8 PM Thursday March 19 in New York, New Jersey, Connecticut and Pennsylvania; Casinos, gyms, theaters are closed until further notice; Bars and restaurants are closed, but takeout can be ordered during the period of closure; All local governments must reduce their workforce by at least 50%; and Non-essential state workers are working from home; and

WHEREAS, in accordance with the PEF Constitution, the President shall call regular and special meetings of the Executive Board, and set and implement policy between Executive Board meetings subject to the subsequent review of the Executive Board; and

WHEREAS, in accordance with the PEF Constitution, the Executive Board will meet at least once in each quarter of the year; and

WHEREAS, the Executive Board last convened in November, 2019; and

WHEREAS, in accordance with the PEF Constitution, the Secretary-Treasurer shall prepare an annual line-item program budget for consideration by the Executive Board; and

WHEREAS, in accordance with PEF Policy, the annual budget is presented to the Executive Board in the fourth quarter of the PEF fiscal year (April 1-March 31); and

WHEREAS, in accordance with the PEF Constitution, the Executive Board shall approve the annual budget; and

WHEREAS, in accordance with PEF Policy, except for the approval or disapproval of tentative collective bargaining agreements for PEF-represented negotiating units with less than 500 members, no Executive Board motions shall be conducted by mail, telephone, or e-mail ballots; and

WHEREAS, consistent with State and Federal recommendations and policy, PEF has cancelled in-person meetings and taken other measures to stop the spread of COVID-19; and

WHEREAS, PEF members are on the front lines in responding to the escalating COVID-19 pandemic; and

WHEREAS, in light of the grave health and safety issues associated with COVID-19, the guidance and policies of the State and Federal governments including social distancing, and in an

effort to safeguard the health of the Executive Board, Officers, PEF Staff, and Members, while also maintaining the important responsibilities to PEF, and with the unanimous endorsement of the PEF Executive Council on March 12, 2020, the President determined that a Webinar meeting of the Executive Board on March 26, 2020 was in the best interests of PEF, its Executive Board, Officers, PEF Staff, and Members; and

WHEREAS, an in person Executive Board meeting at the present time, and for the foreseeable future, is unsafe, violates State and Federal guidance and policy, jeopardizes the health of members, and is not feasible; and

WHEREAS, during this extraordinary crisis, PEF's Executive Board, Officers, Staff and Members must be flexible so as to ensure the health of its members while safeguarding its fiduciary responsibilities; and

THEREFORE, be it resolved that during the pendency of the COVID-19 emergency as determined by the President consistent with all applicable guidance and policies concerning COVID-19, Executive Board meetings shall not be conducted in person. Instead, such meetings shall be conducted by any other means, including, but not limited to, Webinar. Further, any actions taken by the Executive Board during the meetings held during the COVID-19 emergency shall be subject to formal ratification at an in-person meeting when such meeting is deemed safe by the President consistent with all applicable guidance and policies concerning COVID-19.

Wayne Spence, President

March 18, 2020

**Policy On Executive Board Meetings During The Emergency Caused By  
The Novel Coronavirus**

June 2020

WHEREAS, on March 18, 2020, the PEF President issued a Policy On Executive Board Meetings During The Emergency Caused By The Novel Coronavirus. Pursuant to that Policy, “during the pendency of the COVID-19 emergency as determined by the President consistent with all applicable guidance and policies concerning COVID-19, Executive Board meetings shall not be conducted in person. Instead, such meetings shall be conducted by any other means, including, but not limited to, webinar. Further, any actions taken by the Executive Board during the meetings held during the COVID-19 emergency shall be subject to formal ratification at an in-person meeting when such meeting is deemed safe by the President consistent with all applicable guidance and policies concerning COVID-19.” The Policy was duly distributed to the Executive Board on March 19, 2020; and

WHEREAS, the COVID-19 outbreak has substantially escalated since March 18, 2020, tragically resulting in the death of thousands of New Yorkers; including PEF members and retirees; and

WHEREAS, Governor Cuomo’s Executive Orders concerning COVID-19 continue to prohibit non-essential gatherings; and federal, state and local officials continue to urge the public to stay home and practice social distancing; and

WHEREAS, in light of all applicable guidance and policies concerning COVID-19, an in-person Executive Board meeting on June 11 and 12, 2020 is unsafe; violates federal, state and local guidance and policy; jeopardizes the health of members, PEF staff, and other individuals in the meeting location; is not feasible; and is not in the best interests of PEF; and

WHEREAS, Article VII A.1 of the PEF Constitution provides that the Executive Board shall meet at least once each quarter; and

WHEREAS, while an in-person meeting is not possible for the foreseeable future, like countless other organizations (including AFT and SEIU, our parent unions, NYSUT and the AFL-CIO) grappling with this crisis, PEF must continue to do its utmost to carry on the important business of the union; and

WHEREAS, during this extraordinary crisis, PEF’s Executive Board must be flexible so as to ensure the health of its members while safeguarding its fiduciary responsibilities; and

WHEREAS, Article XIX A of the PEF Constitution provides that, “Meetings of all duly constituted bodies of this union shall be governed by this Constitution, the Special Rules of Order, and for the Convention, the Convention Rules; any matters not addressed by the Constitution or the Convention Rules, Robert’s Rules of Order, as most recently revised, or the Special Rules of Order as authorized in Section B of this Article or other procedural rules, as appropriate shall prevail.”, and

WHEREAS, in the interests of protecting the health of members while also continuing the essential and important business of the union, the Executive Board desires to adopt procedural rules to govern Executive Board meetings during the COVID-19 emergency; and

THEREFORE, be it resolved that pursuant to Article VII D.4 of the PEF Constitution, the Executive Board interprets Article VII A.1 of the PEF Constitution to permit, in addition to in-person meetings, meetings conducted by any other means, including, but not limited to, webinar during the pendency of the COVID-19 emergency as determined by the PEF President; and

LET IT BE FURTHER RESOLVED that, notwithstanding any other inconsistent policy, rule or procedure, during the pendency of the COVID-19 emergency as determined by the PEF President consistent with all applicable guidance and policies concerning COVID-19, Executive Board meetings shall not be conducted in-person. Instead, such meetings shall be conducted by any other means, including, but not limited to, webinar. Further, any actions taken by the Executive Board during meetings held during the COVID-19 emergency shall have the same force and effect as an in-person meeting and shall be binding; and

LET IT BE FURTHER RESOLVED that pursuant to Article VII D.4 of the PEF Constitution, the Executive Board interprets Article XIX A to authorize the adoption of procedural rules outlined below that shall govern Executive Board meetings during the pendency of the COVID-19 emergency as determined by the PEF President; and

LET IT BE FURTHER RESOLVED that notwithstanding any other inconsistent policy, rule or procedure, such meetings held during the COVID-19 emergency shall be governed by the following procedures:

1. Meeting Access. All necessary information to connect to the meeting shall be provided to Executive Board members. Members may participate by telephone or webinar.
2. Login time. The Secretary-Treasurer shall schedule meeting service availability to begin at least 30 minutes before the start of each meeting.
3. Signing in and out. Members shall identify themselves as required to sign in to the meeting, and shall maintain access throughout the meeting whenever present, but shall sign out upon any departure before adjournment. The meeting facilitator shall list the participants by name and may require the name of anyone who signs in without their name appearing.
4. Quorum calls. The presence of a quorum shall be established by the list of participating members. Thereafter, the continued presence of a quorum shall be determined by the aforementioned list of participating members.
5. Obtaining the floor. After duly registering and signing in to the meeting, all members will be muted. To seek recognition by the chair, a member shall "raise their hand" through the online function or press the designated number(s) on the telephone. Members shall be recognized in the order received as determined by the meeting facilitator. A member

may put their “hand” down at any time and, in such an event, the member will lose their spot in the queue. Such a member may raise their “hand” again and will be recognized based on when the member re-raised their hand. Upon assigning the floor to a member, the member shall be unmuted. The member will be muted again once they are done and their “hand” will be administratively put back down. The meeting facilitator shall keep track of members seeking recognition.

6. Motions. Members may propose motions to the chair and the meeting facilitator shall type the motion for display. A second shall be presumed.
7. Voting. The meeting facilitator will draft and post the contested question to permit a yes, no, or abstain response. Members shall be polled and the results will be announced.
8. Business may be conducted by unanimous consent.
9. Technical malfunctions. Each member is responsible for his or her connection to the meeting; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member’s individual connection prevented participation in the meeting.
10. Forced disconnections. The chair may order the meeting facilitator to disconnect or mute a member’s connection if it is causing undue interference with the meeting. The chair’s decision to do so, which is subject to an undebatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes.

Adopted:  
June 2020 Executive Board



**Policy On Guest Attendance At Executive Board Meetings During The Emergency  
Caused By The Novel Coronavirus**

WHEREAS, on June 11, 2020, the Executive Board adopted a policy providing that Executive Board meetings will not be held in person during the pendency of the COVID-19 emergency; and

WHEREAS, in the interests of providing access to virtual Executive Board meetings as far as practicable and secure within the confines of technical capabilities, the Executive Board desires to establish a policy regarding attendance at Executive Board meetings held during the pendency of the COVID-19 emergency;

THEREFORE, be it resolved that any PEF Council Leader may attend via telephone an Executive Board meeting held during the COVID-19 emergency, provided that such Council Leader (1) provides notice to the Secretary-Treasurer at least one week prior to such meeting; (2) follows the requirements to be registered by the meeting facilitator; (3) adheres to the instructions of the meeting facilitator, including but not limited to, registration, connectivity, and security protocols; (4) abides by any applicable PEF policies regarding Executive Board meetings; and (5) shall not receive Employee Organization Leave (EOL) or other reimbursements. Nothing in this Policy shall be construed to confer the right to vote or otherwise participate at Executive Board meetings held during the COVID-19 emergency.

Approved by Executive Board  
August 2020

## **Policy on Membership Date**

Whereas, an employee represented by PEF pays agency shop fees on the first day of their employment;

And whereas, PEF cannot change the membership status from agency shop fees to dues until the employee has received a paycheck;

And whereas membership cards may not be received or processed for a change in status to dues paying member for a variety of reasons;

And whereas, no one is prevented from running for an office at the Division level for status reasons, if a card is submitted with the petition;

And whereas, no one is denied Membership Benefits if a card is submitted with the request of one was not previously a member and had paid agency shop fees;

And whereas, in order to run elections fairly the database must be "frozen" at a point in time, to determine the members who will receive ballots;

And whereas, Divisions receive reports quarterly listing all their agency shop members separately and distinctly;

BE IT RESOLVED, that the membership join date shall be the date the card is signed if received and date stamped within 30 days, otherwise it will be the date received; but in no circumstance shall it be earlier than the date of the most recent employment in the PEF represented bargaining unit;

BE IT FURTHER RESOLVED, that a frozen data base for a steward election will occur after close of nominations and shall not be altered by the submission of a card which is received after the date the data base is frozen.

Submitted by Labor Management Committee  
August 2005 Executive Board Meeting

Adopted: August 4, 2005  
Executive Board Meeting

## POLICY ON TRUSTEES

### Terms and Conditions of the Office

No Trustee shall perform any function for PEF, or for any other entity, which in any way is in conflict with the duties of Trustee as outlined in the Constitution.

Trustees of PEF will not be granted Union Leave to become full-time union activists but will be granted reasonable Employee Organization Leave (EOL) to perform the duties of Trustees.

Trustees are, by the nature of their office, considered stewards, during their term of office as trustees. Each Trustee is a voting member of the respective Division Council within which he/she is a constituent, and thus has the same rights and privileges as other council stewards.

As provided by the Constitution, Trustees shall be delegates to PEF's annual Convention, with all the duties and responsibilities of other delegates.

Expenses incurred by Trustees shall continue to be budgeted for and accounted for by the Secretary-Treasurer on a separate line in the budget.

### Access to Records and Meetings

PEF Trustees are required to report to the membership matters which may not be in the best interests of the members, and must review the PEF fiscal records two times per year. Therefore, PEF Trustees shall have timely access to all PEF records which they deem necessary to perform their Constitutional duties, except personnel, medical, or other records legally protected as confidential.

If the Trustees have reason to believe there is a matter which is not in the interest of the membership, Trustees may observe any and all meetings of any and all PEF statewide, regional or divisional bodies.

A Trustee selected by the Trustees, shall be a non-voting member of the Statewide PAC and of the PAC Advisory Executive Committee.

## POLICY ON TRUSTEES

Page 2

### Reporting to the Members

As a courtesy to the Executive Board, the Trustees shall provide to the Board copies of reports signed and dated before being made public.

The Trustee shall have the right to place an article of up to 1,000 words in each issue of the Communicator, if they deem it appropriate, and that while such articles may be reviewed by staff of the Communicator, who may make suggestions for changes, the Trustees have the final say on what will be printed.

Trustees shall present an annual report to the Convention which shall be printed in the communicator, commenting on PEF's finances and other matter of interest to the member of PEF's annual Convention. The Trustees, as part of their annual report, shall report on the implementation of resolutions.

Adopted: October 29, 1996  
PEF Convention

PRESIDENT OR DESIGNEE NOT TO FILL POSITIONS

It shall be the policy of PEF that the President or his designee shall not fill positions that are not in the PEF line item, budget.

Executive Board  
July 27, 1992

## PROVIDING OF TRANSCRIPTS

WHEREAS, currently PEF is restrictive in providing copies of Executive Board transcripts to Executive Board members who request specific transcript pages; and

WHEREAS, an informed membership is necessary for the democratic function of the union; and

WHEREAS, PEF is currently in financial difficulty:

THEREFORE; BE IT RESOLVED, that Executive Board and/or Convention transcripts will be supplied to all Executive Board members and all other PEF members who request such transcripts.

BE IT FURTHER RESOLVED, that persons requesting copies of transcripts should pay whatever the cost is to PEF with thirty cents per page a maximum.

May 2-3, 1991  
Executive Board Meeting  
Usher Piller

## PUBLICATION OF EXECUTIVE BOARD MINUTES

Be it resolved that the PEF website publish the approved minutes of every Executive Board meeting (excluding Executive Session) *within thirty (30) days of approval*; and

Be it further resolved that a synopsis be reported in the Communicator as soon as possible after each Executive Board session; and

Be it further resolved that the results of roll call votes, yea and nay, or abstaining of individual Executive Board members, be published on the PEF website with such minutes.

Adopted: September 12, 2000  
PEF Convention

*Revised: 2003 PEF Convention*

## RECORDING EXECUTIVE BOARD MEETINGS

Anyone wishing to record Executive Board Meetings must register their intentions to the Secretary-Treasurer. Any recording of such meetings will be used solely for informational purposes of the individual and the Board member for reporting back to their membership.

Adopted: November 30, 2012  
Executive Board Meeting



## RELOCATION OF STATE EMPLOYEES

Decisions regarding relocation of state employees shall reflect careful study taking into account both present and future needs. In order to encourage accountability, the following responses to any proposed relocation of PEF members will be implemented:

1. PEF leaders shall request the following information from management, such as, cost benefit analysis, identifying costs related to the move, and projected savings, adequacy of the physical plans in meeting current and anticipated needs.
2. PEF leaders shall share their findings with the affected members.
3. PEF leaders will support members in opposing relocation if the relocations do not appear to be justified in terms of savings or improved working conditions. Any opposition would first have to be approved by local PEF Division leadership.

Adopted:        March 4, 1998  
                     Executive Board Meeting

## RESIGNATION OF AN EXECUTIVE BOARD MEMBER

1. An Executive Board member who wishes to resign his/her position on the Board for reasons other than removal from his/her constituency, shall submit such resignation in writing addressed to the President or Secretary/Treasurer of the Public Employees Federation at PEF headquarters.
2. The resignation shall become effective on the date given in the resignation. If no date is noted, it shall become effective on the date it is received at PEF headquarters.
3. A resignation may be withdrawn at any time before its effective date, following the above procedure.

January 27, 1987

## **RETIREES SERVING ON PEF COMMITTEES**

Retirees participation on any PEF Committee is limited to one per committee. Further, a committee member who retires while serving on a PEF committee can maintain his or her membership on that committee.

Adopted: June 20, 2003  
Executive Board Meeting

## RIGHT OF TRUSTEES TO ASK QUESTIONS

WHEREAS, the PEF Constitution already states that, “The Trustees shall... Attend all Executive Board meetings, and have the right to address that body”; AND

WHEREAS, the right of the Trustees to ask questions to the Executive Board (including chairpersons) has been questioned and/or challenged consistently over the past year; AND

WHEREAS, the Trustees must have information necessary to complete their constitutional duties; AND

WHEREAS, members should never be discouraged from questioning how the union is operating;

THEREFORE BE IT RESOLVED: The Convention body asserts that Trustees should be allowed to ask questions of the Executive Board (including chairpersons) at any time by rising to a Point of Information, even though Trustees do not vote at Executive Board.

Fiscal Impact: Minor impact to amount of time at Executive Board meetings will be offset by fewer arguments about the Trustees’ rights. No additional financial impact is anticipated.

Submitted By: Sarah Lauser, Maddie Shannon-Roberts, and Maureen Kellman – PEF Trustees

Adopted at 2017 Convention

## Rules for Executive Board

Article XIX PARLIAMENTARY PROCEDURE of the PEF Constitution and Bylaws states: "Meetings of all duly constituted bodies of this union shall be governed by this Constitution and Bylaws or Convention Rules. In any matters not addressed by the Constitution and Bylaws or Convention Rules, Robert's Rules of Order as most recently revised, shall prevail."

Therefore, the order of Rules for the Executive Board is as follows:

1. The PEF Constitution and Bylaws
2. Convention Rules
3. Robert's Rules
4. Special Rules not in conflict with any of the above

I. Some of the rules outlined in the Constitution and Bylaws are:

(1) Article VI D 2

The President shall preside at all meetings of the Executive Board.

(2) The duties of the Executive Board as outlined in Article VII Subdivision C.

II. A copy of last years' convention rules are attached. Most of the rules can be applied to the Executive Board if the Convention Hall is changed to the Executive Board meeting room and the word delegates is changed to Executive Board Members.

Convention Rules that do not apply are:

1. Article I. Convention Hours
2. Article III. Credentials
3. Article XII. Committee Meetings of the Convention

III. Robert's Rules is next order of governance.

IV. Special rules recommended by the Bylaws Subcommittee:

- (1) When each business session of the Executive Board is first called to order, the chair shall immediately announce the length of that session.
- (2) The Sergeants at Arms assigned to the exit doors shall not allow any person to leave the hall when a vote is progress.

- (3) Before the commencement of any vote, a member may request a roll call vote, and if seconded, the vote will be a roll call vote.
- (4) A quorum will consist of a majority of the total number of Executive Board seats established in Article VII B of the PEF Constitution and ByLaws, whether such seats are filled or not.

ByLaws Rules Subcommittee

Peg Connors

Stu Doling

Don Poulin

May 11, 1984

Executive Board Meeting

Amendment to the above policy:

As a courtesy, the PEF Executive Board will accept for the first day of its session, the printed agenda as amended by new membership issues presented at the Board meeting and placed after the membership issues previously submitted for consideration.

On the second day, all priority issues not considered by the Board will be considered after 9:00 a.m. as soon as practical.

New membership issues will be placed on the agenda in order of receipt at PEF Headquarters.

Adopted: July 27, 1992  
Executive Board Meeting

Amendment to the above policy:

It shall be the policy of the PEF Executive Board to require a one third vote from the body for a roll call vote.

Adopted: December 8, 1995  
Executive Board Meeting

## **Searchable Documents**

WHEREAS, PEF is a union that is composed of professionals; and

WHEREAS, As a union of professionals, PEF should strive to handle its business in a efficient and professional manner, and

WHEREAS, With modern day software there is no reason why PEF cannot make its documents text searchable, and

WHEREAS, PEF continues to provide documents to the annual Convention and to the Executive Board that are not text searchable;

BE IT RESOLVED THAT, to the extent feasible, PEF provide documents to the annual Convention and to the Executive Board that are text searchable.

Adopted at June 2015 Executive Board

### **Scheduling of PEF Executive Board Meetings**

WHEREAS, Ideally, Executive Board Representatives shall attend all Executive Board meetings; and

WHEREAS, Like most working people these days, Executive Board Representative have very busy lives, and often make plans months, if not years, in advance; and

WHEREAS, Delays in the scheduling and notification of upcoming Executive Board meetings, can cause serious disruptions in the lives of Board members, and generally poorer attendance at such Board meetings; and

WHEREAS, there is no conceivable PEF advantage to continuing late planning and every reason to reform it;

THEREFORE, be it resolved that henceforth, quarterly Executive Board meetings will be scheduled, booked, the contract signed, and the Board notified at least six months prior to each such meeting.

Adopted at June 2015 Executive Board



## **PUBLIC EMPLOYEES FEDERATION, AFL-CIO**

### **SCIENTIFIC MISCONDUCT AND CONFLICT OF INTEREST POLICY**

The Public Employees Federation ("PEF") enters into grant projects on a regular basis, particularly in the field of health and safety. On occasion, these projects may include the participation of PEF employees, management/confidential staff ("M/C staff employees") and PEF officials. These federally funded projects require PEF to establish an administrative procedure to review allegations of scientific misconduct and conflicts of interest. PEF is committed to maintaining the highest level of integrity in all of its activities and is determined to ensure the integrity of any scientific research projects in which it participates.

Should an allegation of scientific misconduct or a conflict of interest arise during the life of a federally funded scientific research project against a PEF employee engaged in the project who is covered by the PEF/United Steelworkers of America, Local 9265 ("USWA") Collective Bargaining Agreement ("Agreement"), the allegation(s) shall be forwarded to PEF's Staff Director. The report and charge can be made in person or in writing. If the report is made in person, a written report shall be made by the person filing the charge(s) with the Staff Director within five business days.

The Staff Director shall investigate the allegations and ensure that employees covered by the PEF/USWA Agreement are afforded the due process rights contained in Article 6 of the Agreement. An employee summoned for an interview which may lead to disciplinary action shall be entitled to USWA representation pursuant to Article 6 of the PEF/USWA Agreement. The Staff Director shall also submit a written report of the allegation(s) to the appropriate federal government agency or official, as required by 42 *CFR* Part 50, Subpart A. The inquiry into the allegation(s) must be made by the Staff Director, or an investigative body he/she appoints, within 60 days of receipt of the allegation. If additional time is needed, the Staff Director must notify in writing the appropriate federal agency or official that additional time is required to complete the inquiry.

At the conclusion of the investigation, if the Staff Director believes there are grounds to charge the employee with misconduct or a conflict of interest, he/she shall serve the employee with disciplinary charges pursuant to Article 6 of the PEF/USWA Agreement. The Staff Director shall notify the appropriate federal agency or official of the disciplinary charges. PEF shall attempt to conclude the arbitration process within 120 days of the service of the disciplinary charges. If more time is required to complete the process, the Staff Director shall inform the appropriate federal government agency or official and PEF President in writing for the reason(s) for the delay.

At the conclusion of the arbitration process, the Staff Director shall inform the appropriate federal government agency or official in writing of the outcome of the allegations. In addition, the Staff Director shall also inform the agency sponsoring the research (if it is different from the federal government agency or official) of the Arbitrator's findings and conclusions and he/she shall also inform publishers and editors of journals of the outcome of the arbitration

process where manuscripts emanating from fraudulent research had been submitted or published.

If the allegation of scientific misconduct or conflict of interest is made against a M/C staff employee or a PEF official engaged in the project, the allegation(s) shall be forwarded to PEF's Staff Director. The report and charge can be made in person or in writing. If the report is made in person, a written report shall be made by the person filing the charge(s) with the Staff Director within five business days.

The Staff Director shall investigate the allegations. He/she shall also submit a written report of the allegation(s) to the appropriate federal government agency or official, as required by 42 *CFR* Part 50, Subpart A. The inquiry into the allegation(s) must be made by the Staff Director, or an investigative body he/she appoints, within 60 days of receipt of the allegation. If additional time is needed, the Staff Director must notify in writing the appropriate federal agency or official that additional time is required to complete the inquiry.

During the course of the investigation by the Staff Director or his/her investigative team, the M/C staff employee or the PEF official shall be advised in writing that a charge has been made, the nature of the charge(s) and the identity of the person making the charge. The accused individual shall be given an opportunity to respond in writing. A written record of all actions taken during the course of the investigation and of the conclusions reached shall be made. The written record shall remain confidential, except to the extent necessary to allow the person against whom a charge is made to respond. The accused M/C staff employee or PEF official shall be notified in writing of the final determination of the Staff Director.

The Staff Director shall attempt to conclude his investigation within 120 days of the filing of the complaint. If more time is required to complete the process, the Staff Director shall inform the appropriate federal government agency or official in writing for the reason(s) for the delay.

At the conclusion of the investigation, the Staff Director shall issue a written decision summarizing the evidence and his/her conclusions. In addition, the Staff Director shall inform the appropriate federal government agency or official in writing of the outcome of the allegations. In addition, the Staff Director shall inform the agency sponsoring the research (if it is different from the federal government agency or official) of his/her findings and the Staff Director shall also inform publishers and editors of journals of his/her findings where manuscripts emanating from fraudulent research has been submitted or published.

Regardless of whether the allegations of scientific misconduct or a conflict of interest were made against a PEF employee, M/C staff employee or a PEF official, the Staff Director shall keep all documentation of the charges, investigatory reports, findings and all related materials and documents for a period of at least three years.

All employees, M/C staff employees and PEF officials engaged in the performance of the federal grant are asked to acknowledge, in writing, that they have been informed of, and been given a copy of this policy, and have agreed to abide by it in all respects.

Adopted:        March 5, 2004  
                         Executive Board Meeting

## SEFA

PEF shall formally request that all United Way SEFA campaigns delete those organizations receiving SEFA funds to which state jobs are outsourced, or which seek to acquire public funding for functions formerly or currently performed by government employees. This action to be monitored on a continuing basis.

Adopted: October 20, 1998  
PEF Convention

**SPECIAL RECOGNITION OF OUTGOING EXECUTIVE BOARD MEMBERS**

It will be PEF Policy that special recognition will be given to former Executive Board members that have left the Executive Board.

Adopted: August 17, 2006  
Executive Board Meeting

### CHANGE IN REMEDY AT STEP 3

At the Third Step, when PEF determines that the remedy sought in a grievance filed by an individual is inappropriate, PEF will consult with the grievant. If after consultation the grievant refuses to change the remedy, PEF will not change the remedy and will not appeal to Step 3 over the individual grievant's objection. If PEF chooses not to appeal to Step 3, PEF's decision may be appealed to the Grievance Appeals Committee.

Adopted: June 9, 1999  
Executive Board Meeting

## TAYLOR LAW REFORM

Whereas, Taylor Law reform is one of the most important issues facing PEF; and

Whereas, the President has made Taylor Law reform a priority; and

Whereas, Taylor Law reform must be a long-term goal demanding membership education, involvement, research support and legal support as well as legislative action:

Be it resolved, that the President and the Secretary-Treasurer produce a program plan for Taylor Law reform and a plan which will outline actions and also outline resource allocations out of the Legal Department, the Legislative Office, Public Relations Department, Research Department and the Training Department for this fiscal year.

Adopted May 3, 1993  
Executive Board Meeting

## TESTIMONY AT PUBLIC HEARINGS

When a PEF officer or staff member is going to present testimony at a public hearing concerning an agency or institution, all Executive Board representatives and division council leaders of the affected agencies be notified in advance of PEF's intention to provide testimony. Furthermore, after the hearing, the Executive Board members and council leaders affected would be provided with the final draft of the PEF testimony.

Adopted: August 8, 2003  
Executive Board Meeting

**Travel & Meal Reimbursement & Reservations Policies (non-Convention-related):\***

I. Required Travel Approvals and Authorizations:

All PEF travel expenses and reimbursement claims must refer to the specific union business or purpose of the travel expense.

Prior to making any request of PEF Travel or PEF Finance, approval for the reimbursement must have been obtained, in writing, from the person, meeting or event authorizing the expenditure. For examples:

- Executive Board members' travel would cite the Eboard meeting dates on Concur or voucher;
- Vice Presidents' travel would cite the specific approval by the President;
- Committee members' travel would document the relevant Chair's approval; and
- Single room reimbursement would document Division Council approval.

Normal and reasonable travel expenses for approved travel for PEF business will be paid by PEF only upon submission of scanned receipts on the Concur system, with original receipts provided within 30 days. If not using the Concur system, the voucher must have original itemized receipts attached with submission within 60 days of travel.

Any travel costs, to be paid by check or purchase card (pcard), must receive prior approval per the specifications above.

II. Automobile Travel:

Mileage will be reimbursed pursuant to PEF policy, detailed herein.

- Approved travel by personal vehicle will be reimbursed at the federal IRS business rate. When mileage is reimbursed for a personal vehicle, NO gas costs may be reimbursed; tolls may be reimbursed with receipts.
- For journeys of 150 miles or more round-trip, it is strongly encouraged that PEF travelers consider using a rental vehicle whenever possible; as such rentals will result in financial savings to the union.
- In the event that the PEF traveler wishes to arrange for a vehicle rental, s/he MUST do so through PEF Travel. Gas and tolls for the rental vehicle will be reimbursed ONLY IF scanned (Concur) and original receipts are provided.
- Exceptions to this policy may be made by the Secretary-Treasurer in the event of irregularities, abuses and/or special extenuating circumstances.

III. Travel by Air or Train:

For approved travel out-of-state and/or of significant distance within New York State, the



traveler must consult with PEF Travel and select the most cost effective option.

In addition to the approvals required under section I above, air travel will require the specific additional approval of the Secretary-Treasurer.

Frequent traveler programs (by airline, hotel, etc.) must not receive priority over cost savings for PEF.

IV. Hotel Reservations:\*

Hotel reservations for approved travel will be made by the PEF Executive Office, based upon double occupancy.

- Travelers may opt for a single room, and will be billed for one-half of the rate per night. Exceptions must receive prior approval by the Secretary-Treasurer.
- PEF will reimburse the traveler for necessary overnight stays in a hotel upon advance approval by the Albany HQ Office and when direct billing cannot be arranged.
- In the event of emergency circumstances, when advance notice is not possible and the PEF Executive Office cannot book the hotel stay, approval must be obtained in writing from the Secretary-Treasurer, before any reimbursement will be made.

V. Travel/Hotel No Shows, Cancellations and Extra Charges:

As soon as a traveler is aware that they will need to cancel or change a hotel reservation or any travel arrangements, they must notify the PEF Executive Office and PEF Travel.

- If the cancellation is made too late to avoid fees or penalties, the traveler may be responsible to reimburse PEF for the fees incurred. Exceptional, documented and approved extenuating circumstances would be excluded.
- Travelers who incur extra charges for negligent behavior or non-union business will not be reimbursed for those charges, and will held responsible for repayment if a pcard was used.

Travel expenses that will not be reimbursed by PEF include, but are not limited to:

- late cancellation fees,
- late hotel check-outs,
- hotel incidentals (minibar, laundry, entertainment),
- motor vehicle violations (speeding fines, parking tickets),
- rental car return fees and/or other extra charges,
- costs paid by other entities (e.g. no double-dipping).

Any such fees or expenses incurred related to cancelled overnight stays or travel will be direct-billed to the PEF member or withdrawn from future expense voucher reimbursements. Extenuating circumstances will be considered at the discretion of the Secretary-Treasurer, based upon the explanation(s) provided in writing by the traveler.

VI. Meal Reimbursement Allowance Maximums:  
*effective April 1, 2019, with original itemized receipts:*

	<u>Regions 1-9</u>	<u>Regions 10-12</u>
Breakfast	\$12	\$15
Lunch	\$20	\$23
Dinner	\$45	\$50
Breakfast & Dinner	\$57	\$65
Lunch & Dinner	\$65	\$73
Breakfast, Lunch & Dinner	\$77	\$88

If reimbursement for meals is requested for more than one person, ALL NAMES must be provided.

## VII. Authority

The Secretary-Treasurer shall have the authority to adopt rules, procedures and forms necessary to implement these policies.

Proposed revisions to be presented at March 2019 Executive Board meeting, endorsed by the Budget Advisory & Financial Compliance Committee 1/23/19

Amended by Executive Board  
March 2023

*\*for Committee-related travel, see also "Financial Guidance Policy for Committees: Lodging, Travel, Meal Expenses and EOL"*

*This policy will replace the following policies to be rescinded and archived:*

*Travel Policy, Travel Policy (Air), PEF Funded Travel Policies and Car Allowance Policy.*

## Union Meetings

It shall be the understanding of this union that when union meetings are held that every effort be made to invite all proper members; i.e. steward's meeting – all stewards; Executive Board meeting - all Executive Board members; membership meeting – all membership. Also Executive Board members shall be notified of all division meetings.

Adopted February 17, 1994  
Executive Board Meeting

**Use of the Title of Regional Coordinator**

THEREFORE BE IT RESOLVED, that no member of a committee established by the President or any member designated by that committee or any other body shall be referred to, formally or informally, with any title that includes the words "Regional Coordinator."

Adopted:      September 13, 2011  
PEF Convention

## **WEB SITE PRIVACY POLICY**

PEF owns and maintains a Web site. This document sets forth PEF's practices which are designed to prevent unauthorized use or disclosure of personal information when visitors access this Web site.

The provisions of this privacy policy apply solely to the PEF Web site, and are not applicable to information collection practices PEF may be engaged in outside of the PEF Web site space.

### **Collection, Use and Disclosure of Personally Identifiable Information**

During normal Web site usage, the only information PEF may collect and store is the name of the visitor's Internet service provider, the browser (including available plug-ins and browser functionality) and type of machine used by the visitor, the IP address, the Web site that referred the visitor, the pages requested and the date and time of those requests.

It is PEF's practice to use this information only on an aggregate basis to measure Web site activity and improve the usefulness the site to visitors. For example, this information may be used to track the number of monthly visitors, or to determine which pages are most popular among visitors as a whole. PEF does not and will not use this information to learn any personally identifiable information about a visitor.

PEF does not and will not track the pages a visitor requests while visiting the PEF Web site, or collect any other personal information about a visitor, such as a visitor's name, mailing address, e-mail address or phone number, without the visitor's knowledge and permission. When such information is collected with the visitor's knowledge and consent, it will be stored in a manner appropriate to the nature of the collection, and may be used to understand the visitor's interests and activities.

PEF does not and will not willfully disclose personally identifiable information received on the PEF Web site from visitors to third parties without first receiving permission for such disclosure, unless such disclosure is required by law, regulation or court order.

If a visitor grants PEF permission to disclose personally identifiable information, PEF will only disclose such information in accordance with the purposes for which such permission is granted.

### **Links to Third Party Web sites**

The PEF Web site provides links to several other third party Web sites. While PEF will make efforts to choose the sites that PEF provides links to carefully, PEF does not own, maintain or control any of the linked Web sites. Therefore, PEF cannot and does not assume any responsibility for the content or privacy policies of any of the linked Web sites.

Adopted:            Executive Board Meeting  
                             November 22, 2002

## **Workforce Planning Education and Training**

The PEF administration will direct or redirect the appropriate resources within the PEF budget to be used to develop a comprehensive education and training plan to:

1. Prepare local PEF leaders (Labor Management Representatives, Executive Board Representatives and Division Council Leaders) to respond in a consistent and coordinated fashion within the appropriate agency statewide labor management process to any plans or proposals for work force planning that are not consistent with the merit and fitness civil service system; and
2. Assist those same local PEF leaders to pro-actively recognize and anticipate agency work force planning and succession issues and needs and to actively advocate for plans to achieve them on the agency and statewide levels; and

The PEF administration will seek the assistance of our internationals to provide research assistance with this issue and that the PEF administration will research and prepare legislative and political actions to help achieve success with this issue.

The PEF legislative agenda include specific recommendations for legislation to proactively address demographic trends adverse to public and private sector workforce attraction, retention, training and professional development, including as examples, state agency apprenticeship programs targeted to university graduates in the US and abroad, and workforce training and professional development programs.

Adopted:           October 2006  
PEF Convention

# FINANCE

ASSOCIATE DUES

Associate dues will be \$2.50 per month, payable \$15.00 bi-annually.

November 7, 1987  
Convention



## IX. Automobile travel

PEF shall reimburse Automobile travel as follows:

- Due to costs and liability exposure to PEF, the preferred method of automobile travel shall be the use of a personal vehicle. PEF will reimburse for the use of a personal vehicle at the Federal IRS business rate (i.e., for 2022 - the rate is 58.5 cents per mile) plus any parking and tolls incurred when travelling on PEF business (see VIII). Gas purchases are not allowed as they are incorporated into the business rate.
- In the event, a personal vehicle is not available or appropriate under the circumstances, approval may be sought from the PEF Secretary-Treasurer for the use of a standard size rental car. If a rental car is approved, gas and tolls may be reimbursed for any PEF business travel days. Any request for an automobile larger than standard size, must state specific reasons why that size is needed. All requests for a rental car (or a larger size) will be reviewed by the PEF Secretary-Treasurer and authorized only for the days of PEF business and be based on the following factors:
  - 1) Number of passengers
  - 2) Days rented and miles travelled
  - 3) Volume of materials to be transported
  - 4) Weather/Season
  - 5) Other means of travel available
- If a rental car is authorized, the PEF Special Events Department will make the reservation. The person renting the vehicle will be responsible for their own conduct, by acting in a responsible manner, while holding possession of said vehicle.
- Due to the volume of use, regional coordinators and trustees, may elect to use the rental car option for automobile travel via PEF direct billing, but would need to obtain prior approval for the rental of any size above standard based on the reasons above.
- Exceptions to this Automobile travel policy may be made by the Secretary/Treasurer in the event of irregularities, abuses and/or special extenuating circumstances

Approved June 2022  
Executive Board Meeting

## Budget Advisory & Financial Compliance Committee Review

**WHEREAS**, the Public Employees Federation (PEF) Policy Manual has numerous entries related to financial management policies passed by past Conventions and Executive Board meetings;

**WHEREAS**, it is in PEF's best interest to have clear, consistent and transparent policies for financial management and oversight of budget committee duties, travel expenses, use of credit cards and purchasing cards, requirements for expense reimbursement by Divisions and Officers, etc.;

**WHEREAS**, existing financial management policies lack clarity and consistency as would befit PEF's professional and ethical standards, as articulated by the Internal Auditor;

**WHEREAS**, the effectiveness of financial management policies is undermined by outdated and conflicting policy manual entries and by the lack of transparent written procedures;

**WHEREAS**, the PEF President recently established a Budget Advisory & Financial Compliance Committee to ensure compliance with all financial requirements of this union;

**THEREFORE**, be it resolved that it is recommended to the PEF President that he have the Budget Advisory & Financial Compliance Committee review all Policy Manual entries related to PEF's financial management, then develop and recommend updated policies and procedures to the Executive Board for coherent, ethical, transparent and effective financial management, in consultation with Trustees, and in a manner consistent with Internal Auditor guidance and PEF's mission and Constitution.

*Fiscal Impact: \$0*

*Submitted By:*

Kay Alison Wilkie  
Executive Board Seat 55  
Division 262 DED

Wayne Spence  
President, PEF

Adreina Adams  
Vice President, PEF

Andrew Puleo  
Regional Coordinator – Region 2

David Dubofsky  
Regional Coordinator – Region 5

Mike Blue

Regional Coordinator – Region 8

Charles Roland  
Interim Regional Coordinator – Region 11

Nora Higgins  
Regional Coordinator – Region 12

Maddie Shannon-Roberts  
Trustee - OTDA

Sarah Lauser  
Trustee – OSC

Sharon DeSilva  
Executive Board Seat 450, OTDA/OCFS

Ken Ferro  
Council Leader, Executive Board Seat 197, Division 205 DOH

Joe Donahue  
Council Leader, Executive Board Seat 487, Division 190 DTF

Mary Ellen Hoffman  
Executive Board Seat 480, Division 190 DTF

Ed Bellamy  
Executive Board Seat 485, Division 190 DTF

Jakob Westman  
Executive Board Seat 486, Division 190 DTF

Bobbi Stafford, RN  
Executive Board Seat 97, PEF Ethics Committee, SUNY H&S Chair, Division 320 SUNY Upstate

Darlene Williams  
Executive Board Seat 360, Division 254 OMH

Germaine Greco  
Council Leader, Executive Board Seat 455, representing Regions 10-12, Division 192 OTADA

Teresa Lefler  
Executive Board Seat 300, OPWDD & OMH

Randi DiAntonio, LMSW  
Executive Board Seat 285, Division 259 OPWDD

Diane Jaulus  
Council Leader, Executive Board Seat 50 Division 353 DOCCS

John Thomsen  
Executive Board Seat 127, Division 179 DHSES/OGS

Ralph Mabb III  
Council Leader, Executive Board Seat 420, Division 211 DMV

Danielle Freeman  
Executive Board Seat 90, Division 355 HESC

Richard Fletcher  
Executive Board Seat 445, OTADA

Radhakrishna Mohan  
Executive Board Seat 217, SIF

Lyndon Jones  
Executive Board Seat 5, OSC

Brenda Grober  
Council Leader, Division 262 DED

Jeff Janiszewski  
Division 262 DED

Amy DeMarco  
Executive Board Seat 190, DOH

Conrad Davis  
Executive Board Seat 470, Tax and Finance

Sheila Ambrose  
PEF Steward, Division 205, DOH

Stephanie McLean Beathley  
Council President, PEF Division 167

This resolution recommends that the PEF President have the Budget Advisory & Financial Compliance Committee undertake a comprehensive review and revision of financial management entries in the Policy Manual to ensure that financial management policies and procedures are coherent, ethical, transparent and effective and are consistent with guidance from the Internal Auditor and PEF's mission and Constitution.

Adopted at 2017 Convention

## PEF Budget Process, Objectives and Oversight

Whereas the Secretary-Treasurer has a constitutional responsibility to prepare an annual line-item program budget for consideration by the Executive Board (VI.E.6), and

Whereas the Secretary-Treasurer, with the endorsement of the Budget Advisory & Financial Compliance Committee (BA&FCC), set forth an updated policy that respects financial transparency and oversight, while protecting PEF's future fiduciary interests in our 21<sup>st</sup> century, post-*Janus* context, and

Whereas, the BA&FCC wishes to ensure that this Convention Resolution and related policies articulate the improved budget and financial review process implemented with full BA&FCC involvement and support, starting in 2018, and

Whereas, the BA&FCC asserts that, going forward, the Office of the Secretary-Treasurer should ensure that Executive Board actions and motions relevant to policy interpretations should be duly reflected in ongoing Policy Manual updates and archives,

THEREFORE, be it RESOLVED that the **PEF Line-Item Program Budget Process, Objectives and Oversight** policy be endorsed by the 2021 PEF Convention body, thereby demonstrating collective support for continuing the highest standards in financial transparency, responsibility, probity, oversight and management that bolsters PEF's union purpose and power.

Fiscal impact: None, as this Resolution is an endorsement of existing policy.

Submitted By:  
Joe Donahue PEF Secretary Treasurer

Adopted: October 2021  
PEF Convention

### Budget Surplus

All surplus monies at the end of any fiscal year shall be placed in a fund for emergencies and special needs. Expenditures from this fund shall only be made after approval by a two-thirds vote of the Executive Board.

Adopted: December 3, 1992  
Executive Board Meeting

### Budget Surplus

Whereas a Resolution passed in 2013 that prevented Regions from “Rolling Over” Budgets from one fiscal year to the next made it difficult for regions to plan for larger events

Whereas it has not been established how this resolution “equalized” budgets across regions since regional Budgets are based on a per capita methodology having nothing to do with Rollovers.

THEREFORE BE IT RESOLVED, that regional budget rollovers will be added to the yearly per capita budgets, enabling regions to use those funds for events in the following budget year.

Submitted By: Charles Roland, Treasurer, Region 11, OMH

Jemma Marie Hanson, Region 11 Coordinator

Ken Dischel

Donna Harris

Lesley Williamson

Robin Browne

Bernadette O’Conner

Carrie Saunders

Elizabeth Cheese

Adopted at 2015 PEF Convention

### **Regional Budget Rollovers Replaced By Formulary Calculation**

THEREFORE BE IT RESOLVED, that regional budget rollovers be replaced by a per capita methodology which will ensure regional budget equity.

Adopted: 2013 PEF Convention

## **Car Rental Policy**

The Public Employees Federation's ("PEF") Car Rental Policy applies to all applicants, including PEF Elected Leaders, PEF Convention Delegates and E-board Representatives who apply for provision and use of a vehicle rented by PEF from a third party under PEF's Automobile Travel Policy, to be used during and within the applicant's scope of use of performing PEF Official business.(Including but not limited to trainings, meetings, Special events and Organizing )

All drivers of PEF-provided rental vehicles must comply at all times with the rules and requirements specified herein. Failure to comply is considered a violation of PEF's policy and may result in denial of future use of PEF provided vehicles and/or personal liability for damages resulting from such violation.

The Member requesting the rental shall provide the reason the rental is needed.

The Member must have a valid driver's license in good standing. Notwithstanding emergency circumstances, the individual applicant granted use of a rental vehicle provided by PEF shall at all times be its sole operator.

The rental vehicle shall not be operated for any purposes outside those within the scope of PEF business, (exceptions for incidental use, such as being to and from place of work, getting dinner, etc., are allowed).

Drivers shall not operate the rental vehicle while under the influence of any alcohol, drug and/or medication that could impair their ability to drive safely.

Drivers shall not use a cell phone or other hand-held device unless it is equipped with a hands-free accessory that permits safe and lawful operation of the vehicle. At no time shall the driver engage in text messaging, emailing, or internet browsing activity while operating a rental vehicle.

All drivers and passengers operating or riding in a rental vehicle must wear seat belts at all times.

Drivers are responsible for the security of the rental vehicle. Drivers shall park rental vehicles in legal areas. The vehicle's engine must be shut off, the ignition keys removed, and the vehicle's doors locked whenever the vehicle is left unattended.

Drivers are responsible for all personal contents inside of a rental vehicle. Drivers must notify the police and the PEF Special Events Department if the rental vehicle is stolen, lost, broken into, and/or if property within the vehicle is stolen.

Drivers are aware of the dangers and risks of serious injury, damage, or death that are inherent in the use of any motor vehicle provided by PEF. Such dangers and risks could or may be caused by, among other things, loss of vehicle control, collisions, mechanical failure, road conditions, the driver's own negligent acts, and the negligent and/or intentional acts of other drivers and/or riders.

Adopted: December 2023

Executive Board Meeting

## **Cell Phone Policy**

Whereas all PEF Officers (5 Statewide Officers & 12 Regional Coordinators), and designated staff require cellphones to complete the business of the Union;

It shall be the Policy of PEF to allow the option of using a PEF issued cellphone or requesting reimbursement for use of a personal cellphone. The maximum reimbursement for use of a personal cellphone shall not exceed the cost of a PEF issued cellphone.

Submitted by: Kevin Hintz, Secretary Treasurer

Adopted: May 2016  
Executive Board Meeting



### Corporate Credit Cards

PEF shall have only one corporate credit card to be controlled by PEF's chief fiscal officer, the Secretary-Treasurer, and to be used solely for PEF business. PEF will reimburse the reasonable cost of one personal credit card annual fee for each officer as defined in Article IV of the Constitution to be used to charge PEF-related expenses only. All PEF expenses will be reimbursed by the voucher process as per current PEF.

Adopted: February 25, 1993  
Executive Board Meeting

CREDIT UNIONS

PEF will provide a list of all Credit Unions to our members which are available to State employees.

August 12, 1980

## **DUES**

The union will modify its dues structure effective April 1, 2001, to .9 percent of salary with no cap on earnings. All funds raised by this dues structure will be incorporated in PEF budgets approved by the Executive Board and will be accounted for annually in a written report to the membership. The funds apportioned to the Member's War Chest may not be spent outside of contract fight-back activities unless approved by a three-quarter vote of the Executive Board.\*

Adopted: September 14, 2010  
PEF Convention

\*Note – this policy amends the previous one from September 11, 2000 (below).

### **Dues From Lump Sum Payments**

Therefore be it resolved that if PEF members are ever so unfortunate again to have a contract negotiated with a zero wage increase replaced by a lump sum payment, that the lump sum payment will be included in the category exempted from dues.

Adopted: September 20, 2005  
PEF Convention

EMPLOYEE ORGANIZATIONAL LEAVE

Effective January 1, 1989, EOL when granted will be reimbursed with vacation or personal leave, in kind, upon receipt of a signed EOL statement of leave taken.

The past practices of paying cash, in lieu of reimbursing time, has been eliminated effective January 1, 1989.

December 2, 1988

## EXPENSES

PEF will not reimburse expenses to members for attendance at union meetings.

February 1982

Prior approval for attendance in workshops, seminars, courses, etc. must be obtained from Central PEF where expenditures are involved and if payment is requested to be paid by PEF.

May 1981

All requests for reimbursement of monies expended on approved PEF business shall be accompanied by receipts and submitted within sixty days of incurring said expense.

Approved expenses shall be paid within forty-five days of receipts.

Reasonable and occasional exception to the sixty-day requirement may be made if requested in writing to Secretary-Treasurer and approved by Secretary-Treasurer.

Prior notification for special Statewide activities and meetings must be given in order to be reimbursed, and prior notice must be given as to purpose, place, time, date and attendees of any special meeting.

All requests for reimbursement must be made no more than sixty days after incurring said expenses for each event and must be properly receipted with list of attendees.

PEF will not reimburse for any expenses incurred for, but not limited to, spouse, children.

All requests for reimbursement must be receipted.

Any departures from the above rules and procedures are subject to review by the Secretary-Treasurer and/or Finance Committee.

Prior approval from Office of the Secretary-Treasurer must be obtained for unusual expenses which are not addressed elsewhere.

August 12, 1980  
Amended November 2016 Executive Board

## **Expense Policies**

<b>Expense Item</b>	<b>Guidance</b>
Assistance	For questions e-mail <a href="mailto:pefap@pef.org">pefap@pef.org</a> . For questions involving reservations, please contact PEF Special Events at <a href="mailto:SpecialEvents@pef.org">SpecialEvents@pef.org</a> .
Submission Timeline/ Deadlines	All expenses (including original receipts) must be submitted no later than ninety (90) days after an expense has been incurred. Expenses submitted beyond 90 days may be declined.
Airfare	Reservations for PEF approved travel are to be made through the PEF Special Events Department. Please contact <a href="mailto:SpecialEvents@pef.org">SpecialEvents@pef.org</a> . Arrangements made at the last minute (within a week) are met with limited availability and higher costs. PEF's policy is to purchase the least expensive ticket available. You must call the PEF Special Events Department to change or cancel an existing airline ticket as soon as you know of the change, but no later than the departure of the first flight on the ticket.
Airline Baggage Costs	In cases where the airline charges you to check your first bag, PEF will reimburse you for those costs. If your baggage is over-weight because you are carrying materials for a meeting you are attending, PEF will reimburse this additional cost. Please obtain a receipt for any charge to substantiate your reimbursement request. Some airline memberships allow for free bags. Also, if you check in online, your baggage fee may be reduced.
Car Rental and Refueling	Car rentals, with approval, are to be made through PEF Special Events with as much advance notice as possible. Costs to refuel a rental car will be reimbursed by PEF with proper receipts submitted. PEF does not cover optional services, such as GPS or satellite radio.
Hotel	<p>All hotel nights needed for PEF business are to be booked by PEF Special Events with as much advance notice as possible. Please contact <a href="mailto:SpecialEvents@pef.org">SpecialEvents@pef.org</a> to make reservations. PEF will cover your room and room tax charges. You are responsible for paying all other incidental charges to your hotel room (meals, phone calls, internet, etc.) upon check-out. You must submit copies of charges for reimbursable meals and incidentals on your hotel bill. Tips to hotel staff will be reimbursed up to the maximum of \$2/nights stayed.</p> <p>All rooms are double occupancy except for the following committees: LM Committee, H&amp;S Committees, Contract Negotiations. Executive Board and Executive Council meeting members also receive single rooms.</p> <p>Because Division policy does not preclude it, some committee members have arranged for their Division to pay the single supplement of half the rate per night. In such cases, proof of Division Council approval must be provided to Finance and Special Events prior to the hotel booking request.</p>
<b>Expense Item</b>	<b>Guidance</b>
	In the event of emergency circumstances, when advance notice is not

Hotel (Continued)	possible and the PEF Special Events team cannot book the hotel stay, approval must be obtained in writing from the Secretary-Treasurer before any reimbursement will be made.	
Internet (hotel, airplane, train)	Internet/Wi-Fi access will not be reimbursed unless prior approval has been obtained.	
Meals	All meal expenses must be accompanied by an itemized receipt. The actual cost of meals plus tip of a max of 20% of the meal excluding tax will be reimbursed up to the values noted below. The receipt must be a register/computer receipt that has the restaurant name and date imprinted on it with an itemized food list. No other receipts will be accepted. If a meal is provided by PEF during a meeting and/or conference, the receipt for that meal will not be reimbursed. On travel days, breakfast will be reimbursed if leaving home before 7AM while dinner will be reimbursed if returning home after 7PM	
Meal Reimbursement Rates	The rates for meal reimbursement are as follows (Fiscal Year 2024):	
	Regions 1-9	Regions 10-12
Breakfast	\$12.00	\$15.00
Lunch	\$20.00	\$23.00
Dinner	\$45.00	\$50.00
Mileage	Automobile mileage to or from PEF related events will be reimbursed at the IRS standard mileage rate based on the date the expense was incurred. The number of miles must be included when calculating mileage. Also include the exact addresses of the beginning and ending destinations of your trip when submitting for reimbursement for verification.  The IRS standard mileage rate is .655 cents per mile effective January 1, 2023.	
Parking	Parking will be reimbursed with proper documentation. If no receipt is available, we will accept a picture of the parking meter.  <b>Note:</b> Parking must be separated from hotel charges and entered as a separate expense item in Concur. The hotel receipt can be attached to both the hotel and parking expense.	
Public Transportation	Business-related subway/bus costs (not commuting fares) are reimbursable with receipts. Some public transit systems have receipts available, so to the extent possible, receipts should be acquired. In those instances where it is possible to acquire receipts, an expense should be created within Concur and in the comment section explain that is was for subway/bus use and reason. Many transit systems have online systems for calculating fares and print outs of these are additionally sufficient to provide to secure reimbursement.	
<b>Expense Item</b>	<b>Guidance</b>	
	Taxi fares to and from the airport and other business-related events are	

Taxi Fares	reimbursable with proper documentation. PEF will reimburse taxi tips up to a max of 20% Taxi fares will generally not be reimbursed if PEF is already paying for a car rental. PEF’s policy is to support a publicly regulated industry which ensures qualified, safe drivers carrying passengers in insured vehicles. If not available, use of ride-sharing services will be reimbursed.
Tolls	Tolls are reimbursable with proper receipt or copy of EZ Pass statement highlighting business-related charges.
Train Travel	Reservations for PEF approved travel are to be made through PEF Special Events with as much advance notice as possible. Please contact <a href="mailto:SpecialEvents@pef.org">SpecialEvents@pef.org</a> to make reservations. PEF’s policy is to purchase the least expensive ticket available. If you do not use the train ticket, you must cancel the reservation prior to the train departure to preserve the value of the ticket for future use or refund.

Adopted by Executive Board December 2021  
Amended by Executive Board March 2023



It shall be PEF policy that no expense voucher will be changed except for arithmetic errors or change in mileage reimbursement. If a problem arises the member will be contacted with the reasons for the disallowance.

Adopted: August 25, 1999  
Executive Board Meeting

**FINANCIAL GUIDANCE POLICY TO ATTEND NON-PEF UNION-RELATED MEETINGS**

WHEREAS, Members occasionally have opportunities to represent PEF at various unions' conventions or other labor union-related meetings, conference or similar events which require them to travel for periods of two or more days and stay overnight in order to participate and;

WHEREAS, such travel may require a Member to pay out-of-pocket for expenses such as meals, gasoline, tools, taxi cabs and hotel parking while in overnight travel status and;

WHEREAS, these travel expenses can be substantial thus forcing Members to either accept a financial hardship while waiting for reimbursement or to forgo representing PEF and;

WHEREAS, these expenses are normally reimbursable to the Member when he/she returns and submits an expense voucher and;

WHEREAS, PEF in the past has provided Members with either or both stipends and advances prior to the members' travel and;

WHEREAS, current PEF policy does not provide definitions for Stipends or Advances or rules to regulate issuing them.

THEREFORE BE IT RESOLVED, that Stipends shall be defined as payments given Members to cover expenses incurred while traveling to recognized non-PEF union related events lasting two or more days, for which, the recipient will not be required to account to the Secretary Treasurer. The amount of any Stipend will be determined by the Secretary Treasurer through the Accounting Office and restricted to a maximum amount of the sum of the value, as then in effect, of four receipted, out-of-state dinners.

BE IT FURTHER RESOLVED, that advances shall be defined as allowances provided to Members to cover anticipated incidental expenses, excluding meals, as determined by the Secretary Treasurer through the Accounting Office, for which the recipient must submit an expense report upon returning from the event. The Members must submit an expense voucher, including receipts, to account for all expenditures made while traveling. If the sum of the Member's expenses is less than the Advanced amount, the member will reimburse PEF the unspent portion of the advance. After reviewing the expense voucher, the Accounting Office will confirm the total Advance has been accounted for and acknowledge that to the Member and, if necessary, reimburse the Member for receipted, allowable expenses in excess of the Advance.

BE IT FURTHER RESOLVED, that this policy does not apply to any Statewide Officer nor does it preclude the Secretary Treasurer from authorizing both a Stipend and a travel Advance for a Member to attend a particular event.

Submitted by: Charlie Kelefant,  
E.Board Seat #490, Div. 177 DOT

Adopted: March 6-7, 2014  
Executive Board Meeting

Policy approved by PEF Executive Board

11/29/18

## **Financial Guidance Policy for Committees: Lodging, Travel, Meal Expenses and EOL\***

This Financial Guidance Policy provides an update to the “Funding Guidelines” for Labor-Management (LM), Health & Safety (H&S), Contract and Standing committees and their budgeted expenses.

This policy further serves to improve committee operations and budgeting, in compliance with the approved PEF Convention 2017 Resolution # 4 (*Ensuring Coherent, Ethical, Transparent and Effective Financial Management*).

### NOTES:

- PEF’s Tax ID number may not be used for committee bank accounts outside of PEF.
- Any committee-related expenses for travel, lodging, meals, etc. that are covered by New York State, under the Collective Bargaining Agreement, Agency MOU or other agreement, cannot also be reimbursed by PEF (i.e., no double-dipping).

### **Lodging, Travel and Related Expenses:**

- All hotel rooms for PEF members must be booked by the PEF Executive Office, and at the NYS rate. Hotel rooms for a group of members are typically booked at the same hotel, in order to negotiate block rates when feasible. PEF members will not be reimbursed for hotel stays made on their own.
- All travel arrangements are to be made through PEF Travel and comply with PEF travel policies unless otherwise indicated.
- In the event overnight hotel stays are needed, double occupancy is arranged. Single rooms may be provided, at the member’s expense of half the rate per night.
- **LM & HS Committee** arrangements are an exception to double occupancy. Committees may arrange for single rooms if necessary, and if approved by the ~~LM~~ Committee Chair after confirmation of available budget with Finance.
- Exceptions are also made for the **Contract Negotiation Committee**. Given the nature of their duties under intense time pressure, past practice is hereby formalized for members to be provided single rooms. In the event that the Contract Negotiation Committee Chair does not already have a PEF pcard, the Secretary-Treasurer and President may approve a temporary pcard for the Chair, only for the duration of negotiations.
- In practice, because Division policy does not preclude it, some committee members have arranged for their Division to pay the single supplement of half the rate per night. In such cases, proof of Division Council approval must be provided to Finance and the PEF Executive Office (e.g. by email or minutes), prior to the hotel booking request.

- Members facing travel times to the meeting site of 2.5 hours or more each way and have at least ½ day of EOL meeting time or equivalent release time will be eligible to request a hotel stay for either the night before the meeting or the night of the meeting.

### **Meals:**

- If space is available, a committee meeting in Albany may convene at the Membership Benefits Program offices on 10 Airline Drive. Catering and food orders may be made by the committee with cost effective vendors of their choice, if meals are to be provided during the meeting.
- Charges for committee meeting meals, when convened at PEF HQ, are booked through the in-house caterer and direct billed to the relevant Committee's budget.
- Whenever meals are provided to committee members at meetings, whether breakfast, lunch and/or dinner, participants cannot be reimbursed separately.
- Payment for committee meetings convened over meals, and held outside of PEF HQ, must be made by either: 1) Member(s) use of their personal credit card; or 2) Division Council purchase card or check, both with subsequent reimbursement from the relevant committee budget.
- In the event that the committee arranges for a group dinner at a restaurant, and individual checks are not available, the server should be asked for multiple copies of the same receipt so that all participants can submit an itemized receipt with reimbursement requests.
- If one person submits for reimbursement for a committee's group meal, ALL of the participants at that meal must be listed on materials submitted with the request. Materials include a completed list of participants, and meeting agenda and/or minutes.
- Committees and their members must comply with maximum meal allowances for reimbursements and provide original itemized receipts. Allowances are 'up to' amounts (e.g. if less than \$30 is spent for dinner, the actual amount will be reimbursed, not \$30).

### **Lists of Participants:**

- Committees must use the PEF sign-in sheet to document the meeting and its participants, and submit the list to Finance with reimbursement requests.

### **EOL or Release Time:**

- LM and H&S meetings use release time. However, Quarterly Advisory LM meetings use EOL.
- If the Committee member will be requesting the use of EOL, the Executive Assistant to the Secretary-Treasurer should be notified ASAP.
- EOL requests need to be submitted as far in advance as possible, as the S-T's office must submit any EOL requests to GOER with at least three weeks notice.

- EOL will be approved for a full or half day based on the Committee work day scheduled, with relevant travel time (half day before or after meeting).
- If EOL is not requested with sufficient advance notice, the member will have to charge time to accruals and then await the EOL decision following the next quarterly submission to GOER.
- On a quarterly basis, GOER reviews EOL requests and approves or denies them. If approved, time is hopefully restored with the agency, and member. This process typically takes several months.

Exceptions to these guidance policies may be made by the Secretary-Treasurer in the event of exceptional extenuating circumstances.

\* Further clarification to existing *Funding Guidelines* policy, last updated 3/4/16.

Policy approved by PEF Executive Board  
3/21/2019  
Amended by the Executive Board September 2022

## **Financial Guidance Policy for non-Convention-related Reimbursement & Reservations**

### **VIII. Required Travel Approvals and Authorizations:**

All PEF travel expenses and reimbursement claims must refer to the specific union business or purpose of the travel expense.

Prior to making any request of PEF Travel or PEF Finance, approval for the reimbursement must have been obtained, in writing, from the person, meeting or event authorizing the expenditure. For examples:

- Executive Board members' travel would cite the Eboard meeting dates on Concur or voucher;
- Vice Presidents' travel would cite the specific approval by the President;
- Committee members' travel would document the relevant Chair's approval; and
- Single room reimbursement would document Division Council approval.

Normal and reasonable travel expenses for approved travel for PEF business will be paid by PEF only upon submission of scanned receipts on the Concur system, with original receipts provided within 30 days. If not using the Concur system, the voucher must have original itemized receipts attached with submission within 60 days of travel.

Any travel costs, to be paid by check or purchase card (pcard), must receive prior approval per the specifications above.

#### IX. Travel by Air or Train:

For approved travel out-of-state and/or of significant distance within New York State, the traveler must consult with PEF Travel and select the most cost effective option.

In addition to the approvals required under section I above, air travel will require the specific additional approval of the Secretary-Treasurer.

Frequent traveler programs (by airline, hotel, etc.) must not receive priority over cost savings for PEF.

#### X. Hotel Reservations:\*

Hotel reservations for approved travel will be made by the PEF Executive Office, based upon double occupancy.

- Travelers may opt for a single room, and will be billed for one-half of the rate per night. Exceptions must receive prior approval by the Secretary-Treasurer.
- PEF will reimburse the traveler for necessary overnight stays in a hotel upon advance approval by the Albany HQ Office and when direct billing cannot be arranged.
- In the event of emergency circumstances, when advance notice is not possible and the PEF Executive Office cannot book the hotel stay, approval must be obtained in writing from the Secretary-Treasurer, before any reimbursement will be made.

#### XI. Travel/Hotel No Shows, Cancellations and Extra Charges:

As soon as a traveler is aware that they will need to cancel or change a hotel reservation or any travel arrangements, they must notify the PEF Executive Office and PEF Travel.

- If the cancellation is made too late to avoid fees or penalties, the traveler may be responsible to reimburse PEF for the fees incurred. Exceptional, documented and approved extenuating circumstances would be excluded.
- Travelers who incur extra charges for negligent behavior or non-union business will not be reimbursed for those charges, and will held responsible for repayment if a pcard was used.

Travel expenses that will not be reimbursed by PEF include, but are not limited to:

- late cancellation fees,
- late hotel check-outs,
- hotel incidentals (minibar, laundry, entertainment),
- motor vehicle violations (speeding fines, parking tickets),
- rental car return fees and/or other extra charges,
- costs paid by other entities (e.g. no double-dipping).

Any such fees or expenses incurred related to cancelled overnight stays or travel will be direct-billed to the PEF member or withdrawn from future expense voucher reimbursements. Extenuating circumstances will be considered at the discretion of the Secretary-Treasurer, based upon the explanation(s) provided in writing by the traveler.

## XII. Authority

The Secretary-Treasurer shall have the authority to adopt rules, procedures and forms necessary to implement these policies.

Proposed revisions to be presented at March 2019 Executive Board meeting, endorsed by the Budget Advisory & Financial Compliance Committee 1/23/19

*\*for Committee-related travel, see also "Financial Guidance Policy for Committees: Lodging, Travel, Meal Expenses and EOL"*

*This policy will replace the following policies to be rescinded and archived:*

*Travel Policy, Travel Policy (Air), PEF Funded Travel Policies and Car Allowance Policy.*

# **Financial Guidance Policy for PEF Regional Coordinators**



***Final Revised Draft***  
***from the Office of the PEF Secretary-Treasurer, Kay A. Wilkie***  
***endorsed by the Budget Advisory & Financial Compliance Committee***  
***2/5/20***

February 2020



**Table of Contents**

- [Overview of Regional Finances](#).....394
- [PEF Regional Coordinator Responsibilities](#).....394
- [Regional Committee Responsibilities](#).....395
- [Regional Treasurer Responsibilities](#).....395
- [Regional Financial Records](#).....396
- [Regional Events, Expenditure and Documentation Guidelines](#).....397
- [Rollover Rules](#).....397
- [ATTACHMENT I:](#).....397
  - [Guidance for Budget Planning and Preparation](#).....397
  - [Outline of the Regional Budgeting Process](#).....398
  - [Examples of Budget Categories](#).....398
- [ATTACHMENT II](#).....400
  - [Regional Audit Guidelines and Checklist](#).....400
  - [Glossary](#).....400
  - [Records Needed](#).....401
  - [Review of Internal Controls – Location of Records](#).....401
  - [STEP 1: REVIEW CASH RECEIPTS \(INCOME\)](#).....401
  - [STEP 2: REVIEW CASH DISBURSEMENTS \(EXPENDITURES\)](#).....401
  - [STEP 3: EXAMINE SUPPORTING DOCUMENTS](#).....402
  - [STEP 4: VERIFY THE ACCURACY OF THE TRIAL BALANCE STATEMENTS](#).....402
  - [STEP 5: WRITE & SUBMIT THE AUDIT COMMITTEE REPORT](#).....402
- [ATTACHMENT III](#).....404
  - [REGIONAL FINANCIAL FORMS](#).....404
    - [A. REGIONAL CHECK REQUEST FORM](#).....404
    - [B. AUDIT FORM](#).....406
    - [C. BUDGET WORKSHEET](#).....407
    - [D. DETAILED LIST OF REGIONAL DEPOSITS](#).....410
    - [E. SUMMARY LIST OF REGIONAL EXPENDITURES](#).....411

## Overview of Regional Finances

Regions are required to follow the same financial guidelines as PEF Divisions, as continually updated in the PEF Policy Manual (per 9/12/00 Convention Resolution).

Regions may spend funds on activities that support PEF's union values, strategic vision, mission, and goals, in compliance with PEF's Constitution, Ethics, Policies, Code of Conduct, and best practices. However, regional spending in the following areas is strictly prohibited:

- 1) External political activities
- 2) Internal political activities
- 3) Salaried employees
- 4) Honoraria to members
- 5) Direct payments in excess of actual expenses
- 6) Reimbursement of dues, fees
- 7) Rebates or gifts to members (via cash, check, credit card)
- 8) Legal fees.

Regions shall be funded based on the approved budget adopted by the Executive Board. Funds shall be provided on an as needed basis, per the PEF fiscal year (April 1 to March 31), and may be rolled over, but not to exceed one year's budgeted amount.

## PEF Regional Coordinator Responsibilities

The Regional Coordinator shall:

- Maintain regular and collaborative contact with PEF Finance;
- Complete and submit an Application for Purchasing Authority ASAP after election;
- Manage spending per budget, specifying union purpose for expenditures, including:
  - Documentation** for regional expenditures per PEF requirements, such as:
    - (1) Expense vouchers, to be submitted with vendor receipts (see Attachment III)
    - (2) Bank of America Works system sign-offs for purchase cards (pcards), with Regional Treasurer approvals
    - (3) Check requests, budgets and audits, per forms provided by PEF (see Attachment III)
    - (4) Monthly provision of original receipts to PEF Finance within 15 days of month-end;

*Note: Payments and reimbursements may be withheld if proper documentation is not supplied per Policy.*

- Maintain a regional depository bank account, with assistance of PEF Finance;
- Appoint a Treasurer (active or retired member), to assist with planning, budget preparation, spending oversight, and audit committee assistance;
- Appoint a Planning & Budget Committee, and an Audit Committee (details below);
- Review the Region's Quarterly Trial Balance, in consultation with the Regional Treasurer, within 30 days of receipt from PEF Finance, checking for accuracy and discussing any corrections/ clarifications with PEF Finance;

- Report quarterly and annually on the financial condition of the Region to the President, Eboard and Regional membership;
- Notify PEF Finance immediately of any change in, or temporary incapacity or, the Regional Coordinator and/or Regional Treasurer.

## **Regional Committee Responsibilities**

The Regional Coordinator (RC) shall:

- 1) Appoint and Chair a **Planning & Budget Committee (PBC)**, to consist of the Treasurer, at least 3 active members and up to 3 retirees. The committee shall assist the RC with:
  - a) Strategic planning on an ongoing basis, and reports of findings and recommendations on matters having a financial or membership engagement impact on the Region
  - b) Budget planning throughout the year.
  - c) Budget preparation, based on the February proposed budget, finalized after Eboard approval of the annual budget in March, with PBC approval of the Regional budget by April 1<sup>st</sup>, and submission of such budget to PEF Finance no later than April 30<sup>th</sup> (see Attachments I and III)
- 2) Appoint, but not serve on, an **Audit Committee** of 2 or 3 members, with the Treasurer serving in an ex officio capacity, whose responsibilities are to:
  - d) Conduct an annual inventory of equipment provided for RC use, owned by PEF, and submit to PEF Finance with the annual Audit Report,
  - e) Complete the Annual Audit Report of the Region's financial records, to be submitted to PEF within 90 days of the March 31<sup>st</sup> fiscal year end, or by June 30<sup>th</sup> (per Attachment II).

## **Regional Treasurer Responsibilities**

The Regional Treasurer is tasked with working closely with PEF Finance in order to:

- Assist RC to account for and regularly report upon the financial matters of the Region;
- Review pcard and approve justified expenditures by the RC in the Bank of America Works system;
- Email updates to PEF Finance regarding deposits made and other regional bank activity;
- Receive and record all monies paid to the Region, on forms provided by PEF Finance;
- Review the Region's Quarterly Trial Balance, in consultation with the Regional Coordinator, within 30 days of receipt from PEF Finance, checking for accuracy and discussing any corrections/ clarifications with PEF Finance;
- Record and pay valid bills and creditors timely, per RC authorization, and PEF Finance forms;
- Maintain accurate records of all financial transactions of the Region, on PEF Finance forms;
- Maintain financial Regional records as required by PEF Finance, available for inspection by the Region's officers, members, auditors, PEF Finance, PEF Secretary-Treasurer or her/his designee;
- Submit all books and records of the Region for the annual audit;
- Report quarterly and annually, with RC, to on the financial condition of the Region;
- Notify PEF in the event of any change of Treasurer;

- Turn over all Regional financial records to her/his duly elected or appointed successor and to PEF Finance.

**Regional Financial Records** include, but are not limited to, the following:

1. Detailed List of Regional Deposits, on excel format per PEF Finance (see Attachment III)
2. Summary List of Regional Expenditures, on excel format per PEF Finance (see Attachment III).
3. All annual audit reports.
4. All annual budgets.
5. All correspondence regarding the Region's finances.
6. Any other financial information applicable to the Region.

## **Regional Events, Expenditure and Documentation Guidelines**

Whenever **Regional Meetings or Events**, such as Leadership Conferences, involve contractual and/or travel arrangements with hotels, caterers and other vendors, RCs must work with the **Special Events Department** to ensure appropriate reviews and approvals have been secured. This essential step will ensure compliance with policies, and avoidance of undue legal, insurance and/or financial risk.

*In order for checks to be issued, and/or expenditures by an RC pcard approved and signed-off by a Regional Treasurer for a Region, proper documentation must be obtained and provided to PEF Finance.*

**Documentation requirements in general** consist of:

- ✓ the indication of the union business purpose for the expense,
- ✓ an original vendor receipt and/or a completed Region Check Request when relevant:
  - a vendor receipt should indicate the name of the vendor, date of purchase, a clear description of the item or service purchased, and the unit and total cost of the purchase. *[If a vendor receipt was not obtained or was lost, contact the vendor and request a copy].*

**Also Required for Meeting Expenses:**

- ✓ the union purpose of the meeting,
- ✓ meeting agenda and minutes,
- ✓ a list of the persons attending/participating.

**Also Required for Operating Expenses:** (such as postage, printing, copying, supplies, telephone):

- ✓ the purpose for the operating expense must be clearly indicated.

**Scholarship Fund:** The establishment of scholarship funds by a Region must be approved by the Regional Coordinator. The establishment of this fund and the award of the monies must be documented. It is recommended that the Planning & Budget Committee be centrally involved and that Regions follow Policy Guidance for Divisional Scholarships or other Academic Achievement Awards (passed at the 11/7-8/19 Executive Board).

## **Rollover Rules**

### *Regional and Regional Political Action Committee (PAC) Rollovers*

Regions and their PACs can rollover an equivalent of one year's budgeted money, positive and negative, into the following fiscal year.

**ATTACHMENT I:**

## **Guidance for Budget Planning and Preparation**

The budget enables a Region to evaluate its spending patterns during the course of a year and to compare budgeted expenses against actual expenses thus aiding the future preparation of a more realistic budget. Two key areas for consideration by the Planning & Budget Committee are:

- ✓ Anticipated Income = funds the Region expects to receive or cash raised through fund-raisers and Rollovers
- ✓ Anticipated Expenses = monies the Region expects to spend during the year.

## **Outline of the Regional Budgeting Process**

- 1) Define your Region's goals and objectives in alignment with PEF's strategies
  - a) Develop goals in coordination with PEF mission and vision
    - i) How to operate the Region
    - ii) How to serve the members
    - iii) How to be a visible and accountable Region.
- 2) Assess your resources
  - a) Cash on hand
  - b) PEF Budgeted Income
  - c) Rollover (maximum one year)
  - d) Other estimated resources
    - i) Fund-raising events (e.g., socials, raffles, etc.).
- 3) Anticipate expenditures based on attaining goals and objectives
  - a) Use past experience to aid in developing cost categories
  - b) Use input of membership counts to develop outreach priorities and cost categories.
- 4) Develop a balanced budget
  - a) In order for a budget to balance, the anticipated expenses should not exceed the total of anticipated income and funds available at the beginning of the budget year.
  - b) NOTE: Receipt of Rollovers may be anticipated.
- 5) Monitor the budget and review trial balances on a monthly, or at least Quarterly, basis
  - a) This ensures that expenditures are accurately kept in line with projections and that the budget is modified to accommodate necessary changes.
- 6) The budget should be evaluated in depth towards the close of the fiscal year as the new budget is prepared
  - a) The Planning & Budget Committee, chaired by the Regional Coordinator, should provide recommendations for preparation of the budget by deadlines.

## **Examples of Budget Categories**

Meeting & Training Expenses  
General Membership

Stewards and Officers (where applicable)  
Standing and Ad Hoc Committees  
Member Orientation  
Convention Expenses  
Leadership Training

Communication Expenses

Website/ social media  
Stationery and Supplies  
Reproduction/ Printing  
Postage  
Newsletter/ Reports  
Phone/ Technology equipment (NOTE: prior PEF MIS approval required)

Social Activities

Summer Picnics  
Holiday Parties  
Membership Engagement events  
Networking Union Trips (spring and autumn events)

Good and Welfare

Donations (non-political)  
Scholarship Fund

## **ATTACHMENT II:**

### **Regional Audit Guidelines and Checklist**

Once the Regional Coordinator has appointed an audit committee of two to three members (with Treasurer as ex officio, and not including the RC) to review the region's finances, the objectives of the annual audit are to:

- 1) Ensure that:
  - a) funds owed the Region are received
  - b) funds disbursed by the Region were for proper and approved purposes
  - c) all financial transactions of the Region have been properly recorded;
- 2) Determine if the budget adopted by the Region is properly adhered to and that financial reports prepared by the Region accurately reflect its activities for the past fiscal year and its current fiscal condition.
- 3) Validate that the Region's membership is kept informed of how funds are used and accounted for.
- 4) Confirm that all assets (i.e. cash, equipment, furniture) of the Region are properly protected and accounted for.

Regions operate on a fiscal year of April 1 – March 31, rather than a calendar year. The review should be performed as soon as possible after the close of the fiscal year and a copy of the audit report must be filed with PEF Headquarters by June 30th of each year.

The Audit committee is generally expected to examine quarterly trial balances, every receipt and disbursement and the supporting documents for the audit period. If the region has a large volume of transactions (e.g. more than 200 per year), the Committee may opt to test a sample of the transactions. A sample may consist of every fifth transaction or selected time frames; however it should change every year so as not to establish an identifiable pattern. Exceptions to the proper procedures that are described in these guidelines should be discussed with the Treasurer and, if significant, noted in the Committee's report. If you have any questions about performing the review, please contact the PEF Finance Director at (518) 785-1900, extension 224.

***Note: The Audit committees may be reimbursed from the Regional budget for expenses such as meals and mileage, but cannot be paid and cannot be provided EOL.***

**Glossary** of some key accounting and financial terms:

Cash Receipts Journal or List of Regional Deposits: A log of all monies (cash and check) received, listing each receipt by date, from whom it was received, the amount received, and for what purpose. The cash receipts journal is usually maintained on a monthly basis.

Cash Disbursements Journal or List of Regional Expenditures: A log of all monies spent, listing each disbursement by date, check number, to whom the money was paid, the amount that was paid, and the purpose for which it was paid. The cash disbursements journal is usually maintained on a monthly basis.



Internal Controls: A set of policies and procedures used within the organization's accounting system that protects the union's funds. Examples of internal controls are a requirement for two signatures on every check, keeping blank checks in a locked drawer or cabinet, requiring regular Treasurer's reports, etc.

Statement of Income and Expenditures: The financial statement that summarizes all of the transactions and indicates what happened for a specific period.

**Records Needed:** In order to conduct the audit, the Regional Coordinator must provide the Audit Committee the following information:

- 1) Copies of quarterly trial balance statements, deposit slips, and any other correspondence received from PEF Finance
- 2) Copies of all bills and check requests documenting expenditures
- 3) All correspondence pertaining to the Region's finances including meeting minutes
- 4) A copy of prior year's Regional Audit Report

### **Review of Internal Controls – Location of Records**

The Region's permanent financial records should be kept in a secure location, accessible only to those who have the authority to review records. If not, the Audit Committee should recommend changes in those practices.

### **STEP 1: REVIEW CASH and CHECK RECEIPTS (INCOME) to ensure the:**

- A. Timeliness of Deposits: Verify that deposits are made promptly after funds are received. Compare the date on the documents that were received with the deposit to the date in the cash receipts journal and the date of the deposit on the bank statement.
- B. Recording of Other Income: Trace the deposit of any miscellaneous receipts. Compare the amounts shown and make sure that all of those amounts are listed on the bank statements. Ensure any special purpose funds received from PEF or others were used per agreements and requirements, with timely reporting (fund misuse may imperil future requests).
- C. Recording of Non-Cash Items: Verify that all deposits are recorded accurately.

### **STEP 2: REVIEW CASH and CHECK DISBURSEMENTS (EXPENDITURES) to verify that:**

- A. Expenditures were paid by check, as requested from PEF Finance
- B. Expenditures were paid by pcard
- C. Expenditures were authorized by the appropriate regional officers
- D. Each check or pcard expense has been documented with an original invoice or receipt.

**STEP 3: EXAMINE SUPPORTING DOCUMENTS to verify that:**

- A. Each receipt (income item) has accurate supporting documentation (e.g. email, letter, a voucher from the firm that sent the check, cash receipt), agreeing with amount deposited.
- B. Each disbursement has accurate supporting documentation (e.g. original invoice, a check request form, a receipt issued by the payee), agreeing with the amount paid. The invoice should be initialed or signed by the authorized approver.
- C. Documentation exists for recurring payments (e.g. contract or other written agreement).
- D. Documentation exists for any unusual and/or major payments (e.g. authorization via regional meeting minutes).
- E. All transactions that are not documented are brought to the attention of the Treasurer for explanation.

**STEP 4: VERIFY THE ACCURACY OF THE TRIAL BALANCE STATEMENTS to ensure that:**

- A. The total of each of the categories in the cash receipts records is listed correctly as income on the Statement of Income and Expenditures.
- B. The total of each of the categories in the cash disbursements records is listed correctly on the Statement of Income and Expenditures.
- C. The totals of income and expenditures are correct, and that the difference between the two (surplus or deficit) is correct.
- D. The account balances are listed correctly on all reports.

**STEP 5: WRITE & SUBMIT THE AUDIT COMMITTEE REPORT on regional letterhead with:**

- A. The name of the region.
- B. The dates encompassed by the review.
- C. Whether or not the books were found to be in good order.
- D. Any deficiencies revealed through the audit process.
- E. The signatures of all committee members to show that all concur with the report.
- F. Footnotes for any items important to the region's financial position not sufficiently explained in the financial statements.
- G. A copy of the Audit Committee Report
- H. A copy of the Region's Fiscal Year-End Financial Statement.

**By June 30th, each year, email your Regional Report to:**

PEF Finance Director (Ray Brown: rbrown@pef.org)  
Office of the SECRETARY-TREASURER

PUBLIC EMPLOYEES FEDERATION P.O. BOX 12414  
ALBANY, NY 12212-2414

Contact the PEF Finance Director for guidance at (518) 785-1900, x 321

**ATTACHMENT III:**  
**REGIONAL FINANCIAL FORMS**

**A. REGIONAL CHECK REQUEST FORM**

Fillable pdf to be emailed to PEF Finance, available on PEF website under documents

*Please print or type*

Region \_\_\_\_\_  
Date of Request \_\_\_\_\_  
Check Needed By \_\_\_\_\_

Name of Payee \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Telephone (\_\_\_\_) \_\_\_\_\_

Make Payable To: \_\_\_\_\_  
Amount Requested \$ \_\_\_\_\_

Delivery of Check (Check One):

Mail to Address Above \_\_\_\_\_ Return to Requested \_\_\_\_\_

Description of Transaction (Be Specific):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Regional Coordinator Certification*

I am authorized to certify that the above expenses are for PEF business and proper receipts for all expenditures will be submitted to PEF Finance.

Signature of Regional Coordinator \_\_\_\_\_

Date \_\_\_\_\_

Signature of Regional Treasurer \_\_\_\_\_

Date \_\_\_\_\_

## B. REGIONAL AUDIT FORM

REGIONAL AUDIT PROGRAM			
Region #			
Audit Committee Members:			
		<b>Step Sign-off</b>	<b>Date Completed</b>
<b>General</b>			
1) Review the Region's Trial Balance. Are there any transactions that do not belong to the Region?			
2) Select a sample of Receipts and Disbursements to test. Document how the number of samples was determined.			
<b>Cash Receipts</b>			
3) Receive cash receipts selected.			
4) Match deposit slips to the Cash Receipts Journal and the General Ledger and determine if balances agree.			
5) Compare dates on the deposit slip and bank statement to the date of the cash receipt in the Cash Receipts Journal. Document any significant delay in the processing of the cash receipt.			
6) Review all cash receipts for any special purpose funds received. Verify funds were used in accordance with any agreements determining the usage of the funds. Ensure that any financial reports required for receipt of funds were prepared on a timely basis as required by the agreements.			

**Cash Disbursements**

7)	Receive invoices and cancelled checks for the disbursements selected.		
8)	Compare the invoice to the check/pcard and the posting in the general ledger. Amounts should agree. If not, document why.		
9)	For checks paid, verify that the invoice was reviewed by the proper individual before being paid. The person reviewing the invoice should not be the same person who initiated the purchase.		
10)	For Purchase Card payments, verify that all transactions have proper approval within the Bank of America Works system.		
11)	For any major or unusual purchase, determine whether the purchase was approved by the Board of the region. Do this by reviewing minutes of the Board meetings.		

**Audit Report**

12)	Prepare the report including the following:		
	A) The name of the Region		
	B) The dates encompassed by the review		
	C) Whether or not the general ledger of the region was found to be in good order		
	D) Any deficiencies that were uncovered		
	E) The signatures of all committee members to show that all concur with the report		
	F) Footnote any items that are important to the Region's financial position but are not clearly explained in the financial statements		
	G) Attach a copy of the Region's Fiscal Year End Financial Statement to the Audit Committee's Report		
13)	Send the report to PEF Headquarters by June 30th following the Fiscal Year End. Send the report to:		
	PEF Secretary-Treasurer		
	Public Employees Federation P.O. Box 12414		
	Albany, NY 12212-2414		

**C. BUDGET WORKSHEET (in excel)**

## REGIONAL BUDGET WORKSHEET

REGIONAL BUDGET WORKSHEET					
	<b>Region #</b>				
	12 Month Average Members				
		<b>Proposed</b>			
		<b>Current</b>	<b>Prior</b>		
<b>INCOME</b>		<b>Year</b>	<b>Year</b>	<b>Difference</b>	<b>Comments</b>
	PEF Budget for Program Exp			\$ -	
	EOL			-	
	Other Income (exp offsets)			-	
	Prior YR Carryover			-	
	<b>TOTAL INCOME</b>	\$ -		\$ -	
	<b>EOL EXPENSES</b>			\$ -	
	<b>PROGRAM RELATED EXPENSES</b>				
	Travel	\$ -		\$ -	
	Lodging	-		-	
	Public Transportation	-		-	
	Meals	-		-	
	Conferences	-		-	
	Other	-		-	
	Equipment/Room Rental	-		-	
	<b>TOTAL PROGRAM RELATED EXPENSES</b>	-		-	
	<b>OPERATING EXPENSES</b>				
	Photocopying	-		-	
	Printing	-		-	
	Postage	-		-	
	Office Supplies	-		-	
	Cell Phone	-		-	
	Minor Equipment	-		-	
	Internet/Website Fees	-		-	
	Convention/Conference Giveaways	-		-	
	Books, references, subscriptions	-		-	
	Miscellaneous Sundry	-		-	
	Contributions/Good Welfare/ Tickets	-		-	
	<b>TOTAL OPERATING EXPENSES</b>	-		-	
	<b>TOTAL EXPENSES</b>	\$ -		\$ -	
	<b>Difference</b>	\$ -		\$ -	
	(Revenue - Expenses)				





**D. DETAILED LIST OF REGIONAL DEPOSITS (in excel)**

Both above excels will be available on PEF website under Regional Documents. Samples attached below for reference.

CASH RECEIPT LEDGER				
	<b>Region#</b>			
	<b>Date</b>	<b>Payee</b>	<b>Description of</b>	<b>Amount</b>
<b>Number</b>	<b>Received</b>	<b>Name</b>	<b>Deposit</b>	<b>Received</b>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

**CHECK RECEIPT LEDGER**

CHECK RECEIPT LEDGER						
	<b>Region#</b>					
Number	Date Received	Check Number	Check Date	Payee Name	Description of Deposit	Check Amount
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

**E. SUMMARY LIST OF REGIONAL EXPENDITURES (in excel)**

The excel will be available on PEF website under Regional Documents.  
 Sample attached below for reference.

## DISBURSEMENT LEDGER

DISBURSEMENT LEDGER				
	<b>Region #</b>			
	<b>Date</b>		<b>Description</b>	<b>Expense</b>
<b>Number</b>	<b>Requested/Purchased</b>	<b>Vendor</b>	<b>of Expense</b>	<b>Amount</b>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

## **Financial Records**

WHEREAS, PEF's Constitution provides that the Secretary-Treasurer shall provide membership accessibility to financial records; and the Executive Board shall adopt reasonable procedures for this process that shall not abridge this membership right nor unduly burden the Secretary- Treasurer; and

WHEREAS, the Secretary-Treasurer's regular reports to the Executive Board and annual Convention report provide access to general financial records; and

WHEREAS, PEF's Constitution provides that the Secretary-Treasurer shall contract with an independent Certified Public Accounting firm to oversee and conduct a certified annual audit of all the financial transactions of PEF, and to publish the official yearly audit for members; and

WHEREAS, PEF's internal auditor provides regular reports to the Executive Board and Convention; and

WHEREAS, PEF's Constitution provides that the Trustees shall periodically review the fiscal records and report to the membership any activities they perceive as not being in the interest of the membership. The Trustees also present an annual report to the Convention; and

WHEREAS, while PEF provides regular access to general financial records as set forth above, members may want access to additional records; and

WHEREAS, PEF's Constitution provides that the Executive Board has the power to establish procedures to allow the membership to review PEF financial documents; and

WHEREAS, in light of the PEF Constitution's direction that reasonable procedures should be put in place that both protect members' rights and do not unduly burden the Secretary-Treasurer, and mindful of anti-union forces that are continuously working to undermine union values, the Executive Board desires to adopt the following policy; and

WHEREAS, this policy is intended to govern access to financial records that are not otherwise routinely provided by PEF as described herein.

THEREFORE BE IT RESOLVED, that:

1. All requests must be submitted, in writing, to the Secretary-Treasurer's office.
2. All records must be reviewed in-person, at PEF Headquarters or another venue agreed upon by the requestor and the Secretary-Treasurer.
3. The Secretary-Treasurer and Director of Finance, or their designees, must be available and included in the meeting to review the financial records. Hard copies of the financial records will be provided at said meeting for review.
4. No pictures or copies of the financial records will be allowed to be taken by those reviewing the financial records.
5. PEF will make every reasonable effort to provide any and all financial records requested available to those who made the request. A minimum of two weeks must be given to PEF Staff to prepare the records requested. The amount of time required to prepare the records will be determined by the Secretary-Treasurer and Director of Finance. Any exception to the two week requirement will be discussed and agreed to between the Secretary-Treasurer and the requestor.

Adopted: August 2024

Executive Board Meeting

## FISCAL IMPACT OF RESOLUTIONS

WHEREAS, many resolutions are submitted to this body for consideration; and

WHEREAS, many delegates are unaware of the fiscal impact of passing a resolution; and

WHEREAS, a resolution passed by this body is a mandate to the Executive Board to include the program in the budget even at the expense of other programs:

THEREFORE BE IT RESOLVED, that all resolutions will have a fiscal statement prepared by the submitter of the resolution; and

BE IT FURTHER RESOLVED, that the Secretary-Treasurer will review all fiscal statements and be required to comment on any that in her or his opinion would have a substantially different cost.

Submitted by:

Al Nelson, Division 234

Adopted: 1989 PEF Convention

Amendment to the above resolution

No resolution received by PEF will be printed for the consideration of the delegates if it lacks a fiscal impact statement.

Adopted: 1994 PEF Convention

Amended at March 2021 Executive Board

## **Fixed Asset and Capital Purchase Policy**

### **Section I:**

#### **Definition of a Fixed Asset:**

A Fixed Asset is any tangible asset purchased for use in the day-to-day operations of PEF from which an economic benefit will be derived over a period greater than one year and has a value of \$5,000 or more. Fixed Assets include items of property and equipment such as buildings, office furniture, fixtures, computers and other related technology equipment.

Bulk purchases of similar items that have an aggregate value of \$5,000 or more are captured as a fixed asset regardless of the individual price of the items. For example, PEF purchases 10 computers at \$500 each. The total purchase of \$5,000 will be considered a fixed asset purchase and capitalized.

Items that are routinely purchased as a set and have a value of \$5,000 or more will be capitalized and depreciated. For example, if a table and four chairs were purchased from the same vendor as a set, and the cost totaled \$5,000, then this purchase would be considered a capital expenditure and depreciated over the life of the asset.

At the time a fixed asset is acquired, its cost is capitalized and subsequently depreciated utilizing the straight-line method using the half-year convention over the asset's estimated useful life. Fixed assets with a value of less than \$5,000 are expensed in the period acquired.

There are several types of capital assets. Specifically:

- Moveable equipment, such as furniture
- Fixed equipment, such as fixtures
- Buildings and their components
- Leasehold Improvements, including department renovations
- Land (not depreciated)

- Land Improvements
- Infrastructure
- Software, computer hardware, peripheral equipment and other electronics

#### Moveable Equipment:

These items are not permanently affixed to a part of the building. Examples include chairs, desks, filing cabinets, bookcases, etc. Some moveable equipment consists of more than one component. For example, a computer, keyboard, etc. These assembled components may be considered a set and recorded as a single capital asset.

#### Fixed Equipment:

These items are permanently affixed to a building but are separate from the building itself. Examples include light fixtures, water fountains, fire control apparatus, etc.

#### Buildings and their Components:

Buildings are roofed structures used for permanent shelter of persons, furniture and equipment. Examples of building components are plumbing, electrical systems, elevators, and HVAC systems.

#### Leasehold Improvements:

Major improvement projects that will extend the useful life of the asset, increase the efficiency, or add new capabilities will be capitalized. An example of this would be adding a new roof. All costs including parts and labor will be included in the total cost of the project.

Parts and labor utilized to perform minor repairs on an existing asset of PEF are considered period costs and expensed in the period incurred. This type of work is considered routine maintenance. Examples of this type of maintenance would be painting an office, replacing a faucet on a sink, or replacing carpet in an office.

#### Land:

Land is defined as the solid part of the Earth's surface whether improved or unimproved. Land does not get depreciated over time. The acquired value is recorded for the cost of the land.

#### Land Improvements:



Land improvements are modifications to outside areas. Examples include, installing sidewalks, parking lots, fences, and yard lighting.

Infrastructure:

Infrastructure is defined as an underlying base or foundation. For example, sewer lines, fiber optic, and steam lines.

Software, Computer Hardware, Peripheral and Electronics:

Computer software includes all programs designed to cause a computer to perform a desired function. It includes the database or similar items that are in the public domain. If the software can be purchased “off the shelf”, it may be expensed in the year purchased.

Computer hardware includes all parts designed in order for the computer to function as intended. It includes but is not limited to hard drives, monitors, keyboards, printers and scanners. Other electronics include backup peripherals, cameras, cellular phones, etc.

**Purchasing a Fixed Asset:**

See Request for Proposal (RFP) Procedures and policy for the process on purchasing fixed assets. Any major fixed assets related to capital improvements should be included in financial statements and budgets and shared with the Executive Board.

The following general ledger codes are to be used for purchasing all Fixed Assets:

- PL-1611 – Furniture and Fixtures
- PL-1612 – Computer Equipment
- PL-1613 – Autos
- PL-1630 – Leasehold Improvements
- LA-1600 – Land
- LA-1605 – Building

### **Tagging of Fixed Assets:**

Once a fixed asset is received and entered into the accounting system used by PEF, a unique identifying code is assigned to the fixed asset. The physical fixed asset should then be tagged with this unique identifier for fixed asset inventory control purposes. An inventory of fixed assets should be done on a yearly basis by each department.

### **Disposal of Fixed Assets:**

A department may have fixed assets that are no longer required due to:

- Excess useful life
- Lack of need
- Obsolescence
- Wear, damage or deterioration
- Excess cost of maintenance

In all of the above, the asset is considered to be surplus property to the department. The Department Head must ascertain the status of the asset. The Department Head will consider the asset either disposable or recyclable. Damaged and judged unsafe items that are too costly to repair will be thrown away. Metal assets, such as bookshelves, metal desks, etc. are recycled to a scrap iron company coordinated by the Facilities Department. Finally, some assets can be recycled, donated, or disassembled for parts or components for further use at the discretion of the Facilities Director.

The Facilities Department will notify the Business Office of the disposal for the appropriate change in the Fixed Asset System. Any residual value will be expensed in the period the item is being disposed. It is the department's responsibility to make arrangements with the Facilities Department to pick up and dispose of the asset.

**Note:** Disposal of computers and all technology related equipment is to be in accordance with the MIS Department and IT Policies and Procedures.

## **Section II:**

### **New Construction and Capital Projects**

In addition to new construction, major improvement projects that will extend the useful life of the asset, increase the efficiency, or add new capabilities, such as a new roof, will be capitalized. All costs including parts and labor will be included in the total cost of the project.

### **Placing Project into Service**

Notification by the Facilities Department will be sent to the Finance Department upon completion of the capital improvement project or new construction project. Upon receipt of the notification, the Finance Department will transfer the improvement project or new construction project from the Construction in Progress general ledger account to the appropriate fixed asset general ledger account as determined by the Finance Department. The project is then added to the Fixed Asset System and begins being depreciated.

## **Section III:**

### **Valuation of Asset**

#### **Purchased Assets**

The value of the asset is determined by including the purchase price of the item, transportation costs, installation costs, and any other direct expenses incurred by PEF in obtaining the asset. Subsequent items purchased, which fall under the \$5,000 threshold, are expensed immediately and not capitalized.

#### **Leased Assets**

The lessee records a capital lease as an asset and a corresponding liability. The initial recording value of the leased asset is fair value or present value of the minimum lease payments, excluding any executory costs such as interest.

#### **New Construction**

When PEF constructs a depreciable asset for its own use, all direct costs are included in the total cost of the asset. This includes items such as architectural, engineering, legal, consulting, project management from outside sources, etc. Fixed overhead costs are not included unless they are increased by the construction of the asset. If there are any questions regarding what should be included in the cost of the new construction, contact the Finance Department for assistance.

## Food Preparation Policy

It shall be PEF Policy that PEF funds will not be expended to purchase food that is not acquired from a NY State/County licensed or permitted food vendor.

Purchasing from a licensed/permitted vendor will protect PEF from financial liability.

Adopted at June 2018 Executive Board meeting

Policy approved by PEF Executive Board  
3/21/2019  
Policy amended August 2024 by PEF Executive Board

Endorsed by the Budget Advisory & Financial Compliance Committee: 1/23/19

### **Giveaways to PEF Members by PEF Elected Officials**

In the event that a PEF Division or Region decides to purchase giveaway items, the specific union purpose for the expenditure must be provided, in writing, along with written documentation of the approval from the Division Council, Regional Coordinator or other person(s) authorizing the expenditure.

**Purpose:** Giveaways may be used to encourage membership engagement, mobilization, and members' participation in PEF. For example, such items may be raffle items at Divisional and/or Regional and/or Statewide membership meetings, door prizes at picnics and holiday parties, union trivia contest prizes, or won at other PEF special events.

**Guidance:** It is strongly encouraged that any customized giveaways (t-shirts, lanyards, water bottles, hats, etc.) include official PEF logo, colors, themes, and branding. Every effort should be made to purchase union-made and USA-made products, consistent with PEF policy. Bulk purchases of items, in coordination with HQ and for multiple Regions and Divisions should be prioritized, in order to obtain favorable discounted pricing. PEF Communications staff may provide guidance on design and suppliers.

Other types of giveaway items should be purchased from the PEF Membership Benefits Program whenever possible in order to benefit from pricing discounts, for example: gift cards and movie tickets.

**Required Documentation:** Whenever giveaways are distributed, whether as raffle prizes, door prizes, or otherwise, it is imperative that a proper accounting for such items be provided.

- Giveaways must be accounted for in the given Division's or Region's budget, with sufficient funds available for the expenditure.
- Specification of the union purpose/event, and the date and time where such items will be raffled off or otherwise won, must be provided.
- An itemized receipt for the purchased items and a description of members receiving the items must be provided to PEF Finance (for example, 50 pens distributed at a members' meeting).
- For items valued at \$30 or more each, the name of the recipient(s) must also be provided to PEF Finance to substantiate the purchase and distribution of the items.

- Any excess inventory of gift cards must be sent to PEF Finance for secure storage on behalf of the Division.

**Prohibition:** To avoid the misuse of giveaways in electioneering, giveaway items purchased with PEF funds cannot be given out by a candidate for a PEF elected office while s/he is seeking petition signatures from PEF member(s).

***IMPORTANT NOTES:***

- ***Distribution of cash gift cards (e.g. AmEx, Visa, MasterCard) or cash is expressly prohibited.***
- ***Providing gift cards to the entire membership of a Division or Region is essentially a rebate of a member's dues, and as such is prohibited by PEF's policy governing division expenditures, and is also prohibited by the LMRDA.***

Any exceptions to this policy require advance approval from the PEF Secretary-Treasurer.

## **Line-Item Program Budget Process, Objectives and Oversight**

In order to ensure comprehensive and strategic crafting and review of PEF's annual line-item program budget, the budgeting process, as led by the Secretary-Treasurer (ST) per Constitution VI.E.6, shall consist of:

- Creation of PEF budget priorities based upon strategic goals advancing our union purpose, with specific program expenditure categories (line items) listed clearly.
- Construction of the budget by the ST and the Director of Finance in consultation with other PEF Statewide Officers, PEF Directors, the Executive Council and the Budget Advisory & Financial Compliance Committee, and with integration of PEF leader and member input;
- Presentation of the draft annual PEF budget for review and endorsement by the Budget Advisory & Financial Compliance Committee at the quarterly meeting prior to March Executive Board, followed by;
- Transmission of the proposed PEF Annual Budget to Executive Board members six weeks in advance of the March quarterly meeting, followed by;
- Submission and consideration of the PEF Annual Budget at the March quarterly Executive Board meeting for review and approval.
- Presentation of quarterly Financial Statements, as an essential part of ST reports at each quarterly Executive Board meeting, will provide the Executive Board with regular and timely updates on, and oversight of, PEF financial results in relation to the annual PEF budget.
- In the event that quarterly Income Statement program expenditure line item categories are in variance to budget estimates by 10% or more, the ST will provide budget amendment proposals for Executive Board approval to adjust such Income Statement expenditure line item categories and revise the budget accordingly.



## **1989 Resolutions**

### **Line Item PEF Budgets**

WHEREAS, the annual PEF budget represents a major legislature balance on PEF administration spending; and

WHEREAS, the current budgeting process does not give the Executive Board this type of fiscal control; and

WHEREAS, monetary control is of primary importance to all PEF members:

THEREFORE BE IT RESOLVED, that PEF shall enact and execute all future budgets with program categories separated into specific expenditure categories (line items) under each program. That these line items shall be as specific as is reasonably possible; and line items for personnel shall include no more than one title per line item; and

BE IT FURTHER RESOLVED, that PEF will begin immediately to encumber funds within these line items so that no future unanticipated spending occurs; and

BE IT FURTHER RESOLVED, that the Secretary-Treasurer shall have the discretion to approve excesses of these line items by up to 10% over the Executive Board budget amount.

Submitted by:

Kevin Jones

Jeff Satz

Lou Barr

Roger Benson

Robert Weinbloom

## **OFFICER SALARIES**

The salaries for PEF officers shall be equivalent to the salaries of the following PS&T Unit position: President, SG-35; Secretary-Treasurer, SG-31; and Vice President, SG-27. Upon taking office (or upon initial adoption of this policy) officers shall be paid the salary they would receive if promoted to the salary grades identified above. Therefore, officers' salaries will be adjusted consistent with the provisions of the PS&T Unit agreement that provide for performance advances until such time as the officers' base salaries reach the job rate of the designated salary grade. Notwithstanding any of the provisions above, any Statewide officer whose State position is allocated to a higher salary grade than that which is assigned to their elected office by this resolution will continue to receive their higher State salary. The policy will take effect August 1, 2003.

Adopted: June 19, 2003  
Executive Board Meeting

## **PERSONAL GIFTS AND GRATUITIES POLICY**

### **Gifts From Vendors/Suppliers**

1. It is the objective of PEF to award business to vendors/suppliers only on the basis of considerations such as quality, service, competitive pricing, technical abilities and existing PEF policy. Acceptance of personal gifts or gratuities by PEF officers, elected and appointed representatives, employees, or their families from current or potential vendors/suppliers that could be construed as a means of inducing business with PEF is inconsistent with this objective. Therefore, PEF officers, elected and appointed representatives, employees, or their families are prohibited from accepting gifts or gratuities from current or potential vendors/suppliers, except that gifts of nominal value (\$75.00 or less per current or potential vendors/suppliers on an annual basis) may be accepted. Gifts of cash or credit are strictly prohibited. Gifts and gratuities include, but are not limited to, items of value, the use of property or facilities, gift certificates, entertainment, or other favors of value extended to PEF officers, elected and appointed representatives, employees, or their families. Perishable items such as flowers, fruit baskets and candy are excluded. This policy is not intended to apply to meals or to the Convention Committee's use of property or facilities in the performance of its customary functions.

### **Gifts From Members**

2. Acceptance of personal gifts and gratuities by PEF officers, elected and appointed representatives and employees or their families from members is prohibited, except that gifts of nominal value (\$75.00 or less per member on an annual basis) may be accepted. Gifts of cash or credit are strictly prohibited. Gifts and gratuities include, but are not limited to, items of value or compensation of any kind. Perishable items such as flowers, fruit baskets and candy are excluded. This policy is not intended to apply to retirement /separation from service gifts or meals.
3. For the purposes of this policy, the term family includes domestic partners as defined in the PEF/State Memorandum of Understanding Concerning Domestic Partnership for eligibility in the New York State Health Insurance Plan.
4. This policy is enforceable for PEF members through the Ethics grievance procedure.

Adopted: August 1, 2002  
Executive Board Meeting

## **PURCHASING Guidance and Requirements**

Prior to making any purchasing decisions for amounts of up to \$24,999, PEF Elected Leaders at the Divisional and Regional levels, and PEF staff, need to be familiar with these requirements and guidelines, and to submit a completed, an up-to-date “Application for Purchasing Authority” (see Attachment V).

Purchase methods include:

- Procurement Card,
- Check Purchase, and
- Spending under existing relevant contract for goods and/or services

### **Process:**

- For Purchases of \$2,499 gross or less that are within approved budgets, secure and document the relevant Divisional, Regional and/or Supervisory approvals.
  - Check with PEF Finance for specific guidance (Director of Finance).
- For single Purchases of \$2,500 to \$24,999 gross that are within approved budgets:
  - Prepare a written description and justification of the given goods/services to be purchased.
  - Consult with the Director of Finance to determine whether existing PEF contracted suppliers may offer cost effective goods and/or services to meet the need.
  - If not, confirm with Director of Finance that the proposed purchase conforms with the LMRDA and all other applicable statutes, rules and regulations.
  - Obtain and document at least three quotes from vendors of given goods/services, determine best value at lowest reasonable and responsible cost, and prepare recommendation for the purchase. Provide explanation if fewer quotes obtained.
  - Next, obtain and document Divisional, Regional and/or Supervisory approvals.
  - Finally, provide all documentation for approved purchase(s) to Finance for processing.
- For recurring purchases of \$2,500 to \$24,999 gross:
  - Ask the Director of Finance whether an RFP is needed and proceed accordingly.
- For any IT-related purchases, consult with Director of Information Systems to ensure compliance with PEF technology protocols and safeguards.

### **Key Points for all Purchases up to \$24,999:**

- Obtain and document relevant approvals as outlined above (e.g. PEF manager, by Agency Division motion passage, by Regional Coordinator, from Finance, etc.).
- Check to see if existing PEF contracted suppliers may be available, offering cost effective goods and/or services to meet the need. Finance Department contact: (specify).
- Follow all existing PEF policies, for example to prioritize vendors that are unionized, followed by suppliers employing staff in NYS or the US. Also consider suppliers that are disadvantaged, e.g. women and minority-owned businesses, firms operated by the disabled, including veterans.
- Get approval from the Director of Information Systems for IT purchases to comply with PEF protocols.

Please confer with Finance colleagues if you have questions about budget availability and purchasing requirements related to your Programs, Regions or Divisions.

## RFP DRAFTING, REVIEW AND ISSUANCE

### Process, Roles and Responsibilities

Whenever a PEF elected leader or staff wishes to procure goods and/or services valued at \$25,000 or more, PEF policies for RFP issuance, review and contract management must be followed.

***Note:** In the event of emergency situations, exceptions to the RFP process may be approved by the Secretary-Treasurer and President.*

In the event that an RFP is being planned, the first step in the process is alerting the Director of Finance for guidance and approval, subject to available budget. The procurer should also be prepared to discuss needs and expectations to be met by the contract.

It is essential that contract plans are made well in advance of anticipated need, given the substantial time required for review and oversight throughout the process. Ideally, the PEF colleague wishing to make a procurement should work with Finance to project contract needs a minimum of six to eight months in advance.

**Once the procurement is approved, Finance** will provide a copy of a similar RFP or template, to be adapted to the specified procurement objectives.

**Divisions/Regions/Programs** will edit the given template to create a draft RFP to reflect their desired:

- **Scope of Services** – detailing:
  - goods and/or services to be procured, and specific deliverables sought;
  - requirements related to tasks, details on standards;
  - performance metrics, and,
  - timeframe for the potential contract.
- **Budget Format**, including:
  - the required process for invoicing and payment, and any other relevant procedures and provisions;
  - Note: the RFP may specify the contract's maximum amount.
- **Qualifications**, such as:
  - mandatory qualifications;
  - details about years of experience, skills, special expertise, etc. that are relevant to the scope of services, and
  - selection criteria to be used in evaluation of proposals.

Note: It should be specified that if requirements are not met, bidders may be disqualified.
- **Evaluation and Scoring:**
  - specifying process for evaluation and scoring methodology.

***Important note:** should a contract award result, the given RFP, along with the winning contractor's proposal, comprise the scope of services and budget for the eventual Contract – **so clear articulation of purpose and expectations in the RFP is essential.***

### **Key RFP Process Responsibilities:**

- Finance will finalize the RFP, making sure to include required elements and relevant dates for issuance, length of time for review, etc.
- Finance will also arrange for the RFP notice to be issued, generally 15 business days before the proposal due date.
- As the RFP is being finalized, the Lead Contact for the procurement will provide Finance with relevant contacts for responses to questions from bidders and for the lead and members of the Evaluation Committee. The lead contact will also need to provide Finance with a list providing as many names of potential bidders as possible (3 or more), including the contact firms' names and email addresses.
- The Lead Contact must ensure timely responses to Finance with answers to RFP questions as they arise.
- All Q&A information must be compiled by Finance and provided to all bidders ASAP after the deadline for Questions specified in the RFP.
- Following the deadline for submission of proposals, Finance will provide copies of all proposals to the Evaluation Committee, along with score sheets and guidance for the evaluation/scoring process.

## RFP EVALUATION PROCESS and EVALUATION COMMITTEE RESPONSIBILITIES

**Overview:** The role of the Evaluation Committee is to programmatically and technically evaluate proposals received in response to the Request for Proposals advertised. The Evaluation Committee, typically comprised of three to five members, should include members with specific expertise related to the RFP scope of services. Following independent review of the proposals with due diligence, Committee members provide scores from their technical evaluation, while Finance provides evaluation scores for budgets.

**The proposal evaluation process is confidential.** No information (such as the number and names of offerors, proposal content, individual scores and proposal ranking) is to be revealed or disclosed to anyone other than someone PEF Finance. Evaluation Committee members need to sign and return the attached **Confidentiality Agreement** to Finance prior to commencing their review.

*Whenever feasible, it is recommended that the Evaluation Committee reach beyond Program staff to include PEF members with expertise relevant to the RFP, as external perspectives improve evaluations.*

### Evaluation Committee and Scoring Guidance

Members of the Evaluation Committee need to familiarize themselves with the process and evaluation schedule (sample below), and to carefully read the Request for Proposals (RFP) and any modifications to the RFP to become familiar with the project's specifications. Members should then individually evaluate and score each technical proposal based upon the established criteria in the RFP. Each committee member shall be conversant with what is being asked for technically in the RFP and **then shall evaluate what each offeror has proposed based upon PEF's request.**

Reviewers are expected to maintain **written notes** within their review material that address strengths and weaknesses for each proposal in response to specifications contained in the RFP. Such notes are particularly pertinent if a reviewer scores a factor at either end of the scoring spectrum. In Attachment II's scoring sample format, the form for notes would be attached to score sheets.

**IMPORTANT:** Notes provided to Finance by the Evaluators may be useful to the debriefing process and in the event of any challenges to the award. Hence, notes need to be clear and legible.

Scoring for each evaluation factor will be based upon the scoring ranges and definitions relevant to the given RFP. Suggested ranges are provided in Attachment II. It is very important that individual scores for the technical evaluation of proposals **be based on the actual submitted RFP response, and not upon a comparison of firms or a previously determined reputation or opinion of a firm.**

Prior to finalizing individual scoring for the technical evaluations, it is recommended that the committee meet as a group to **discuss its findings**. Clarification questions to bidders are allowed at this stage: questions for bidders would be sent to Finance, and Finance would send to bidders. Evaluators should finalize their individual scores following such meetings and clarifications.

The evaluators' individual score sheets shall then be sent to the assigned Finance staff by the specified due date. Finance will then prepare cost evaluation scores to be added to technical evaluation scores to determine combined technical and cost scoring and rank of proposals. Finance would then provide the ranking of bidders' scores to the Evaluation Committee.

Based upon whether the option of oral presentations/interviews or site visits is included in the RFP, the Evaluation Committee may decide to conduct interviews with the finalists. The Committee should construct a list of questions for bidders' responses, and ensure that each bidder is asked the same questions. Following any interviews or site visits, the Committee will re-score the evaluations of the finalists, and share the scoring with Finance. Finance would then determine the final ranking and winning bidder.

Once the Committee receives final scores (with or without optional interviews/site visits), it will make a recommendation to the authorizing party, specifying the winning proposal. This completes the work of the Evaluation Committee. Provided final approvals, Finance will notify the winning vendor of the grant award, and will advise losing bidders that they were not selected.

**Until the contract is fully executed, this entire process shall remain confidential. Questions/issues should be addressed/discussed with Finance staff only.**

Debriefings to unsuccessful offerors shall be granted upon written request to Finance. Finance will then forward such requests to the relevant Evaluation Committee leader for their action, with the guidance of Finance and Legal if needed. The debriefing by Program/Evaluation Committee staff shall include a discussion of the significant weak or deficient factors in the offeror's proposal based on the Committee's written comments/observations. **As indicated in the discussion about Evaluation Committee notes, it is important to document your findings as these determine the informational basis from which non-designated firms are debriefed.**

**Evaluation Committee Member Responsibilities:**

- Sign and return the Confidentiality Agreement, and maintain confidentiality throughout the process with Committee and Finance.
- Evaluate technical proposals independently against the stated requirements and evaluation factors in the solicitation using score sheets and scoring standards.
- Develop interview questions, if optional interviews are part of the evaluation process
- Provide explanatory notes and assign a score for each factor being evaluated on the individual scoring sheets. Identify any deficiencies or needs for clarification.
- Participate in Evaluation Committee meetings and in discussion of strengths and weaknesses of the technical proposals. Document strengths and weaknesses of each proposal. Re-score proposals as necessary, providing a reason for score revision if appropriate.
- Participate in discussions and/or interviews with offerors and other activities as required.



## **TYPICAL RFP EVALUATION and CONTRACT APPROVAL SCHEDULE**

<b>Creation and Finalization of RFP</b> (Finance provides template; Lead Contact provides scope, scoring criteria, budget format, etc.; Finance finalizes with required approvals)	Typically 1 week to 1 month
<b>Issuance/release of RFP followed by Proposal Receipt</b> (Finance posts notice of RFP; Lead Contact provides responses to bidders' questions, if/when requested by Finance)	3-6 weeks usually
<b>Distribution of Proposals</b> (by Finance to Evaluation Committee)	ASAP after due date specified in RFP
<b>Evaluation Committee Meeting</b> (to review proposals in general, discuss scoring anomalies and finalize scoring as appropriate)	1-2 weeks after Proposal received
<b>Scores Due Back to Finance</b> (depending on how many proposals are received, this date may be adjusted)	2-3 weeks after Proposal received
<b>Preparation of Final Scores with Cost Evaluation</b> (by Finance to Committee)	3-4 weeks after Proposal received
<b>Evaluation Committee Meeting to Select Finalists</b> (and/or decide on optional oral presentation/interviews)	3-4 weeks after Proposal received
<b>Oral Presentation/Interviews/re-Scoring of Finalists</b> (if needed/required, interviews are followed by re-scoring by Committee)	5 weeks after Proposal received
<b>Contract Award Decision</b>	6-8 weeks after Proposal received

***Note: Given the time required for review and contract preparation, advance planning is essential.***

## **PEF RESPONSIBILITIES IN MANAGING CONTRACTUAL AGREEMENTS**

**Lead Contact for Procurement** or Project Manager: Overall administrative and technical supervision of Contractor:

- Negotiates technical aspects of the agreement.
- Supervises and guides contractor(s) as needed.
- Accepts deliverables.
- Tracks performance.
- Ensures contractually specified performance metrics are being met.
- Verifies available funding balance on contract to prevent overspending.
- Receives and reviews invoices for compliance with contract budget.
- If needed, clarifies inconsistencies and requests/receives corrected invoices.
- Once verified/corrected, forwards signed Contract Payment Authorization Form and attachments to Finance for processing.
- As relevant, contacts Finance to arrange for contract amendments and/or extensions.
- Alerts Finance to final payment by checking box on Contract Payment Authorization Form.

**Finance staff** - Contract Management: Monitors negotiation, execution and close-out of the agreement:

- Negotiates fiscal aspects of the agreement.
- Assists Lead Contact with clarifications as needed.
- Prepares contract amendments and/or extensions, as needed.
- May conduct invoice, receipt, pre-award and final audits, as required.

## **CONTRACTOR RESPONSIBILITIES**

- Performs services and/or provides goods as specified in contract and in conformance with PEF policies and standards.
- Takes responsibility for honesty and efficiency in conduct related to contractual services and/or goods.
- Ensures honesty and accuracy in submitting invoices and attaching receipts, in accordance with terms and timing specified in contract and its budget.
- Discusses contract budget and specifications with Lead Contact, in order to receive approval before proceeding.

## **ATTACHMENTS and RESOURCES**

- I. RFP Summary Guidance
  
- II. Evaluation Scoring: Sample Tools, Ranges and Definitions
  
- III. Evaluation Committee Confidentiality Contract and  
Certification of Lack of Conflict(s) of Interest
  
- IV. Contract Payment Authorization Form
  
- V. Application for Purchasing Authority Form (pcard and check)

## **ATTACHMENT I: GUIDANCE for PEF RFP EVALUATION AND SCORING**

Evaluation Process: The initial evaluation of proposals by PEF will be done in two parts:

- Technical Evaluation – done by the Evaluation Committee with program expertise, and
- Cost Evaluation – done by Finance, based on a weighted average formula.

Finance will create customized scoring sheets reflecting the RFP content. Following receipt of Evaluation Committee Scores, Finance will add cost scores to technical scores, resulting in total scores.

The Evaluation Committee will review the technical portion of each proposal based on the technical criteria specified in the RFP and will not be advised of the costs proposed or cost scores prior to the selection of the Finalists. However, the Evaluation Committee may be advised of information contained in each bidder's budget if such information is relevant to assessing the level of effort to be put forth by the bidders in performing the project.

Technical Evaluation Scoring Process: When scoring the Selection Criteria specified in the RFP, and/or in re-scoring in the event of optional oral interviews, we recommend consistent scoring, with reference to scoring ranges, as illustrated below and in the attached "Definitions of Grades and Scoring Ranges." The suggested range guidelines below may be further elaborated by the Evaluation Committee to reflect detailed qualification requirements. Proposals submitted by respondents failing to meet any minimum criteria specified in the RFP and proposals that do not include all required components of the technical proposal specified in the RFP shall receive a score of zero (0).

For a maximum score of 10 points:

- 0 – 3 points: Limited resources, concerns about abilities/skills/experience to meet needs and provide services
- 4 – 6 points: Average resources, skills and experience, requiring some support to provide services and manage needs
- 7 – 10 points: Superior resources, skills, experience and ability, clearly able to provide services and manage needs

For a maximum score of 20 points:

- 0 – 6 points: Limited resources, concerns about abilities/skills/experience to meet needs and provide services
- 7 – 13 points: Average resources, skills and experience, requiring some support to provide services and manage needs
- 14 – 20 points: Superior resources, skills, experience and ability, clearly able to provide services and manage needs

For a maximum score of 30 points:

- 0 – 7 points: Limited resources, concerns about abilities/skills/experience to meet needs and provide services
- 8 – 15 points: Average resources, skills and experience, requiring some support to provide services and manage needs
- 16 – 25 points: Superior resources, skills, experience and ability, able to provide services and manage needs
- 26-30 points: Exceptional excellence demonstrated by skills, experience and ability, exceeding expectations to provide services and manage needs

*SAMPLE FORMAT:*

Proposal Evaluation Score Sheet – Date  
PEF RFP Title

**INITIAL REVIEW**

Company Name: \_\_\_\_\_

\*\*\* **Have the Mandatory Qualifications been met?** Yes  No

(As stated on page \_\_\_\_, section \_\_\_\_ of the RFP)

***If Yes, continue evaluation scoring.***

**Selection Criteria**

**Points**

**Awarded**

**Demonstrated Experience:** Relevant experience in performing services similar to those described in the RFP for similar clients with clear, demonstrated impact.

**(20 points maximum)**

**Plan of Action - Approach & Performance Metrics:** Thorough and creative plan proposed to accomplish Scope of Services with demonstrated ability to execute said proposal in a timely fashion. The proposal must address each item of the RFP and a timeline for execution plan of action.

**(25 points maximum)**

**Organizational Capability:** Commitment, capability and expertise of the specific staff to be assigned to this account.

**(10 points maximum)**

**Resources Evaluation:** Evaluation of the adequacy, appropriateness, effectiveness, and reasonableness of the resources proposed by the firm to accomplish the scope of services and tasks set forth in the Scope of Services.

**(15 points maximum)**

**Cost evaluation:**

The evaluation of cost is formula based and will be completed by the PEF Finance.

**(30 points maximum)**

**Evaluator**

**Initial Technical Score**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

**POST ORAL REVIEW**

Company Name: \_\_\_\_\_

**Selection Criteria**

**Points**

**Awarded**

**Demonstrated Experience:** Relevant experience in performing services similar to those described in the RFP for demonstrated impact. (20 points maximum)

**Quality of Approach & Performance Metrics:** Plan proposed to accomplish Scope of Services with demonstrated ability to execute said proposal in a timely fashion. The proposal must address each item listed in the RFP and a timeline for execution of the plan of action. (25 points maximum)

**Organizational Capability:** Commitment, capability and expertise of the specific staff to be assigned to this account. (10 points maximum)

**Resources Evaluation:** Evaluation of the adequacy, appropriateness, effectiveness, and reasonableness of the resources proposed by the firm to accomplish the scope of services and tasks set forth in the Scope of Services. (15 points maximum)

**Cost evaluation:** The evaluation of cost is formula based and will be completed by PEF Finance. (30 points maximum)

**Evaluator**

**Total Technical Score**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name

*SAMPLE FORMAT*

Proposal Evaluation Score Sheet -- Date  
PEF RFP Title

**WRITTEN NOTES for EVALUATION OF PROPOSALS**  
**(REASONS FOR ASSIGNING SCORES FOR SELECTION CRITERIA)**

Demonstrated Experience

Narrative to document score (strengths/weaknesses):

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Reason for score change (if any):

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Quality of Approach & Performance Metrics

Narrative to document score (strengths/weaknesses):

---

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Reason for score change (if any):

---

Organizational Capacity

Narrative to document score (strengths/weaknesses):

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---

Reason for score change (if any):

---

Resources Evaluation

Narrative to document score (strengths/weaknesses):

---

---

Reason for score change (if any):

---

---

Evaluator Name (print)

---

Signature

---

Date

*(please sign only AFTER rating is completed)*

## DEFINITIONS OF GRADES & SCORING RANGES

GRADE	OVERALL EVALUATION	DEFINITION RELATIVE TO CONTENT OF PROPOSAL	RESPONSE OF OFFEROR RELATIVE TO EVALUATION CRITERIA
0	UNACCEPTABLE	PERTINENT INFORMATION NOT PROVIDED	REQUIRED INFORMATION IS MISSING
1 2	UNSATISFACTORY	PERTINENT INFORMATION IS:  AMBIGUOUS; UNCLEAR	UNSATISFACTORY BECAUSE:  SERIOUS SHORTFALLS IN CAPABILITY EXIST
3 4	POOR	PERTINENT INFORMATION IS:  NOT COMPLETE  POOR IN DETAIL  POOR IN CLARITY  SOMEWHAT AMBIGUOUS AND/OR  POORLY PRESENTED	POOR BECAUSE:  SHORTFALLS IN CAPABILITY EXIST IN CRITICAL AREAS  WIDESPREAD SHORTFALLS EXIST, AND/OR  RESPONSE IS POOR; ILL-CONCEIVED, ETC.
5 6	AVERAGE	PERTINENT INFORMATION IS:  BASICALLY COMPLETE AND UNAMBIGUOUS, BUT LACKS:  DETAIL  CLARITY AND/OR  PRESENTATION	AVERAGE BECAUSE:  SHORTFALLS IN CAPABILITY EXIST IN SOME NON-CRITICAL AREAS (BUT NOT IN CRITICAL AREAS), AND/OR  RESPONSE IS marginally SATISFACTORY
7 8	GOOD	PERTINENT INFORMATION IS:  COMPLETE	SATISFACTORY BECAUSE:  NO SHORTFALLS IN CAPABILITY EXIST THAT CANNOT BE RECTIFIED OR COMPENSATED



		<b>SUFFICIENTLY DETAILED</b> <b>CLEAR</b> <b>UNAMBIGUOUS AND</b> <b>WELL PRESENTED</b> <b>(ALL OF ABOVE)</b>	<b>FOR AND</b> <b>RESPONSE IS COMPLETELY SATISFACTORY</b>
<b>9</b> <b>10</b>	<b>EXCELLENT</b>	<b>SAME AS ABOVE</b>	<b>RESPONSE INDICATES EXCELLENT</b> <b>CAPABILITY AND PLANS TO SUPPORT THE</b> <b>CONTRACT EFFORT</b>

**PEF FINANCE**

**EVALUATION COMMITTEE CONFIDENTIALITY CONTRACT AND  
CERTIFICATION OF LACK OF CONFLICT(S) OF INTEREST**

***Return signed and scanned document to the Director of Finance***

1. Evaluation committee members working under PEF policies, esp. those on procurement.
2. It is intended that evaluation committee members not be subject to influence of individuals that are not officially authorized participants in the evaluation process.
3. Evaluation committee members may divulge to their supervisors the fact that they are serving on a committee and when they work or travel related to the committee work, but not the identity of the specific project.
4. All information related to their assignment is considered confidential and shall not be divulged to anyone else at PEF except other committee members and Finance staff on the same assignment. This information includes but is not limited to the project for which proposal evaluation is being done, the status of the committee's work, the firms involved and any information they have submitted, the discussions and scoring of the firms, directions given committee members, anticipated winning firms, etc.
5. Only PEF Finance may determine that information is no longer confidential.
6. All debriefings are handled by PEF Finance and Evaluation Committee staff and questions from consultants regarding their submittal **MUST** be forwarded to Finance.
7. As a professional PEF member/staff, I realize that PEF has a procedure regarding conflict of interest. I will notify Finance if I believe that any conflict of interest or perceived conflict of interest exists between me and any of the consultant firms I am being asked to evaluate on a specific project.
8. Any questions regarding this policy should be referred to Finance.

_____ PLEASE PRINT YOUR NAME	_____ SIGNATURE	____ / ____ / ____ DATE
_____ Title	_____ Project	

**DIRECTION TO EVALUATION COMMITTEE MEMBERS**

## **REGARDING CONFLICTS OF INTEREST WITH CONSULTANT FIRMS**

According to PEF's Code of Conduct and policy on Conflict of Interest, PEF intends to ensure that its members and staff understand and strictly abide by their responsibility to avoid situations where a conflict of interest with their official duties is present and to obey the law applicable to the ethical performance of those duties. It is the duty of each employee to recognize and avoid actual or potential conflicts of interests or situations that present the appearance of the existence of a conflict of interest.

If it may be construed that you have a potential or actual conflict of interest with a firm whose RFP you are reviewing (proposal), or may have even the appearance of such a conflict of interest, you should immediately discuss that problem with Finance.

Examples of situations which call for disclosure are the existence of a past or present:

1. Personal relationship between you and a consultant firm employee.
2. Financial relationship between you and such a firm.
3. Professional relationship in which you have acted or are acting on behalf of a firm or have or are representing such a firm.

Please direct any questions on conflicts of interest to Finance.

**PEF CONTRACT PAYMENT AUTHORIZATION FORM**

**To:** FINANCE

**From:** Authorized PEF Member/Staff: \_\_\_\_\_

**Date:**

**RE:** Contract and Vendor Name

---

As an authorized PEF member/staff, empowered to approve payments for the specified program and contract, I hereby certify that I have reviewed the attached invoices and supporting documentation (receipts, proof of payment, etc.), and found them to be accurate and consistent with the approved budget for the above referenced contract and vendor.

**PLEASE CHECK THIS BOX TO INDICATE FINAL PAYMENT**

\_\_\_\_\_  
PLEASE PRINT YOUR NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
/ /  
DATE

ATTACHMENT V

**PEF APPLICATION FOR PURCHASING AUTHORITY FORM**

*(per Trustees' recommendation and Executive Board approval 2017)*

**[Click here for PEF Purchase Authorization Form](#)**

[Text1](#)

Approved by Executive Board

August 23, 2018

## Purchasing, RFP and Contract Management Processes

WHEREAS, the Public Employees Federation (PEF), a union of Professional, Scientific and Technical employees accustomed to adhering to professional standards in matters of purchasing, developing Requests for Proposals (RFPs) and managing contracts;

WHEREAS, PEF has occasion to purchase goods and services, issue RFPs and enter into contracts for provision of goods/services not available from PEF staff or within PEF itself;

WHEREAS, guidelines, policies and procedures for PEF purchases, RFPs and contract management should exemplify adherence to professional and ethical standards;

WHEREAS, policies and procedures for PEF purchases, RFP issuance per dollar thresholds, and contract management have not yet been developed, or implemented;

THEREFORE, be it resolved that PEF's Secretary-Treasurer and Executive Board shall establish clear, ethical and transparent policies and procedures for purchasing, issuing RFPs for values of \$50,000 and over in expenditure, and managing contracts.

And, be it further resolved that PEF RFPs contain, at a minimum, the following:

1. Scope of Service – detailing services/deliverables being sought, timeframe for the potential contract, tasks, relevant standards, performance metrics and other requirements.
2. Budget – according to specified budget format, required process for invoicing and payment, and any other relevant procedures and provisions. If the available budget is limited, the RFP may specify the contract's maximum amount.
3. Qualifications and Requirements – requiring bidders to detail qualifications, years of experience, skills, specific expertise, references, etc. relevant to the scope of services. Indication should be made that if requirements are not met, bidders may be disqualified.
4. Evaluation and Scoring – specifying the evaluation criteria and scoring methodology.
5. Submission and Directions – indicating submission directions, deadline and PEF contact, that RFP and its budget of the eventual awardee will become an integrated part of the contract, and any other terms and conditions.

*Fiscal Impact: \$0, with the likelihood of savings following implementation.*

*Submitted By:*

Kay Alison Wilkie  
Executive Board Seat 55  
Division 262 DED

Wayne Spence  
President, PEF

Adreina Adams  
Vice President, PEF

Andrew Puleo  
Regional Coordinator – Region 2

David Dubofsky  
Regional Coordinator – Region 5

Mike Blue  
Regional Coordinator – Region 8

Charles Roland  
Interim Regional Coordinator – Region 11

Nora Higgins  
Regional Coordinator – Region 12

Maddie Shannon-Roberts  
Trustee - OTDA

Sarah Lauser  
Trustee - OSC

Sharon DeSilva  
Executive Board Seat 450, OTDA/OCFS

Ken Ferro  
Council Leader, Executive Board Seat 197, Division 205 DOH

Joe Donahue  
Council Leader, Executive Board Seat 487, Division 190 DTF

Mary Ellen Hoffman  
Executive Board Seat 480, Division 190 DTF

Ed Bellamy  
Executive Board Seat 485, Division 190 DTF

Jakob Westman  
Executive Board Seat 486, Division 190 DTF

Bobbi Stafford, RN  
Executive Board Seat 97, PEF Ethics Committee, SUNY H&S Chair, Division 320 SUNY Upstate

Darlene Williams  
Executive Board Seat 360, Division 254 OMH

Germaine Greco  
Council Leader, Executive Board Seat 455, representing Regions 10-12, Division 192 OTADA

Teresa Lefler  
Executive Board Seat 300, OPWDD & OMH

Randi DiAntonio, LMSW  
Executive Board Seat 285, Division 259 OPWDD

Diane Jaulus  
Council Leader, Executive Board Seat 50 Division 353 DOCCS

John Thomsen  
Executive Board Seat 127, Division 179 DHSES/OGS

Ralph Mabb III  
Council Leader, Executive Board Seat 420, Division 211 DMV

Danielle Freeman  
Executive Board Seat 90, Division 355 HESC

Richard Fletcher  
Executive Board Seat 445, OTADA

Radhakrishna Mohan  
Executive Board Seat 217, SIF

Lyndon Jones  
Executive Board Seat 5, OSC

Brenda Grober  
Council Leader, Division 262 DED

Jeff Janiszewski  
Division 262 DED

Amy DeMarco  
Executive Board Seat 190, DOH  
Conrad Davis  
Executive Board Seat 470, Tax and Finance

Sheila Ambrose  
PEF Steward, Division 205, DOH

Stephanie McLean Beathley  
Council President, PEF Division 167

This resolution recommends that PEF's Secretary-Treasurer and Executive Board establish clear, ethical and transparent policies and procedures for purchasing, issuing RFPs for purchases valued at \$50,000 or more and managing contracts.

Adopted at 2017 Convention



## Contract Disclosure

Any entity or persons wanting to do business with PEF would have to fill out a disclosure form listing any and all relationships, fraternal or business or otherwise, with any officer or staff member. Disclosure would be put on all contracts in excess of a thousand dollars, and, therefore, the disclosure to this board, PEF, will be fully aware of any possible conflicts ahead of time before any business is being done with the entity.

Adopted at September 2015 Executive Board

## **Regional Coordinator Equipment Inventory**

Whereas: PEF HQ/Statewide Facilities Manager accounts for the overall inventory of each regional office (desk, chairs, postage machine, filing cabinets, coffee pot, and any additional office furniture/office supplies).

Whereas: A Regional Coordinator uses PEF funds to purchase items for use at regional events, member engagement events or for their use as an RC. For example:

- Coolers
- Folding Tables
- Pop up tents – though it is my understanding in consultation with Dan that Field Services purchased a pop up tent for each regional office
- Items they purchase from PEF Communications (hats, shirts, travel coffee mugs, etc.)

Therefore be it resolved, that Regional Coordinators making said purchases must document and inventory the purchases (not including the office equipment/furniture noted above).

Also be it resolved, that in the case of RC's receiving items from PEF MBP or PEF Organizing Dept. to distribute to their members, they need to document through already approved policy when they hand out those items to members and keep an inventory of the count of these items.

The inventory report shall be included with the annual audit.

Adopted at Executive Board December 2021

## REGIONAL FLEXIBILITY

Be it resolved, that the Regional Financial Guidelines be changed to allow the Regions the same ability as Divisions to accumulate an equivalent of one year's budgeted money to plan for future contingencies, and that the Regions follow the same financial accountability guidelines as the PEF Divisions.

Adopted: September 12, 2000  
PEF Convention

## REGIONAL OFFICE FINANCIAL DISCLOSURE

Regional Coordinators will provide a yearly accounting to all Executive Board members and council leaders in their region. PEF will also maintain a policy of full financial disclosure to its members.

Adopted: 2003 PEF Convention

## RULES FOR DIVISIONS: Formation and Financial Management

### A. General Division Guidelines

1. Constituencies shall be logical, cohesive units. They may be departmental or geographically based. Crossing PEF Regional boundaries is permissible. Division by title or community of interest shall not be allowed. Fifty (50) regular PEF members are needed to start a Division.
2. Divisional Constitutions should follow the model guidelines presented herein. Local adaptation and additions may be necessary, but must not negate the intent and purpose of the model. All changes should be indicated. Explanations may be necessary. The first nine articles are to be named and numbered as outlines. Extra articles, if any, would start with Article Ten (10). With the exception of the Audit Committee, Division Committees listed in Constitutions are not considered mandatory.
3. Thirty percent (30%) showing of interest petitions will be required to start the process. When more than one agency and/or location is proposed for a Division, separate petitions for each agency and/or location will be required.
4. The draft constitution will be sent for a constituency ratification vote. Ratification for approval is a majority of those voting. When more than one agency and/or location is proposed for a Division, separate ratification votes of each agency by location will be required. Ratification votes will be done on-site when practical. If by mail, ballot counting will be done in a location as convenient to Division members as possible.

### B. Division Structure

1. In order to create uniformity of divisional leadership and reduce confusion due to multiple titles for similar functions, the following terms shall describe Division structure:

The Division Council is the governing body of each division.

The Council Leader is the Chief administrative Officer.

The Assistant Council Leader(s) is the assistant administrative officer(s).

The Secretary is the Chief record keeper.

The Treasurer is the chief financial officer.

- NOTE: Divisions may combine the roles of Council Secretary and Treasurer into one Secretary-Treasurer position.

These officers may be elected either by the Council from among themselves or at-large by the constituency. Divisions composed of less than 175 PEF members must elect a Division officer-at-large, so that the Council has at least 4 members (Article IV, Section 1).

2. Division Officers Elections:

Divisions with less than four (4) stewards elect the officers in the following manner:

If a Division has:

1 Steward, this is the Council Leader

2 Stewards, they are Council Leader and Treasurer (or Secretary-Treasurer- S-T)

3 Stewards, the Council Leader, Treasurer (or S-T), Secretary (or Assistant Council Leader).

3. The Term of Office for all elections shall be between one (1) to three (3) years (Article XX, B, 6).

4. Documents, records and reports related to the Division's financial operations and leadership decisions by the Council Leader, Treasurer, Secretary and Assistant Council Leader shall be considered PEF property, and must be transferred to successors. In the event successors are not yet elected, materials must be transferred by the officers whose terms have ended to PEF Finance.

**C. PEF Division Council Standards:** Divisional leadership is responsible for ensuring that the following core union functions are provided to benefit PEF members in the Division:

**Required Tasks and Responsibilities:**

20. Establish required Division Committees\*
21. Conduct at least two Division Membership Meetings per year\*
22. Provide regular (at least monthly) informational updates by meetings, links to the PEF website, emails, e-bulletin board and physical bulletin board postings.
23. Conduct new Membership Orientations whenever new members join the Division
24. Sponsor two Division events per year (such as picnic, holiday party, MBP promotions, EAP event, scholarship awards, etc.)
25. Ensure all Stewards receive training certification within 6 months after election\*
26. Notify Regional Coordinator and Executive Board representatives of all Division meetings\*
27. Prepare annual Division Budget, approved by Division and Stewards' Council\*
28. Submit Annual Audit and Quarterly Financial Reports (per Rules for Divisions)\*

**Membership Engagement**

29. Recruit stewards and membership mobilizers to fully engage all members.
30. Work with Field Services Organizing to have a fully recommitted and mobilized Division.

**Labor/Management**

31. Establish a local Labor/Management Committee\*
32. Conduct at least two Labor/Management meetings per year\*
33. Circulate/share Labor/Management agenda and minutes with to the Division membership and post on local PEF Bulletin Board.

**Contract Enforcement**

34. Establish a grievance structure and serve as a liaison in grievance filings\*
35. Be involved in Disciplines/Discharges and Interrogations

**Political Action and Union Solidarity**

36. Encourage participation in regional Political Action Committee work, voter registration drives, and overall activism.
37. Recruit COPE contributors by requesting participation during new member orientations and political activism.
38. Join with labor groups and participate in Central Labor Council, Area Labor Federation, and in several local/ regional labor events every year.

*\* Indicates Mandatory Requirements per PEF Constitution or Policy.*

Division Council Standards adopted 8/2/02, updated November 2018.

## **D. PEF Divisions: Funding, Budgeting and Financial Management**

In accordance with the PEF Constitution (Article XX, Section B), the following guidelines deal with Division Financial activity:

### **1. Funding**

- f. Approved Divisions shall be funded based on their membership in Division accounts maintained at PEF. No other bank accounts for Divisions are permitted, nor shall PEF's Tax ID number be made available for Division use. The funds shall be provided on a quarterly basis, for the first 200 members, and for 201+ members, at rates to be determined by the Executive Board in connection with the PEF annual budget.
- g. The fiscal year shall be April 1 to March 31.
- h. At inception, and once the new, approved Division has elected officers, a \$500 advancement start-up funds shall be provided from per capita funds. Thereafter, funding shall be quarterly to Divisions in good standing.
- i. Each Division shall receive a quarterly Division membership list from PEF, which shall be the basis of the quarterly per capital payment.
- j. Divisions may request that PEF Finance manage their receipts and expenditures directly, in the event that circumstances warrant such beneficial assistance for operations. In the event that Divisional leadership is not able or willing to implement PEF Division Council Standards, the Secretary-Treasurer may have PEF Finance manage divisional finances through direct beneficial assistance.

### **2. Expenditures**

#### **IMPORTANT NOTES:**

- Approved Divisions are allowed to spend monies on any activity that serves a PEF union purpose, is consistent with the Labor-Management Reporting and Disclosure Act (LMRDA), is pre-approved by the Division Council, and is not contrary to PEF goals and policies, including the Code of Conduct.
- Documentation **MUST BE MAINTAINED** and **SUBMITTED** to PEF Finance specifying the members participating in meetings and events, and specifying the value of, and members in receipt of, any gifts or giveaways purchased by the Division (see attached Documentation Requirements).
- i. All spending must be explained, receipted, and in accordance with the Division Budget as approved by the majority vote of the Division Council and in compliance with other provisions of the specific Division's constitution.

#### **Spending in the following areas is strictly prohibited:**

1. Political activities
  2. Internal caucus activities
  3. Salaried employees
  4. Honoraria to members
  5. Direct payment to members in excess of actual expenses
  6. Reimbursement of member's dues
  7. Rebates or gifts to members (via cash, check, credit card)
  8. Legal fees.
- j. Examples of permitted Divisional expenditures include, but are not limited to:

1. Expenses for Division members' meetings (food, room, supplies, etc.)  
*NOTE: Food purchased for PEF meetings and events MUST be from a licensed restaurant/supplier/caterer, for liability and health & safety reasons.*
  2. Expenses for Division operation (postage, printing, etc.)
  3. Mileage for Division purposes- consistent with PEF travel policy and specifying union purpose, meeting notice, etc.
  4. Tickets and contributions for local functions where the Division should be represented
  5. Membership engagement and seasonal events
  6. Good & welfare, scholarships.
- k. All STATEWIDE Divisions must ensure that resources are shared fairly with members located across the State, ideally on a pro-rata basis.
- l. Convention expenditures: Approved Divisions have the discretion to allocate up to \$100.00 to each delegate attending PEF Conventions, provided that such allocations are approved in advance by the Division Council, as evidenced by meeting minutes prior to the given Convention. No Division may reimburse any delegate for a single room supplement.
- m. No double reimbursements are permitted: Divisions may NOT reimburse for expenses vouchered for payment by other entities or PEF departments.
- n. No 'discretionary' or 'petty cash' funding amounts allocated to Division Council officers, stewards or members are permitted under any circumstances.
- o. Expenses for Labor-Management meetings should be charged to the Division's LM budget, unless there is an MOU with NYS with other provisions related to expenses.
- p. Expenses for Health & Safety meetings should be charged to the Division's H&S budget, unless there is an MOU with NYS with other provisions related to expenses.

### 3. Division Responsibilities

#### Approved Divisions Shall:

- k. Develop an annual budget to be approved by the Division Council on or before April 1 and forward it to the PEF Finance Department by April 30<sup>th</sup>.
- l. Establish an Audit Committee to be composed of at least 3 persons, with no more than one being a steward and/or officer (cannot include the Treasurer) of the Division. This Committee shall do a yearly audit of the Division's financial activities and report to the Council, membership and to PEF Central within 90 days after the end of the fiscal year by completing the Annual Division Audit.
- m. At the conclusion of each fiscal year have the Division Audit Committee conduct and maintain an inventory of the assets (e.g. furniture, electronics, fixtures) owned by the Division, using the Guidelines for Maintaining an Equipment Inventory. The inventory report will be submitted by the Division to PEF Finance with the Annual Division Audit.
- n. Report and explain all monies received and spent no later than 30 days after the conclusion of each quarterly period, for both checkbook and purchase card Divisions.
- o. Submit original receipts to PEF Central on a quarterly basis, keeping copies on file for the annual audit.



- p. Review Division's trial balance info within 30 days of receipt from PEF Finance, to check for accuracy and make any needed corrections or clarifications in a timely fashion.
- q. Make all financial reports, especially the Annual Budget and the Audit Report, available to the Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor.
- r. Provide current personal email and cell phone contact information for the Division's Council Leader and Treasurer or Secretary-Treasurer to Finance.
- s. Require that the Division have at least one officer who assumes financial leadership, with the responsibility for communicating with Finance (Council Leader and/or Treasurer or Secretary-Treasurer).
- t. Ensure that any Division officer with spending authority complete and submit an approved Application for Purchasing Authority, within 30 days, or the deadline set by Finance, (available online at:  
[http://www.pef.org/pef\\_files/docs/forms/Application\\_for\\_Purchasing\\_Authority.pdf](http://www.pef.org/pef_files/docs/forms/Application_for_Purchasing_Authority.pdf))

NOTE: the Division Financial Management Timeline spreadsheet (attached) is designed to be a helpful planning guide.

#### 4. Account Deposits

- d. Division funds shall be deposited at the end of each quarterly period in the Division's account at the bank designated by PEF. This deposit may be withheld if a Division is delinquent in submitting any one of the above stated reports.
- e. All accounts require at least two signatures, or dual purchase card approval, to spend funds.
- f. No more than one (1) year's reimbursement, or \$5,000, whichever is greater, can be accumulated by a Division. One year's reimbursement is defined as the sum of the last four quarterly per capital payments. The Division Treasurer will receive written notice of the maximum.

#### 5. Accounting for Expenditures

NOTE: All Division expenditures must be pre-approved by the Division Council and properly documented via original invoices, PEF Works entries, participant sign-in sheets and/or on the appropriate forms provided by PEF such as:

- e. Emails and/or minutes documenting Division Council approvals,
- f. Lists of meeting participants (using PEF sign-in sheet form) and giveaway recipients.
- g. Division expense vouchers or PEF Works entries, which need to be submitted with the vendor's detailed and itemized receipts,
- h. Quarterly: Journal Register Reports (checkboxbook Divisions only) along with itemized receipts and supporting documentation (all divisions).

## 6. Penalties

NOTE: When a Division is delinquent in submitting the required annual budget or audit, or quarterly reports for one or more consecutive quarters, or is missing significant required financial documentation, deposits of Division funds into the Division's account shall be withheld, and penalties may be assessed, until all Division reports are brought current. Exceptions to imposing penalties and/or withholding funds may be made if the Office of the Secretary-Treasurer has knowledge of Division circumstances which explain and excuse the delinquency. Such delinquencies and circumstances shall be included in the Secretary- Treasurer's next report to the Executive Board.

- f. Division quarterly payments shall be withheld until all outstanding reports and accounting entries are submitted.
- g. A portion of a Division's quarterly payment may be forfeited if reports, such as the quarterly report, budget, audit or inventory list, are more than 30 days late (e.g. if 60 days late, one-third of funds may be forfeit, at 90 days, two-thirds, or after 120 days, the entire quarterly amount).
- h. Prior to restoring withheld quarterly payments, a revised budget reflecting such restored funding must be submitted to Finance. Once such a budget is in place, along with the required outstanding documents, funding may then be restored.
- i. Divisions will reimburse PEF for all fees associated with bounced checks written by the division.
- j. Expenses lacking detailed receipts/documentation will be charged against future per caps. Funding for such deductions may be restored if the Division Council leadership provides a full explanation at a membership or stewards' meeting, wherein the participants vote their approval to excuse the error and approve the un-receipted expense. Documentation requesting restoration, including the Division meeting minutes and participant list for such approval, and proof that the action was disclosed to the full Division membership, must be provided to Finance within 90 days of the deduction.

## 7. Purchase Cards

- g. One purchase card (pcard) will be designated to each Division, per the Division Council request. Council requests for additional cards must be approved by the PEF Secretary-Treasurer.
- h. All Division expenses must be approved/signed off within 30 days of the purchase by two Divisional officers. Failure to sign-off on card purchases within 30 days will result in a temporary freeze of the Division's account.
- i. The Division Treasurer shall be the final reviewer and approver of all purchases. ***It is required that one of the Division Council officers (Treasurer, Council Leader, Assistant Council Leader, or Secretary), who does NOT have a purchase card, be empowered to sign-off on all Division expenditures by any other cardholders, in order to ensure a virtual dual sign-off. It is strongly recommended that the Treasurer take on this role and not have a pcard.*** Purchases by the Council Leader and any other officer shall be reviewed and approved by the Treasurer, or other officer without a pcard. In the event that purchases are made by the Treasurer, they shall be reviewed and approved by the Council Leader, or other officer without a pcard.
- j. Purchase cards will be temporarily shut off when a zero balance is reached.

- k. Per Capita shall be available for spending on the first business day of the quarter.
- l. All detailed/itemized original receipts for card purchases made during the fiscal year, as well as relevant original participant lists, must be submitted quarterly for review and retention by PEF, or may be submitted more frequently (monthly) to ensure such documentation is not lost as it is essential to the annual audit. It is strongly recommended that Divisions retain copies of receipts and related materials.

#### 8. Division Status as “Not in Good Standing” or “Improving”

- e. Determinations that Divisions are Not in Good Standing (NGS) or Improving (I) are made quarterly or as needed.
- f. Factors involved in a determination that a Division is “Not in Good Standing” (NGS) include:
  - 3. Missing financial and required documentation, such as an absence of an approved budget, audit, receipts, attendance lists with participant sign-offs, specification of the union purpose of the expense, and/or,
  - 4. Absence of financially responsible leadership.
- g. Factors for a determination that a Division is Improving consist of active work underway with Finance and Divisions staff on the part of Division officers and leaders in order to return the Division to good standing,
- h. The Finance Office will reach out to Division officers (and Executive Board representatives for such divisions) at risk of being listed as NGS prior to the final determination, in order to provide assistance to resolve the factors of concern whenever possible.

#### **E. Authority**

The Secretary-Treasurer and the Divisions Committee shall have the authority to adopt rules, procedures and forms necessary to implement these policies.

**TIMELINE FOR DIVISIONAL FINANCIAL REPORTING AND RESPONSIBILITIES**

	Quarter I: Apr 1-June 30	Quarter II: July 1-Sept 30	Quarter III: Oct 1- Dec 31	Quarter IV: Jan1-Mar 31
<b>PEF Fiscal Year: 4/1 to 3/31 -- Quarters:</b>				
<b>REPORT/ ACTIVITY:</b>				
<b>Application for Purchasing Authority Completion:</b>				
Submission by PEF members with any spending authority, by pcard and/or check: within 30 days, or deadline set by Finance				
	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>
<b>Quarterly Report on Monies received and spent</b>	for Q IV	for Q I	for Q II	for Q III
Provide original receipts to Finance, keep copies in Division	30-Apr	30-Jul	30-Oct	30-Jan
<b>Annual Budget</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>
Create Annual Budget: Treasurer with Division Council	1-Apr			
Submission of Annual Budget to PEF Finance, no later than:	30-Apr			
Share budget with Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor	30-Apr			
<b>Annual Audit:</b>				
Convene Committee, conduct Equipment Inventory after FYE	suggest 15-Apr			
Complete and submit annual audit to PEF Finance, with Asset Inventory, within 90 days of 3/31 FYE	before 30-Jun			
Share audit with Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor	30-Jun			
<b>NOTE:</b> Risk of Penalties if Annual Audit and Inventory not submitted after 30 day grace period ending:			30-Jul	

**SUPPORTING DOCUMENTATION REQUIREMENTS**

<b><u>EVENT or ACTIVITY using DIVISIONAL FUNDS</u></b>	<b>Itemized, Original Receipt for Meals, Purchases, Donations or Contributions</b>	<b>List of all PEF Participants/ Recipients, including their signatures per PEF format</b>	<b>Expense Voucher or PEF Works Entry with details on purpose, rationale</b>	<b>Notes</b>
<i><b>NOTE: The PEF Union Purpose for Expenditure, and Good or Service Purchased, Must ALWAYS be Specified in Detail</b></i>				Submit required documentation within 30 days
Holiday Party	x	x	x	
Summer Picnic	x	x	x	
Members' and Stewards' Meetings, Membership Engagement Session, other	x	x	x	
Travel: MUST comply with applicable PEF travel policies	x	x	x	Describe what, where, when, why
Good & Welfare: e.g. sympathy, get well, retirement plaque, commendation, scholarship	x	x	x	All members to be provided same benefit in same situation, specify names
Giveaways: refer to policy document for guidance	x	x	x	NEVER cash or equivalent

## Scholarships or other Academic Achievement Awards

*Proposal endorsed by Budget Advisory & Financial Compliance Committee and Divisions Committee 10/9/19; submitted for consideration at the November 7-8 Executive Board meeting.*

While operating in accordance with established PEF policies, Divisions have autonomy in deciding whether to allocate resources in support of the academic achievement of qualified applicants from PEF members' families.

To achieve the best possible outcomes in furthering PEF union objectives, the following process is hereby established:

- **Budget and Planning Timeline:** Divisions planning to allocate resources to scholarships and/or academic awards must specify such amounts in their annual budgets, with an explanation of the planned distributions, and must submit a copy of the application and promotional materials to Divisions Finance.
- **Application Review:** Divisions Finance will then review such application and related materials with the Divisions Committee to ensure adherence with PEF policies, and provide edits or corrections, when needed, to the Divisional leadership.
- **Promotion of Opportunity:** With decisions about budgets and applications during the spring, the availability of the scholarships/awards, applications and deadlines must be clearly announced to all members in the Division, via blast email from HQ, bulletin boards (electronic and physical) and via the PEF Communicator. Given postage costs, whether to also send applications by USPS will be up to Divisional leadership.
- **Announcement of the Winners:** The names and amounts of awards made from members' dues should be clearly announced by the Division and in the PEF Communicator, to celebrate PEF's commitment to our members and our union families.

Examples of programs and applications considered best practices by the Committees are attached for reference and guidance, including:

- Division 205 (DOH-OMIG), Division 190 (DTF) and Division 245 (DOL-NYC).



Public Employees Federation Div 205 21Award App 2018.pdf



DTF Scholarship

## *PEF Division 245 First Annual Scholarship Contest 2019*

PEF Division 245 is conducting its first Annual College Scholarship Contest  
There will be 11 scholarships awarded\*. 3 \$1,000 Awards; 8 \$200 Awards

To be eligible for one of these Scholarships, the following criteria must be met:

1. Applicant must be a dependent, son, daughter of a PEF member of Division 245.
2. Applicant **MUST** provide proof of Full Time or Part Time Enrollment at an accredited College or University or a College acceptance letter for the Fall 2019 for an accredited College or University.

Applicant **MUST** submit an essay on: **"What do you think of Labor Rights"**.

3. The essay must be about 600 words (2 Pages). The essay **MUST** be typewritten, double spaced, no italics, no script, no bold, 11 point type size .
4. The essay will be reviewed, and the highest scoring 3 essays will be chosen as winners to receive a \$1,000 Scholarship each. All remaining essays will be submitted for a random drawing (random drawings may only award one per family).

Scholarship applications, typewritten essays and College Transcript/College Acceptance letter **MUST** be received by Monday November 1st, 2019 at the **PEF Division 245, Scholarship Committee, 100 William Street, Suite 1700 New York, NY 10038.**

Winners will be announced by Monday, December 23rd, 2019.

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

Home Address\* \_\_\_\_\_

Cell Phone & email\* \_\_\_\_\_

Are you a PEF Member of Division 245 Dependent? Yes \_\_\_\_\_ No \_\_\_\_\_

PEF Division 245 Member's name \_\_\_\_\_

Office location of PEF Division 245 Member \_\_\_\_\_

Name of accredited College or University \_\_\_\_\_

Address of College or University \_\_\_\_\_

\*Required

Approved by Executive Board – November 2019

SECRETARY-TREASURER MEETING WITH THE BUDGET ADVISORY & FINANCIAL  
COMPLIANCE COMMITTEE PRIOR TO DISCUSSING THE PROPOSED BUDGET TO THE  
EXECUTIVE BOARD FOR APPROVAL

WHEREAS, the Secretary-Treasurer has the responsibility to prepare, present and discuss the PEF proposed financial budget to the PEF Executive Board during the first quarter of the fiscal year, and

WHEREAS, PEF established a Budget Advisory & Financial Compliance Committee, with the responsibility of reviewing the PEF budget, and

WHEREAS, the PEF Budget Advisory & Financial Compliance Committee is supposed to meet and discuss the PEF proposed budget with the Secretary-Treasurer, and

WHEREAS, it appears that there have been insufficient meetings between the Secretary-Treasurer and the established financial Committees (i.e. Finance Committee), and

WHEREAS, it is imperative that PEF as an organization must act in the best financial interests of all PEF members by establishing a well-discussed and prepared financial budget, and

WHEREAS, it is PEF's best interest that the Budget Advisory & Financial Compliance Committee and the PEF Secretary-Treasurer should meet to discuss and prepare the best and most detailed PEF financial budget before it its approved by the PEF Executive Board during the fourth quarter of the fiscal year, and

WHEREAS, issues regarding the proposed financial PEF budget can be discussed with the Secretary-Treasurer and the members of the Budget Advisory & Financial Compliance Committee, before it is presented to the PEF Executive Board during the fourth quarter of the fiscal year;

THEREFORE, BE IT RESOLVED, that the PEF Secretary-Treasurer should meet with PEF Budget Advisory & Financial Compliance Committee, at least quarterly to discuss the PEF proposed financial budget prior to it being prepared, presented and discussed with the PEF Executive Board.

Fiscal Impact: None, if the Committee can discuss matters through phone conference, or meet during lunchtime at Executive Board meetings.

Submitted by: Sharon V. DeSilva, esq., Region 8, Division 234, Executive Board  
Wayne Spence, President of PEF  
Debra Walton, Region 8, Division 234, Assistant Council Leader  
Lyndon Jones, Region 8, Executive Board  
Kay Wilkie, Region 8, Executive Board  
Michael Blue, Region 8 Coordinator  
Nora Higgins, Region 12 Coordinator  
Scarlet Ahmed, Executive Board  
Ken Ferro, Executive Board, Division 205 Council Leader  
Richard Fletcher, Executive Board  
Joe Donahue, Executive Board, Division 190 Council Leader of  
Randi DiAntonio, Executive Board



Ralph Mabb III, Executive Board, Council Leader of Division 211  
Dave Dubofsky, Region 5 Coordinator  
Andrew Puleo, Region 2 Coordinator  
Timothy Lane, Region 8, Division 234 Steward  
David Takor, Region 8, Division 234 Steward  
Germaine Greco, Division 192, Executive Board  
Sheryl Sperry  
Darlene Williams, Executive Board  
William Osta  
Diane Jaulus, Executive Board  
Johnny Neal, Division 190, Tax and Finance  
Charla Anderson, Region 8, Steward  
Tania R. Tinley Region 8, Division 205 Steward  
Monica Sharp, Region 8, Division 234 Steward  
Michelle Santos, Region 8  
Sara Betancohurt, Region 8, Division 234 Steward  
Carolyn Cole, Executive Board, Division 197 Council Leader  
Barbara Gregorek, Division 234, Council Leader  
Karis Browder

Adopted at 2017 Convention

1988 Resolutions

Secretary-Treasurer's Report Dues Increase

WHEREAS, the Convention is the highest decision making body of our union, except for a vote of the general membership; and

WHEREAS, the Secretary-Treasurer makes an annual report to the Convention; and

WHEREAS, this report is the vehicle utilized to present a proposed dues increase to the Convention; and

WHEREAS, decisions are best made when the maximum information is available to the decision maker; and

WHEREAS, the impact on the services provided by the union foregoing a projected dues increase is the most important question to be considered in resolving such a request:

THEREFORE BE IT RESOLVED, that it is the sense of this Executive Board that should the Secretary-Treasurer report the need for a dues increase, alternate spending plans for the upcoming fiscal year shall be presented - one without the additional revenue from the dues increase and one including that revenue.

Submitted by: John L. Imhoff  
Department of Labor Division 245

## **SICK LEAVE BUY-BACK RESOLUTION**

As a result of PEF's inability to reach agreement with the state (GOER) to implement the sick leave buy-back policy adopted by the Executive Board on August 24, 1999, that policy will be superseded by the following until such time as GOER accedes to PEF's request and allows adoption. The sick leave buy-back policy will apply to PEF officers and staff on full-time leave from their state jobs.

1. First, the administration of PEF will from time to time re-contact GOER when appropriate in further attempts to secure agreement on the August 24, 1999 policy.
2. Second, the contract negotiating team will assess the efficacy of pursuing the August 24, 1999 sick leave policy in contract negotiations with GOER. This pursuit will not be at the expense of member issues.
3. In the event the first and second steps prove fruitless, an escrow account will be established for each statewide elected officer and staff person on union leave since August 1, 1991 that will approximate the state procedure for awarding sick leave credits. The same actuarial tables and calculations used by the state will determine the total dollar value of individual benefits. Total payments to the individual and/or surviving spouse or dependent survivor will not exceed the amount which would have been payable from the state sick leave account. Sick leave used by an individual during union leave tenure with PEF will be deducted from the total accruals. The escrow credits shall not cause the combined State/PEF benefit to exceed the maximum amount payable by the state and the current collective bargaining agreement in effect. Should the total value of the individual's benefit be less than \$1000, a lump sum payment will be made upon application at the time of retirement. Upon agreement with the state to allow restoration of sick leave credits, this in-house escrow account will be discontinued, and the August 24, 1999 policy will then take effect. The dual annuitant option will be available for use by the retiree.
4. Regardless of the outcome of the sick leave credit dispute with GOER, the following amends the August 24, 1999 policy and becomes permanent. Because officers and staff lose retirement service credits as a result of loss of sick leave accruals, an escrow account will be established to compensate them for this loss, and payment will be made yearly.

Adopted: June 7, 2002  
Executive Board Meeting

**Sick Leave Buyback Policy (as referenced by current PEF policy “Sick Leave Buy Back Resolution)**

It will be the policy of PEF that sick leave buyback as outlined in the GOER memo of January 20, 1994 will be provided to PEF members serving in staff or elected positions who served in such capacity on or after the above date. The maximum period of such buyback will be retroactive to August 1, 1991.

Sick leave will be brought back as follows:

Only sick leave that is permitted under Time and Attendance rules or the PEF contract, will be reimbursed to the officer’s or staff member’s accruals. Sick leave purchased will be reduced by all sick leave used while employed by PEF. Retroactive payments will be made from the PEF reserve. This benefit would be payable upon separation from PEF and held in escrow until that time.

Adopted: August 24, 1999

Executive Board Meeting

**January 20, 1994 GOER Memo (as referenced by current PEF policy “Sick Leave Buy Back Resolution)**

January 20, 1994

Mr. Roger Scales  
Director of Operations  
Public Employees Federation AFL CIO  
1168-70 Troy Schenectady Road  
PO Box 12414  
Albany, New York 12212-2414

Dear Mr. Scales:

I am pleased to inform you that we will permit full-time elected officials of PEF who are union leave from a State position to be credited for the sick leave accruals up to the amount that an individual employee would have earned as a State employee. The full cost of such leave shall be reimbursed to the State by PEF. Such cost should be determined by the Comptroller’s Office and will be consistent with existing practice.

Sincerely,  
Christopher E. Fatz  
Assistant Director

SPECIAL COMMITTEE SPENDING REPORTING

It shall be PEF policy that the Secretary-Treasurer provide the Executive Board with an accounting of the spending of all Special Committee on a yearly basis.

Adopted: November 18, 2005  
Executive Board Meeting

**Statewide Officer Accountability**

THEREFORE BE IT RESOLVED, that the Statewide Officers shall submit quarterly reports to the PEF Executive Board that discloses any and all activities, travel, and compensation, etc. that was received from any and all related organizations; and

BE IT FURTHER RESOLVED, that this shall include AFT, SEIU, AFL-CIO, and PEF Membership Benefits,

Adopted at 2012 PEF Convention

## **Subsidies for Non-Members**

In the event that a PEF Region or Division decides to use Union funds to either make an award, (ex. scholarships), or subsidize a purchase, (ex. discounted picnic tickets), for a non-member, (other than those that are in PEF-represented titles that either opt out of, or don't join, PEF), the specific union purpose for the expenditure must be provided. The purpose should be in writing, along with written documentation of the approval from the Division Council, Regional Coordinator, or other person(s) authorizing the expenditure.

Approved June 2022  
Executive Board Meeting

## **1989 Resolutions**

### **Timely Review of Proposed PEF Budgets**

WHEREAS, the PEF budget funds union goals and priorities; and

WHEREAS, the PEF Executive Board has the responsibility to review, amend and approve the funding for these goals and priorities; and

WHEREAS, an Executive Board representative should be afforded sufficient time to consult with his/her constituency before making such decisions; and

WHEREAS, this constituency consultation and review process can take several weeks:

THEREFORE BE IT RESOLVED, that it will be the policy of PEF that the Secretary-Treasurer will submit proposed budgets no later than six weeks prior to scheduled adoption.

THEREFORE ALSO LET IT BE RESOLVED, that the PEF Budget will be the priority item to be addressed at the first Executive Board meeting of the calendar year, and shall be placed as the first action item on the agenda for that meeting.

Submitted by:  
Robert Weinbloom  
Roger E. Benson  
Kevin Jones  
Jeff Satz

Amended September 2022  
Executive Board Meeting



Union Loans

This Union shall not loan money to any officer or member.

September 16, 1984

## **Use a Formula, Show a Formula**

Whereas:

Whereas; - At the 2013, Convention a resolution passed that a “per capita methodology” would be used each year to determine Regional finances and to ensure equity across Regions finances.

Whereas; - A per capita methodology was used for 2014 and 2015 Regional finances, the formulas were not published, and were not included in either the yearly 2014 reports or the 2015 budget. Divisional formulas are published but not the Regional formula. By not publishing the methodology, it limits discussion and debate and hampers Regional Coordinator’s ability to budget accordingly.

Therefore:

Therefore be it resolved that; PEF shall publish the formulary used, as part of its end of year financial report.

Therefore be it further resolved that; PEF shall also publish the formulary used per Region as part of the yearly budget proposal sent to E-Board for approval.

Submission my Scott Staub

Division – 399 Steward

Richard Fletcher e-board seat #445

Germaine Greco OTDA, PEF Executive Seat #455

Adopted at 2015 PEF Convention

# INTERNATIONALS

## AFFILIATION AGREEMENT

Whereas, the New York State Public Employees Federation, AFL-CIO (PEF), was formed and exists as an affiliate of the American Federation of Teachers, AFL-CIO (AFT) and the Service Employees International Union, AFL-CIO (SEIU), and

Whereas, the Executive Board of PEF recognized and understands the nature of the affiliate relationship, and

Whereas, the Constitution and Bylaws of PEF was adopted by its Founding Convention in October, 1979, subject to the terms of the underlying affiliate agreement between PEF, AFT and SEIU, it is therefore

Resolved, that the agreement between PEF, AFT and SEIU shall be deemed as the basic ongoing document of PEF and their terms shall control in regard to any inconsistencies between them and the Constitution and Bylaws of PEF which cannot be resolved amicably or otherwise.

August 12, 1980

## AFFILIATES' CONVENTIONS

### AFT CONVENTION

1. In addition to the five Statewide Officers, the minimum number of delegates elected to attend the AFT Convention will be ten (10). If ten or fewer valid petitions are received, those individuals who submitted a valid petition will be deemed duly elected.
2. The Secretary-Treasurer will provide the Delegate Election Committee with the estimated cost of sending one delegate to the convention. In addition, the Secretary-Treasurer will provide the committee with a cost estimate for holding an election. The committee will determine the breakdown of the total number of delegates that could attend the Convention, compared with the cost of holding an election. This will be determined by dividing the cost of holding an election by the cost of sending one delegate to the Convention. If the total number of valid petitions received is equal to or fewer than the break even number, all individuals who submitted valid petitions will be deemed duly elected delegates and no election will be held. The maximum number of delegates cannot exceed our authorized number of seats.
3. If the number of valid petitions received is greater than the break even total, an election will be held. Only ten (10) elected delegates will attend the Convention.
4. Alternates will fill the delegate openings by rank order of the number of votes received.
5. The rules shall be published on the nominating petition and ballot.

Adopted: May 7, 1986  
Executive Board

### SEIU CONVENTION

PEF will send the five Statewide Officers and fifteen (15) elected delegates to the SEIU Convention.

Adopted: December 2, 1987  
Executive Board

# PROPOSED AFT/SEIU Delegate Election Rules

American Federation of Teachers and  
Service Employees International Union Conventions

The following rules shall apply to the 2016 AFT and SEIU conventions:

1. In order to be nominated to attend an AFT or an SEIU convention, a dues-paying member must obtain the valid signatures of at least fifty (50) other members from within the designated title groupings for that PEF parent union, i.e. the same parent union to which the nominee's own title group is assigned (see listings).
2. A nominee may not sign his/her own petition.
3. A member may sign only one (1) nominating petition.
4. The accuracy of the information contained in the petition is the responsibility of the person filing the petition.
5. Nominating petitions will be available at all Local PEF Offices and at PEF Headquarters beginning at 9:00 AM on **February 3, 2016**. If you cannot pick them up, petitions can be: mailed to you, or downloaded from the PEF website after 12:00 noon that same day.
6. All petitions must be returned either by hand delivery or United States mail as follows:

Hand delivered – to the Local PEF Office or PEF Headquarters during regular business hours 9:00 AM to 5:00 PM Monday through Friday, petitions will be accepted. The deliverer will receive a receipt that is signed, date and time stamped. Petitions received after 5pm will be receipted the next day.

— OR —

Mailed – Original petitions must be addressed to: PEF Divisions Department, PO Box 12414, Albany, NY 12212-2414 and received no later than 5:00 PM on **February 25, 2016**.

Faxing of signed petitions is not allowed; such petitions will be disqualified.

## 7. Mailing Issues:

- Petitions may be returned by certified mail (return receipt requested); however, this is not required. Certified mail sometimes takes longer than regular mail.

- Postal failures or inadequacies are a matter between the mailer and the post office, and will not be considered by the Delegate Elections Committee.
- Allow five (5) days or more for mailing to ensure delivery. A safer option may be overnight mail if time is short.
- PEF mails each nominee a notice of receipt.

8. Per the PEF Constitution and Executive Board policy, the five (5) statewide officers are automatic delegates to the AFT and SEIU Conventions.

9. In addition to the statewide officers, a minimum of ten (10) elected delegates will comprise the PEF delegation to AFT's convention and twenty (20) to SEIU's.

10. (a) AFT allows one delegate for every 100 represented member (half of all PEF members. If fewer valid nominating petitions are received, those individuals who submitted a valid petition will be deemed duly elected for AFT.

(b) SEIU allows one delegate for every 500 represented members (half of all PEF members). If fewer valid nominating petitions are received, those individuals who submitted a valid petition will be deemed duly elected for SEIU.

11. If there are more nominees than positions, the Secretary-Treasurer will provide the Delegate Elections Committee with the estimated cost of sending one delegate to that AFT or SEIU Convention, as well as a cost estimate for holding an election. The committee will then determine the total number of additional delegates that could attend the convention (see paragraph "9" above) without exceeding the cost of holding an election. If the cost of sending the additional elected nominees who submitted a valid petition for a given convention, as alternates, is equal to or lesser than the break-even cost of holding an election, all individuals who submitted valid petitions will be deemed duly elected representatives and no election will be held.

12. If the number of valid petitions received is greater than the break-even total (see #10), an election will be held (see Convention Information).

13. If the number of representatives sent exceeds the number of delegates that AFT/SEIU will seat, delegates will be seated in the order that their petitions were received. Alternates will fill delegate vacancies in the same manner. Alternates will attend, but not be able to vote or otherwise take part in the convention. Ties will be broken by random selection.

- No EOL (Employee Organization Leave) will be provided for delegates/alternates attending the AFT/SEIU Conventions, attendees must charge their time off to their employee leave accruals.

-Travel and lodging will be arranged and provided by PEF.

- A per-diem allowance for meals will be provided by PEF.

### **AFT Convention**

Site: Minneapolis, MN

Dates: July 17-21, 2016

PEF title groups eligible to attend the AFT convention:

A, B, C, D, F, Q and S.

### **SEIU Convention**

Site: Detroit, MI

Dates: June 8-12, 2016

PEF title groups eligible to attend the SEIU convention: E, G, H, J, K, M, N, O, P and R.

### **Dates To Remember**

A. Nominating petitions will be available at all PEF offices for potential candidates to pick up during regular office hours starting 9 a.m. – **February 3, 2016** and are due back by 5 p.m. – **February 25, 2016**.

B. Elections (if needed) will begin with ballots being mailed by **March 10, 2016**, with a return date of 5 p.m. **April 1, 2016**.

### **AFT PEF job-title groupings**

A. Nurses and related nursing titles.

B. Engineers, right-of-way agents, designers, architects, drafting and related engineering technicians, pilots and conservation titles.

C. Teachers, librarians, trainers and related educational titles.

D. Doctors, dentists, psychiatrists, psychologists, dieticians, veterinarians, pharmacists, health-care, home-economists and related medical researchers.

F,Q,S. Chaplains, scientists, cultural affairs specialists, related artists and sciences professionals, management personnel and related administration specialists, planners and supervisors.

### **SEIU PEF job-title groupings**

E. Social workers and social services.

G. Attorneys, referees, hearing officers, hearing examiners, mediators and judges.

H. Therapists, rehabilitators.



J. Parole officers, drug abuse counselors, and related law enforcement professionals.

K,R. Computer professionals, superintendents, maintenance specialists, technicians and skilled tradesmen.

M. Claim examiners, investigators and inspectors.

N. All counselors.

O. Interviewers, manpower specialist, OJT specialists, apprenticeship reps., consultants and field reps.

P. Accountants, auditors, estimators, statisticians, examiners, appraisers, analysts, head clerks and reporters.



## Establishment of an AFT Solidarity Fund

WHEREAS, the 2002 American Federation of Teachers ("AFT") convention delegates approved a new AFT Solidarity Fund to assist AFT and its affiliates in participating in legislative and political activities with significant potential impact on AFT members and the institutions where they work;

WHEREAS, sixty-seven cents (\$.67) of each member's per-capita tax is set aside monthly for AFT's new Solidarity Fund;

WHEREAS, AFT will pay twenty-five cents (\$.25) per member, per month from the Solidarity Fund assessment to state affiliates that establish and maintain a fund for a substantially similar purpose (i.e., to participate in legislative and political activities having a significant potential impact on affiliate members and the institutions where they work);

WHEREAS, to be eligible to receive the twenty-five cents (\$.25) per member, per month remittance a state affiliate must establish an appropriate account for receiving the monies, submit an application to AFT on a form prescribed by AFT, obtain AFT approval of such account, and satisfy other conditions and requirements set forth by AFT for administering and expending such account funds; and

WHEREAS, AFT's Executive Council has issued guidelines for the new Solidarity Fund program, including an application form for state affiliates to use in seeking the twenty-five cent (\$.25) per member, per month remittance;

BE IT RESOLVED, that the NYS Public Employees Federation shall do the following:

- (1) Establish a new account or designate an existing account to serve as its Solidarity Fund account for the exclusive purpose of participating in legislative and political activities with significant potential impact on affiliate members and the institutions where they work;
- (2) In the event no holding account already exists for such purpose, establish a holding account for the purpose of receiving funds from AFT for transmittal to the state affiliate's Solidarity Fund account;
- (3) Prepare and file an application to AFT for approval to receive the Solidarity Fund monies;

- (4) Take necessary measures to ensure that such account is established and operates in compliance with any and all applicable State and Federal laws, including Internal Revenue Service reporting requirements; and
- (5) Take necessary measures to ensure that such account operates at all times in accordance with AFT conditions and requirements relating to state affiliate Solidarity Funds, including but not limited to providing to AFT reports as requested from time to time on how the account's funds have been used and providing copies of any mandated reports from state federations and statewide locals to legal authorities.

Adopted: July 19, 2003  
Executive Board Meeting

## STAFF

The positions of Executive Director and Staff Director are to be filled by individuals who are not affiliated with any of the Internationals (NYSUT/AFT or SEIU), associated with PEF, and this policy shall be implemented by March 1, 1983.

December 14, 1982

# LABOR ORGANIZATIONS

## LABOR COUNCILS

Divisions are encouraged to join local Labor Councils. The Division's treasury will fund the affiliation up to a maximum of 15 cents per member per month. All affiliation costs in excess of 15 cents per member per month shall be paid by PEF. In regions with fewer than 2,000 members, and no Divisional participation, the Executive Board can authorize the Region to join the local Labor Councils in their area, which will be funded by PEF.

January 28, 1983

Amended: March 2, 1995

Executive Board Meeting

Regions shall be allowed to pay AFL-CIO Council per caps in lieu of Divisions within the Regions that are not covered.

August 2, 1991

Executive Board Meeting

## MEMBER ISSUES

## A Recommitment to Union Principles and Strength

WHEREAS, We are proud members of the American labor movement and of the New York State Public Employees Federation (PEF) and we understand that collective action gives us the power to ensure justice, fairness and opportunity for all; and

WHEREAS: The PEF mission statement charges us with:

-Securing economic advantages, including better wages, hours, and working conditions, through organization, collective bargaining, legislative and political action, and the free flow and interchange of information and ideas, and other appropriate action.

-Organizing and uniting in this union all eligible for membership herein.

-Engaging in all such civic, social, political, legal, economic, cultural, educational and other such activities, whether on a local, national, or international level, as shall be consistent with the goals of PEF.

-Advancing the professional standards of its members.

-Cooperating with and assisting, by moral, monetary or other means, other labor organizations, or other groups of organizations, having objectives which are consistent with those of this union, or which are of a nature beneficial to this union and to its members, directly or indirectly.

-Exposing and fighting all forms of bigotry and discriminatory practices that tend to deprive persons of their human and/or civil rights.

-Promoting those aims and objectives in common with the American Federation of Teachers, hereinafter referred to as AFT, and the Service Employees International Union, hereinafter referred to as SEIU

-Strengthening and safeguarding this union by every means so that it may carry out its purposes, objectives and obligations.

-Utilizing, in every way, including but not limited to every kind of use, expenditure and investment, the property and funds of this union, in order to achieve its purposes and objectives and perform its obligations, and for such other purposes directly or indirectly furthering the interests of this union and its members.

WHEREAS: Today, PEF has a membership of 53,000 individuals, and is a union that champions fairness, democracy, economic opportunity and high-quality healthcare and public services to the citizens we serve and in the communities where we live; and

WHEREAS, PEF is committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do; and

WHEREAS, the American labor movement is fighting a battle of immense proportions that threatens to destroy all we and others in the labor movement have worked for. This battle is ultimately over who holds the power in our economy and our democracy; and

WHEREAS, PEF is currently facing an internal legal threat that threatens all that we have worked and fought for our members and the citizens we serve each and every day;

WHEREAS, to combat those who wish to undermine unions and PEF specifically, we must strengthen the bond with all our members. We must show them that workers are the union. We must engage in a collective conversation about the challenges we face, the aspirations we have and the strategies we must implement. We must create the collective will and shared avenues for our members, along with community partners, to fight those obstacles and reach those aspirations; and



WHEREAS, PEF is committed to working together with our national unions, the AFT and SEIU, to build a stronger PEF for years to come;

THEREFORE, BE IT RESOLVED, that our union commits to engaging our members on a regular basis in the work of this union and agrees to the following goals:

- PEF will work to increase the number of member activists to 10 percent of the total membership,
- PEF will work to increase the number of members who engage in concerted union activities on a regular basis to 30 percent of the total membership,
- PEF will work to commit to reach out and speak to 100 percent of our members one on one.
- PEF will work to reach out to all of our fee payers asking them to choose to have their voices heard as union members and join us as members in PEF, reducing our fee payers by at least 75 percent; and

BE IT FURTHER RESOLVED, that we will be accountable to each other—activists and leaders on the regional, state and national levels—to achieve these goals by the PEF convention in 2019; and

BE IT FURTHER RESOLVED that the PEF officers, the organizing committee and our regional coordinators and leaders, with PEF staff assistance and assistance from the AFT and SEIU, will put forward a membership engagement implementation plan with numerical goals that also honors and allows for the different local exigencies and conditions in the various PEF regions. Such a plan will be considered at the next PEF Executive Council meeting following the 2017 PEF convention and, building from this, individual regions shall develop and implement their plans with PEF Retiree Members, PEF staff assistance, and assistance from our national unions; and

BE IT FURTHER RESOLVED, that the PEF Executive Council will institute a standing member engagement report at every council meeting, including data on each of the points listed above.

BE IT FINALLY RESOLVED, that through our focus on member engagement, we will strengthen our union, stand united against attacks and fight more effectively for our members and the communities they serve.

Economic Impact: \$0 Economic Impact as Membership Engagement activities are already covered by funds from the AFT Solidarity Fund and regular member engagement is already included in PEF's budget.

Michael Blue Region 8 Coordinator: Co-Chair of the PEF Statewide Member Engagement Committee

Joseph Donahue Council Leader and Executive Board Member Division 190 and Co-Chair of the PEF Statewide Member Engagement Committee

Wayne Spence, President

Adreina Adams, Vice President

Rocco Brindisi, Region 1 Coordinator

Andrew Puleo, Region 2 Coordinator

Colleen Williams Region 3 Coordinator

Chuck McRorie Region 4 Coordinator

David Dubofsky, Region 5 Coordinator

Vivian Street, Region 9 Coordinator

Charles Roland, Acting Region 11 Leader

Nora Higgins, Region 12 Coordinator

**Eboard Supporters**

Kay Wilkie DED

Sharon DeSilva OTDA

Rich Fletcher OTDA

Randi DiAntonio OPWDD  
Germaine Greco OTDA

Roberta Stafford Syracuse Hospital

Radhakrishna Mohan State Insurance Fund

**Member Engagement Committee Members supporting Resolution:**

Joe Donahue TAX

Cheryl Robinson OSC

William Moonan OITS

Jeff Hutchinson NYSIF

Danielle Freeman HESC

Jim Desso OITS

Ralph Mabb DMV

Region 8 Stewards Meeting June 20, 2017 Voted Unanimously to support this resolution.

Adopted at 2017 Convention

## **A Searchable Electronic PEF Policy Manual**

THEREFORE BE IT RESOLVED, that PEF will convert the Policy Manual into a document which can be searchable for, at least, key words and phrases, as quickly and expeditiously as possible; and

BE IT FURTHER RESOLVED, that upon completion of the transcription of the Policy Manual on or about October 20, 2012, that an electronic copy of the transcribed Policy Manual be simultaneously transmitted to all PEF Executive Board members via electronic mail as an editable Microsoft Word document; and

BE IT FURTHER RESOLVED, that any corrections made to the transcribed Policy Manual made by PEF administration or staff, be provided to the Executive Board, in a Microsoft Word document with track changes, prior to the document being finalized, so that Executive Board corrections can be incorporated into the final version of the Policy Manual; and

BE IT FURTHER RESOLVED, once all Executive Board corrections have been received and a final version has been prepared by PEF staff, that the final version of the Policy Manual be provided to the Executive Board in PDF format for their review and approval at the next scheduled Executive Board session; and

BE IT FURTHER RESOLVED, at any time in the future, if errors are discovered in the transcribed Policy Manual, these errors will be identified to the Executive Board and the corrected version of the Policy Manual will be submitted to the Executive Board at their next regularly scheduled session for their review and approval; and

BE IT FURTHER RESOLVED, as policies are added or amended at Convention or by the PEF Executive Board, that the Policy Manual be amended expeditiously, a revised PDF copy of the manual be sent to each Executive Board Representative, and a revised PDF copy shall be posted on the PEF website; and

BE IT FURTHER RESOLVED, as policies are added or amended at Convention or by the PEF Executive Board, that the Policy Manual be amended expeditiously, a revised PDF copy of the manual be sent to each Executive Board Representative, and a revised PDF copy shall be posted on the PEF website; and

BE IT FURTHER RESOLVED, that PEF will keep a current paper (hardcopy) in each of the PEF regional offices.

Adopted at 2012 PEF Convention

## **Addressing Grievances in a Timely Manner**

WHEREAS: The Public Employees Federation is a union of professionals with various training, backgrounds, experience, titles and licenses; and

WHEREAS: PEF Members must adhere to the limits of the CBA; and

WHEREAS: PEF members must adhere to the Taylor Law; and

WHEREAS: This union must respect the do-now-grieve-later process; and

WHEREAS: Members often find that management has interpreted the CBA unfairly and/or violated the CBA and/or the member's rights; and

WHEREAS: The grievance process is the sole process to resolving such disputes under the CBA; and

WHEREAS: The grievance process is a fundamental right of all dues paying members in good standing; and

WHEREAS: the current process for filing, and following through with a grievance is often mired in never-ending delays; and

WHEREAS: Justice delayed is Justice denied; and

WHEREAS: The grievance process has failed many of our members because they remain unheard and without decision; and

WHEREAS: It is fundamental that when grievances go unheard, and un-responded to, justice is not served;

**THEREFORE, BE IT RESOLVED:** that the PEF Executive Board it shall be the policy of the Public Employees Federation that grievances shall be followed-up on, advocated to occur, and decisions rendered in timely and expeditiously manner, in the best interests of the member; and

**BE IT FURTHER RESOLVED:** That the PEF Executive Board recommends that all avenues be explored to address this issue, including legislative, contract negotiations, and Executive Labor Management.

Fiscal Impact: None. Can be accomplished with existing operations/staff.

Respectfully submitted:

Gina Corona, PEF Region 4 Coordinator

Kevin E. Jones, Executive Board seat 245, Council Leader Division 202

Adopted by Executive Board  
December 2023

## Addressing Member Concerns in 24/7 Agencies

Whereas, PEF represents multiple Divisions with a variety of staffing structures and alternative work schedules; and

Whereas, while many state agencies and PEF Field Representatives operate during normal business hours, Monday-Friday, 9 AM to 5 PM, there are many agencies which operate on a 24/7 schedule; and

Whereas, members, including stewards, in 24/7 agencies -- who work outside of normal business hours -- are excluded from the use of Article 4 leave protections for union business during the day -- when their shifts fall before and/or after business hours; and

Whereas, 24/7 agencies are not able to accommodate leave requests made on short notice due to the nature of their operations; and

Whereas, elected stewards or division officers who work opposite normal business hours must choose between union involvement and sleeping between shifts; and

Whereas, many PEF member concerns are time sensitive, and require timely investigation and filing; and

Whereas, barriers to the use of Article 4 leave have and will continue to interfere with the business of the PEF Union on behalf of its Division's members, by blocking and discouraging members both from participating in union activities -- such as running for union positions, and preventing members from receiving timely and exemplary service; and

Whereas, if PEF member concerns are to be the priority of any and all union leadership, resources must be available to meet all such members needs; and

Whereas, elected stewards and division officers require the time and opportunity to engage with their members at various times, *and the time and opportunity to work to their best abilities to meet with management and resolve issues at the lowest possible level;*

**THEREFORE, BE IT RESOLVED THAT:** PEF will strongly advocate to maximize the time allotted for stewards and division officers, regardless of their regularly assigned shift, to represent their members in the 24/7 institutions -- as it is the elected duty to represent their members, and the members' right to be represented, and

**BE IT FURTHER RESOLVED THAT:** this Board recommends that an Executive Labor-Management meeting take place to discuss the concerns presented in this Member Item -- to promote Unionism and not Union discouragement.

**FISCAL IMPACT:** Since Executive L/M occurs throughout the year, there should not be extra costs involved in discussing this concern with representatives from the state.

Submitted By: Gina Corona, Regional Coordinator, Region 4  
Rachel Amodio-Kopp, PEF Executive Board Seat 85  
Sharon V. DeSilva, PEF Vice President, Region 8  
Kevin E. Jones, Region 8 Labor Department

Adopted by Executive Board  
December 2023

## **Arbitration Decision Implementation**

Whereas: the union's primary goal and function is the representation and protection of its members; and

Whereas: members are most vulnerable when targeted by management, targeted by management appointees, or when becoming union advocates and representatives; and

Whereas: management will frequently create a hostile work environment and utilize bullying tactics to stifle stewards and members from participation in the union; and

Whereas: one of management's more aggressive tactics is to put someone out on suspension without pay; and

Whereas: being placed upon suspension without pay, can have devastating financial consequences;

Whereas: when members finally get to arbitration, many are financially destroyed from a lack of income; and

Whereas: many individuals on suspension without pay will need to seek arbitration for resolution; and

Whereas: a decision at arbitration that results in a member being made whole should result in immediate State administrative action to comply; and

Whereas: currently, there is no timeframe in which the State is required to make the member whole; and

**THEREFORE, BE RESOLVED THAT:** PEF will advocate through all means possible, including negotiations over the CBA, to establish a timeframe in which management will make such individuals whole.

Fiscal Impact: None, can be done with existing resources.

Sponsors: Gina Corona – Region 4 Coordinator  
Angelina Rodriguez – Executive Board Member – SED  
Kevin E. Jones – Executive Board Member – Labor  
James F. Desso – Executive Board -- ITS

Adopted by Executive Board  
December 2023

## **Building Union Power/Moving New Employees to New Active Members through Employee Orientation**

- Whereas PEF, like any union, is dependent on recruiting members, for reasons of sustainability, power, and unity
- Whereas timely union orientation is the best way to not only recruit members, but also increases the chances the member will be active, and find their union relative
- Whereas the best time, place, and person to introduce members to their union and its mission is through early local introduction--preferably during new employee onboarding session and by the local members/steward/activists who can help the member navigate those new and trying times
- Whereas the state is legally and contractually required to provide time for this union orientation and sign-up period with members and to provide for local leaders the opportunity to perform this orientation
- Whereas sometimes it is difficult to provide an in person orientation for the reasons listed but are not limited to, no agency employee onboarding session , local leaders are not notified of new employee onboarding, "off shift" work, or no local of members
- whereas many agencies have changed their traditional in person onboarding sessions to be much more reliant on virtual based/self-directed sessions in which they do not notify or invite the union to participate in or have no onboarding at all

Be it therefore resolved that

1. Those agencies which are not providing the union their legally and contractually obligated union orientation time, PEF leaders will discuss through the LM process with the agencies that orientations are a right and should be made a priority to immediately provide the union the access to orientate new members in person or virtually.
2. PEF will develop and implement an in person orientation training for local leaders.
3. PEF will develop a virtual orientation package that local leaders have the option to use to orientate their members virtually.

### **FISCAL IMPACT:**

Minimal—Materials needed can be produced in-house. Dedicated staff from organizing, training and communication. This initiative should pay for itself with the increased percentage of PEF employees becoming PEF members.

Respectfully Submitted by:  
Randi DiAntonio PEF Vice President

Adopted: October 2021  
PEF Convention

## **Definition of Bullying**

Therefore be it resolved, that local PEF activists provide information on a quarterly basis to the President and Executive Board concerning bullying to include cyber bullying and subtle forms of bullying that are not visible or utterly violent, issues and complaints at their respective worksite. Result: Uniform Definition of Bullying

Adopted at 2013 PEF Convention



## **Digitalization Awareness and Training**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ken Ferro, DOH, Executive Board

Ade Oluwo, DFS, Executive Board

Rosalie Takor, OCFS

Engel Rojas, OITS

David Takor, OCFS/Executive Board

Fatmata Hilton, OCFS

Angelina Rodriguez, SED/Executive Board

Janice Anderson-small, SED

Mithilesh Kumar, OITS

Charla Anderson, DOH

Pam August, OTDA  
Myron Getman, DOH/Executive Board  
Gustavo Santos, DOT/Executive Board  
Joe Ugino, OSC  
Erika Flood, DOH  
John Ingram, DOH  
Mihir Vasavada, OITS  
Himanshu Dhamdhere, OITS  
Catherine Dell'Angelo, OSC/Executive Board  
Prakash Lal, OITS  
Kelly Nadeau, OSC/Executive Board  
Reissa Alderman,  
Christopher Buman, PEF Trustee  
Erika Flood, DOH  
John Ingram, DOH  
Mithilesh Kumar, OITS  
Mihir Vasavada, OITS  
Himanshu Dhamdhere, OITS  
Bruce Giddings, PEF Trustee  
Barbara Stransky, Regional Coordinator  
Wayne Spence, PEF President  
Darlene Williams, PEF Vice President  
Randi Di 'Antonio, PEF Vice President  
Vivian Falto-Lequerique, SED  
Michele Silsby, Regional Coordinator  
Gina Carona, Regional Coordinator  
Danielle Bridger, Regional Coordinator  
Leisa Abraham, Regional Coordinator  
Joe Donahue, PEF Secretary-Treasurer  
Radhakrishna Mohan, Regional Coordinator

Adopted: October 2022  
PEF Convention

## Ending Hostile Workplaces

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

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

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

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

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

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

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

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

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

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  
Danielle Bridger, PEF Regional Coordinator R8  
Michele Silsby, PEF Regional Coordinator R1  
Gina Corona, PEF Regional Coordinator R4  
Bernadette O'Connor, PEF Regional Coordinator R11  
Radhakrishna Mohan, PEF Regional Coordinator R10  
Barbara Stransky, PEF Regional Coordinator R7  
David Dubofsky, PEF Regional Coordinator R5  
Conrad Davis, PEF Executive Board  
Gregory Salamida, PEF Executive Board

Adopted: October 2022  
PEF Convention

## Food Preparation Policy

It shall be PEF Policy that PEF funds will not be expended to purchase food that is not acquired from a NY State/County licensed or permitted food vendor.

Purchasing from a licensed/permitted vendor will protect PEF from financial liability.

Adopted at June 2018 Executive Board meeting

Title: Grievance Processing Improvement

WHEREAS:

- Grievances often take years to reach their ultimate resolution. This problem includes out-of-title grievances. As of June 2017, one PEF member in our agency has been waiting over three years for a final decision on her out-of-title grievance. At one point, GOER lost her paperwork. In addition, a timekeeping grievance filed by our division took almost three years to reach a settlement.
- Although GOER is responsible for much of the delay time, PEF can do more to pressure and coordinate with GOER to advance grievances more quickly.
- Many PEF members have become frustrated due to the long waits for grievance decisions. As PEF is making a push to organize its membership, providing good service to members when they come to PEF for help is critical to reaching this goal.
- The slowness of the grievance process subverts negotiations between PEF divisions and their agencies' managements. How often have we heard from management, "Accept this 'compromise' or grieve it and wait years for a decision."?

IT IS THEREFORE RESOLVED:

- It is recommended that the PEF President should appoint a committee to make recommendations for the improvement of the grievance process. The committee should consist of at least four PEF members and staff from all PEF departments who work on grievances.
- Within nine months of the end of this convention, the committee should submit recommendations to the PEF President. The recommendations will be published in the first issue of the Communicator following their submission to the PEF President.
- PEF should fund a reasonable amount of release time to allow the committee to meet during regular business hours.
- At the 2018 PEF Convention, the PEF President should report to the delegates which of the committee's recommendations have been implemented and which recommendations will be implemented during the upcoming year.
- At the 2019 PEF Convention, the PEF President should again update the delegates on the status of PEF's efforts to improve grievance resolution times and should provide statistics comparing resolution times before and after the efforts.

Fiscal Impact: The cost of release time for PEF members to attend the committee meetings. If the committee meets for four days (including travel time), PEF would reimburse the State for 16 days of leave for members. If the annual reimbursement rate is \$150,000, PEF would reimburse the State around \$9,200.

Submitted by: Jeffrey Dyber, Division 169

DEC Central Office Steward Council, Division 169

Adopted at 2017 Convention

**Hazardous Duty Pay for Eligible PS&T Unit employees.**

THEREFORE BE IT RESOLVED, that in the next round of negotiations PEF will attempt to expand the ranks of those members currently receiving hazardous duty pay; and

BE IT FURTHER RESOLVED, that PEF will also attempt to set up a process that ensures that the employer would provide these dedicated employees with the proper training and equipment to safely perform these hazardous duties.

Adopted at 2012 PEF Convention

**INCLUSION OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES (ITS) TO  
ATTEND ANNUAL CONFERENCE TRAINING**

WHEREAS, the Public Employees Federation is a Union of Professional, Scientific, and Technical workers; and

WHEREAS, PEF members demand the highest standards in themselves and their union; and

WHEREAS, PEF has an obligation to its members to work and advocate for a safe and healthy work environment; and

WHEREAS, in order to accomplish this end it is essential that PEF provide first-rate training to (ITS) Local and Statewide Health and Safety Committee members ; and

WHEREAS, PEF has, in the past, allowed Local and Statewide Health and Safety Committee members to attend Conferences in order to get such training; and

WHEREAS, PEF has denied access to the (ITS) Agency –Statewide Health and Safety Committee members, but allowed access to other State Agencies and Stewards;

THEREFORE, BE IT RESOLVED that all future PEF Conferences include all Local and Statewide Health and Safety Committee members of the Information Technology Services Agency.

Submitted By:     Robert Mahoney, e-board Seat 172, Region 8, Information Technology Services  
                           Ron O’Bryan, Steward, Division 357, Region 8, Information Technology Services  
                           Mary Lutz, Steward, Division 357, Region 4, Information Technology Services  
                           Andrew Michela, Steward, Division 357, Region 8, Information Technology Services  
                           Lisa Walker, e-board Seat 174, Asst. Council Leader, Division 357, Region 8,  
                           Information Technology Services

Adopted at the 2015 PEF Convention



## **Resolution: Membership Mobilization**

Whereas, PEF has renewed its initiative of member engagement spurred on by recent court cases such as Friedrichs vs CTA and Berman vs Public Employees Federation, attempts have been made to reach out to members that may have felt; disenfranchised, marginalized, excluded, or left behind.

Whereas, efforts were often hampered by PEF's own inability to obtain, compile, and report accurate information on its own members. Sometimes even basic information such as work address was unavailable.

Whereas, if PEF is to be able to fight against these union busting efforts such as Berman vs Public Employees Federation, our ability to engage, communicate, and involve our own members must improve.

Therefore let it be resolved that;

- PEF Staff from MIS, Organizing, and Divisions, shall work together to define criteria and develop strategies to generate effective statewide membership data reports.

- Reports will include (but not necessarily limited to) precise work locations (when possible), Division and Region #'s and ALL of their respective Officers, including stewards, e-board and S/W L/M representatives.

- The intention is to aid mobilizers in engaging members and to help identify those that may have become; disenfranchised, marginalized, excluded and/or left behind. This report shall be distributed, via email, bi-annually to all elected PEF representatives.

Fiscal Impact:

Minimal – limited to the cost of distribution

Submission by

Scott Staub - Division 399 Steward

Rocco Brindisi - Region 1 Coordinator

Andrew Puleo - Region 2 Coordinator

Randi DiAntonio - Region 3, Division 259 CL, Eboard Seat #285

Charles McRorie - Region 4 Coordinator

David Dubofsky - Region 5 Coordinator

Jeanette St.Mary - Region 6 Coordinator

Mike Blue - Region 8 Coordinator

Sheik Nabijohn - Region 10 Coordinator

Jemma Hanson - Region 11 Coordinator

Nora Higgins – Region 12 Coordinator

Adopted at 2016 Convention

## **PEF OPPOSES CLOSURE OF SECURE TREATMENT FACILITIES**

WHEREAS, the State has been moving individuals from secure treatment facilities to community residential care in OPWDD, OMH, OCFS, and other agencies, allegedly required by the Supreme Court's decision in Olmstead v. L.C.; and,

WHEREAS, some of the consumers that were removed to said residential care are in need of more intensive treatment and secure environments and have been inappropriately discharged; and

WHEREAS, placing such consumers in community residential care has resulted in injuries to those who care and treat these individuals, injuries to other consumers, and poses a threat to the general public;

THEREFORE, BE IT RESOLVED that it shall be PEF policy to oppose closures of the State's remaining OPWDD, OMH, and OCFS secure treatment facilities; and

BE IT FURTHER RESOLVED that PEF will advocate for a comprehensive, realistic and valid assessment of the best treatment settings for its consumers, not driven by misguided interpretations of the Olmstead Decision, political rhetoric, or to save money

Submitted By: Kevin E. Jones -- Executive Board Seat 235, DOL

Randi DiAntonio – Executive Board Seat 285, OPWDD

Lyndon Jones – Executive Board Seat 005, OSC

Terry Lefler – Executive Board Seat 300, OPWDD

Ed Snow – Region 7 Coordinator

Angel Cook – Executive Board Seat 225, DOL

Janette Clark – Executive Board Seat 350, OPWDD

Adopted at the 2015 PEF Convention

### **PEF Steward Representation at Formal Counseling Meetings**

THEREFORE BE IT RESOLVED, that the Leaders of PEF use all means at its disposal to ensure that PEF employees receive PEF Steward Representation at any and all formal counseling meetings; and

BE IT FURTHER RESOLVED, that the PEF Contract Team advocate for a change in the language of Article 33 of the PEF bargaining agreement, to allow PEF Steward representation at any and all formal counseling meetings.

Adopted at 2012 PEF Convention

**Protect the Needs of Members in Travel Positions**

THEREFORE BE IT RESOLVED, that PEF examine which, if any agencies have established reasonable reimbursement policies that provide for reimbursement in excess of the “lesser of mileage rule” for business-related mileage when an employee is not in travel status, in accordance with the OSC Travel Manual, and current contractual language; and

BE IT FURTHER RESOLVED, that PEF will make every effort to encourage all agencies to fairly and equally treat all employees engaged in business-related travel, and reimburse persons using personal vehicles for such travel for all miles traveled to and from an alternate work location, regardless of “travel status”.

Adopted at 2014 PEF Convention

### **Protecting Members from Physical Attacks**

WHEREAS, the Public Employees Federation is a union of Professionals; and

WHEREAS, as a union of Professionals, PEF expects its members to be treated in a professional manner,  
and

WHEREAS, PEF has always worked to protect the Health and Safety of its members on the job; and

WHEREAS, recent policy decisions have led to moving high risk consumers from secure treatment facilities to community residential care in OPWDD, OMH, OCFS, and other agencies, allegedly required by the Supreme Court's decision in *Olmstead v. L.C.*, has led to situations where PEF professionals are left to deal with consumers with histories of violence and criminal activities in settings that are not equipped to safely address their needs; and that can and does result in such PEF Professionals, as well as other consumers, suffering from physical and or sexual assault(s) and mental duress while performing their duties

WHEREAS, in order to have safe working environments and effective treatment with high risk individuals, it is essential that the legal authorities are responsive to our members and take appropriate action when such individuals commit violent crimes.

THEREFORE, BE IT RESOLVED that PEF shall use its considerable political influence, to engage law enforcement through any means possible, but among other things through its Health & Safety office as well as such Statewide organizations as the New York State Sheriffs' Association, the New York State Association of Chiefs of Police; and the District Attorneys Association of the State of New York, so as to raise awareness and encourage each member of these various organizations to step up, and arrest and prosecute these individuals when appropriate so as to disincentivize any and all such assaults in the future;  
and

BE IT FURTHER RESOLVED that PEF will allow the political endorsement of County District Attorneys, so long as it is done to support a DA, or DA candidate, whose platform includes engaging in such prosecutions, and/or prosecutions under the Nurse Felony Law; and

BE IT FURTHER RESOLVED that PEF will draft, and seek the introduction, passage, and signing of a bill requiring the State to assume its own costs of treating the consumer, who has been arrested on misdemeanor and felony charges, in order to prepare them so that they are competent to stand trial, rather than billing the county for those costs.

Submitted By: Kevin E. Jones -- Executive Board Seat 235, DOL  
Randi DiAntonio -- Executive Board Seat 285, OPWDD  
Lyndon W. Jones -- Executive Board Seat 005, OSC  
Terry Lefler -- Executive Board Seat 300, OPWDD  
Ed Snow -- Region 7 Coordinator  
Angel Cook -- Executive Board Seat 225, DOL  
Janette Clark -- Executive Board Seat 350, OPWDD

Adopted at 2015 PEF Convention

## Representation

Effective immediately, PEF shall not provide representation to non-members except as required by *Civil Service Law section* section 209-a, as amended. Namely, PEF shall not provide representation to non-members: (i) during questioning by the employer, (ii) in statutory or administrative proceedings or to enforce statutory or regulatory rights, or (iii) in any stage of a grievance, arbitration or other contractual process concerning the evaluation or discipline of a public employee where the non-member is permitted to proceed without the employee organization and be represented by his or her own advocate.

PEF will not provide representation in the above-referenced matters unless the individual is an active, dues paying PEF member at the time of the conduct which is the subject of the questioning, proceeding, conduct, evaluation or other action at issue, and does not revoke PEF membership during the course of the representation.

Adopted at June 2018 Executive Board meeting

Amended at December 2021 Executive Board meeting

## **Searchable Documents**

WHEREAS, PEF is a union that is composed of professionals; and

WHEREAS, As a union of professionals, PEF should strive to handle its business in a efficient and professional manner, and

WHEREAS, With modern day software there is no reason why PEF cannot make its documents text searchable, and

WHEREAS, PEF continues to provide documents to the annual Convention and to the Executive Board that are not text searchable;

BE IT RESOLVED THAT, to the extent feasible, PEF provide documents to the annual Convention and to the Executive Board that are text searchable.

Adopted at June 2015 Executive Board

## Supporting our DOL Hourly Workers

--Whereas PEF strives for each member to be equal in the eyes of the state and eyes of the union with regards to opportunities in the workplace, benefits, and professional respect, the state at times have set up differences amongst members in a variety of ways and agencies, including those who work at DOL as hourly workers

--Whereas the history of the hourly workers is that they are hired during time of need and are considered “temporary” in the eyes of the state, but the individual employee often has spent years on the job.

--Whereas the discrepancies for the hourly workers are caused by a variety of different laws, rules, and past practices by a variety of entities includes Civil Service, the US DOL, and the state DOL amongst other entities

--Whereas the temporary status of these workers means that these workers do not get several of the financial and protective benefits of the contract including but not limited to step raises, article 33 and article 34 benefits.

--Whereas individual members being hourly employees seem to lose out even when tests are finally offered for permanent position in their jobs, as even if they have worked in a title for years, they get no “extra credit” or other Civil Service grace to assist them.

--Whereas for PEF to meet the needs of these members, this cannot be done by contract negotiations alone due to the inability to change some of the entities listed above by contract changes

Be it therefore resolved that

It is suggested that President of PEF develop a commission to study the potential solutions for the problems of PEF DOL hourly workers with regards to status, career mobility, raises, and equitable article 33 and article 34 protections, with input and collaborations from members, elected leaders, and the PEF legislative, civil service, and the contract teams with a report back to the President and the President to Eboard and the convention delegates by the next convention.

FISCAL IMPACT: Expense will be determined by President’s decision; EOL will likely be an expense, but this can be minimized by taking advantage of technology such as Zoom, as well as “piggy backing” off other meetings. Other than EOL, this would be in the scope of the PEF staff (no additional cost associated).

Respectfully Submitted by;  
Leisa Abraham, Region 3 Coordinator

Adopted: October 2021  
PEF Convention



**PEF STAFF**

# Acceptable Use Policy

## 1. Overview

PEF is committed to protecting its employees, members, organization, and related entities (including, but not limited to, PEF Membership Benefits Program) using information systems provided by PEF from illegal or damaging actions. This is the case whether the illegal or damaging actions are done knowingly or unknowingly.

Computer related systems, software and services (including, but not limited to, computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP) provided by PEF are the property of PEF. These systems, software and services are to be used to serve the interests of PEF and its members in the course of normal business operations.

Effective security is a team effort involving the participation and support of every PEF employee, member, or third person who deals with our information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

## 2. Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at PEF. These rules are in place to protect PEF, and its employees, members, and authorized users. Inappropriate use exposes PEF to risks including virus attacks, compromise of network systems and services, and legal issues.

## 3. Scope

This policy applies to the use of information, electronic and computing devices, and network resources to conduct PEF business or, interact with internal networks and systems, whether owned or leased by PEF, its employees, members or a third party. All employees, members, and third parties at PEF and its subsidiaries are responsible for exercising good judgment regarding appropriate use of information, electronic devices, and network resources in accordance with PEF's policies and standards, and local laws and regulation. This policy applies to all equipment that is owned or leased by PEF.

## 4. Policy

### 4.1 General Use and Ownership

4.1.1 PEF proprietary information stored on electronic and computing devices whether owned or leased by PEF, an employee, member or a third party, remains the sole property of PEF.

# Acceptable Use Policy

4.1.2 Employees, members or third parties have a responsibility to promptly report the theft, loss or unauthorized disclosure of PEF proprietary information.

4.1.3 Employees, members or third parties may access, use or share PEF proprietary information only to the extent it is authorized and necessary to fulfill your assigned job duties.

4.1.4 Employees, members or third parties are responsible for exercising good judgment regarding the reasonableness of personal use. Personal use may only be done if limited and occasional. If there is any uncertainty, you should contact the Membership Information Systems department.

4.1.5 For security and network maintenance purposes, authorized individuals within PEF may monitor PEF equipment, systems and network traffic at any time.

4.1.6 PEF reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

## 4.2 Security and Proprietary Information

4.2.1 All mobile and computing devices that connect to the internal network must comply with the PEF Policies.

4.2.2 System level and user level passwords must comply with the *Password Policy*. Providing access to another individual, either deliberately or through failure to secure its access, is prohibited.

4.2.3 All computing devices must be secured with a password-protected screensaver with the automatic activation feature set to 10 minutes or less. You must lock the screen or log off when the device is unattended.

4.2.4 Postings from a PEF email address to newsgroups is not allowed, unless posting is in the course of business duties.

4.2.5 Extreme caution must be used when opening e-mail attachments received from unknown senders, which may contain malware.

4.2.6 All personally identifiable information stored on mobile devices (e.g. laptop computers/smartphones) and portable media (e.g. flash drives, back-up tapes) shall be protected by encryption.

## 4.3 Unacceptable Use

The following activities are prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee, member or third party of PEF authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing PEF owned resources. The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

#### 4.3.1 System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by PEF.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which PEF or the end user does not have an active license is strictly prohibited.
3. Accessing data, a server or an account for any purpose other than conducting PEF business, even if you have authorized access, is prohibited.
4. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. MIS must be consulted prior to export of any material that is in question.
5. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
6. Revealing your account password to others or allowing use of your account by others. This includes co-workers or family and other household members when work is being done at home.
7. Using a PEF computing asset to actively engage in procuring or transmitting material that is in violation of PEF's sexual harassment or hostile workplace policies or applicable laws.
8. Making fraudulent offers of products, items, or services originating from any PEF account.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee, member or third party is not an intended recipient or logging into a server or account that you are not expressly authorized to access, unless these duties are within the scope of regular duties.
10. Executing any form of network monitoring which will intercept data not intended for the host, unless this activity is a part of your normal job/duty.
11. Circumventing user authentication or security of any host, network or account.
12. Interfering with or denying service to any user other than the host (for example, denial of service attack).

13. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet.

14. Providing information about, or lists of, PEF members to parties outside PEF, unless authorized for your business assignment.

#### 4.3.2 Email and Communication Activities

When using PEF union resources to access and use the Internet, users must realize they represent the union.

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).

2. Any form of harassment via email, telephone or texting, whether through language, frequency, or size of messages.

3. Unauthorized use, or forging, of email header information.

4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.

5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.

6. Use of unsolicited email originating from within PEF's networks or other Internet service providers on behalf of, or to advertise, any service hosted by PEF or connected via PEF's network.

7. Reasonable use of PEF union resources for email, telephone or texting for staff union purposes shall be allowed.

#### 4.3.3 Social Media By PEF Employees

1. Using social media via PEF's systems is subject to the terms and restrictions set forth in this Policy. Limited and occasional use of PEF's systems to use social media is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate PEF's policy, is not detrimental to PEF's best interests, and does not interfere with an employee's regular work duties.

2. Social Media use from PEF's systems is subject to monitoring.

3. Employees are prohibited from revealing any PEF confidential or proprietary information, trade secrets or any other material while engaged in the use of social media.

## 5. Policy Compliance

### 5.1 Compliance Measurement

PEF will verify compliance to this policy through various methods.

#### 5.2 Exceptions

Any exception to the policy must be approved by the MIS Director in writing in advance.

#### 5.3 Non-Compliance

Any employee found to have violated this policy may be subject to disciplinary action.

## 6. Revision History

<b>Date of Change</b>	<b>Responsible</b>	<b>Summary of Change</b>
November 29, 2019	Joe Cocci, CISSP	Updated to reflect PEF's first draft
December 9, 2019	Todd Kerner	Updated after PEF HR Review
January 14, 2021	Todd Kerner	Updated after discussion with PEF and USW

## **DEFERRED COMPENSATION PLAN**

At a duly constituted meeting of the Executive Board of the New York State Public Employees Federation, AFL-CIO ("PEF") an Unincorporated Association organized under the laws of the State of New York, held on November 22, 2002, at which meeting a quorum was present and voting throughout:

**WHEREAS**, PEF previously adopted the New York State Public Employees Federation, AFL-CIO Union Plan (the "Plan") effective as of June 1, 2001 and now desires to amend and restate the Plan in its entirety to bring the Plan into compliance with legislation the Internal Revenue Service refers to collectively as "GUST" and to make certain other changes.

**NOW, THEREFORE, IT IS RESOLVED**, that the Plan as amended and restated in substantially the form presented to the meeting, as the Fidelity CORPORATE plan for Retirement 100, effective as of the Effective Date contained in such amended and restated Plan document, is hereby adopted; and

**FURTHER RESOLVED**, that the appropriate officers of PEF are hereby authorized and directed to take any such action necessary or appropriate to effectuate these resolutions, including, but not limited to, executing the amended and restated Plan on behalf of PEF, and obtaining a favorable determination letter from the Internal Revenue Service regarding the Plan, as amended and restated.

Adopted: Executive Board Meeting  
November 22, 2002

PUBLIC EMPLOYEES FEDERATION, AFL-CIO

DRUG-FREE WORKPLACE POLICY


- (A) This is official notification that, as an organization covered by the Drug-Free Workplace Act, the following policy will be strictly enforced to protect this organization's status as a responsible source for the award of federal monies:
- (B) Effective immediately, any location at which this organization's business is conducted, whether at this or any other site, is declared to be a drug-free workplace. This means:
  - (1) The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace, during the performance of your job outside the workplace, or on the organization's property. Employees will be subject to disciplinary action, up to and including termination, for violations of this policy.
  - (2) We will provide an on-going drug-free awareness program to inform employees of the following: the dangers of drug abuse in the workplace; this organization's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
  - (3) Any employee convicted of violating a criminal drug statute occurring in the workplace must notify his or her supervisor of such conviction (including pleas of guilty) no later than five (5) calendar days after such conviction. Failure to notify your supervisor will result in severe disciplinary action, up to and including termination.
- (C) By law, the organization will notify the federal contracting officer within ten (10) calendar days of receiving notification from an employee or otherwise receiving actual notice of such conviction.



Within thirty (30) calendar days of receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, this organization will:

- (1) Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

ALL EMPLOYEES ENGAGED IN THE PERFORMANCE OF THE FEDERAL GRANT ARE ASKED TO ACKNOWLEDGE, IN WRITING, THAT THEY HAVE BEEN INFORMED OF AND GIVEN A COPY OF THE ABOVE POLICY, AND AGREE TO ABIDE BY IT IN ALL RESPECTS. BY LAW, SUCH ACKNOWLEDGEMENT AND AGREEMENT ARE REQUIRED OF YOU AS A CONDITION OF EMPLOYMENT.

  
\_\_\_\_\_  
- Roger Benson, President -

Re-issued: June 15, 1998

## Employment Status Changes

There shall be no change in terms and conditions of employment of PEF employees, including stipends, bonuses, percentage increases, retirement or buyout settlements, unless these issues are already covered by contract, without expressed approval of the PEF Executive Board; and this is to include new hires, contracts to new hires where that contract significantly differs from current employment terms; and this shall take effect immediately.

Executive Board Meeting  
May 20, 1990

## Nurse Coordinator

In recognition of the fact that there are more than 9,000 registered nurses representing the single largest discipline in PEF, I move that this convention strongly request the following:

1. That the Executive Board, at its January meeting, provides the Nurses Committee with sufficient funding to expand its activities and fully address the issue of nurses.
2. That the Executive Board, at its January budgeting meeting, appropriate available funds for an internal Registered Nurse Coordinator position to organize union activities on behalf of its nurses.

1988 Convention


Submitted by:  
Carolyn Willson

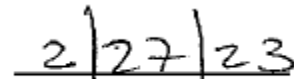


## PEF Policy on Equal Employment Opportunity

PEF is an Equal Employment Opportunity employer who encourages and promotes equal opportunities in all employment actions and is committed to diversity, inclusion, and equal opportunity.

PEF is committed to ensuring Equal Employment Opportunity exists for all employees and applicants in accordance with all state, federal and local laws. PEF takes affirmative steps to ensure that all employment actions are free of discrimination based on protected class status, including race, religion/creed, color, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, national origin (including limited English proficiency), age, political affiliation or belief, military or veteran status, disability, predisposing genetic characteristics, marital or family status, domestic violence victim status, arrest record or criminal conviction history, or any other impermissible basis.

  
Wayne Spence  
PEF President

  
Date

Wayne Spence

Date

PEF President

**PEF Officer Etiquette: Attending Functions in Regions**

WHEREAS, the Public Employees Federation is a union of Professional, Scientific and Technical employees; and

WHEREAS, as a union of Professionals, PEF members demand excellence in the conduct of their union affairs; and

WHEREAS, PEF has adopted a rule requiring that PEF-Central notify local Division and/or E-Board Representatives before meeting with such Agency's Commissioner, or other Agency Head; and

WHEREAS, it has now become an issue that PEF officers routinely attend events in Regions without giving reasonable notice to that Region's Regional Coordinator; and

WHEREAS, this practice is not in the best interest of the members of those constituencies, as the constituents of those Regions voted to elect said Regional Coordinator and to have them represent them; and

WHEREAS, this practice is also disrespectful to such Regional Coordinators;

THEREFORE, be it resolved that henceforth, any PEF officer, PEF Trustee, or PEF staff member who plans to attend any function within any one of PEF's 12 Regions shall give reasonable advanced notice of same to the affected Regional Coordinator(s).

Adopted at June 2015 Executive Board



# *memo:*

**TO:** PEF Staff  
PEF Executive Board  
PEF Council Leaders

**FROM:** Wayne Spence, PEF President

**DATE:** November 27, 2023

**RE:** PEF Sexual Harassment Policy  
Updated - November 27, 2023

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Please find attached, PEF's updated Sexual Harassment Policy and Complaint Form. Everyone must read and be familiar with the attached policy.

Thank you for your diligence and assistance with regard to this very important matter.

Wayne Spence  
PEF President

11-27-2023  
Date

# **NEW YORK STATE PUBLIC EMPLOYEES FEDERATION (PEF) SEXUAL HARASSMENT POLICY**

## **Purpose and Goals**

PEF is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but PEF recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of PEF's commitment to a discrimination-free work environment.

### **Goals of this Policy:**

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with PEF. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

## **Sexual Harassment and Discrimination Prevention Policy:**

1. PEF's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with PEF. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of PEF who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject PEF to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. PEF will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. PEF will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, PEF will act as required. In addition to any required discipline, PEF will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.



6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. It will also be available on ADP .

## **What Is Sexual Harassment?**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of PEF's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual

because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

- This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, or name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities:
    - Dress codes that place more emphasis on women's attire;
    - Leaving parents/caregivers out of meetings.

### **Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

### **Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

### **Retaliation**

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, which seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as "difficult" and excluding them from projects to avoid "drama;"
- Undermining an individual's immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **Reporting Sexual Harassment**

**Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination.** Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager, or Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

## **Supervisory Responsibilities**

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

### **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it.

### **Complaints and Investigations of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. PEF will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

PEF recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli, or designee:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If a complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli, or designee will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli, or designee will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;

3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo, or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by PEF, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

#### **New York State Division of Human Rights:**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to PEF does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.



## **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

## **Conclusion**

The policy outlined above is aimed at providing employees at PEF and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Updated: 11/27/2023

**NEW YORK STATE PUBLIC EMPLOYEES FEDERATION (PEF)**

**COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment or gender discrimination, you are encouraged, but not required, to complete this form and submit it to Executive Director Todd Kerner or Executive Department Paralegal Rebecca Lalli. No employee will be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, PEF will complete this form, provide you with a copy, and follow its sexual harassment prevention policy by investigating the claims.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](https://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINANT INFORMATION**

Name:

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Select Preferred Communication Method: Email Phone In Person

**▲ SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

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Work Phone:

Work Address:



**COMPLAINT INFORMATION**

1. Your complaint of sexual harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you:  Supervisor  Supervisee  Co-Worker  Other (please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them:

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing?  Yes  No

4. If possible, please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously provided information (verbal or written) about related incidents? If yes, when and to whom did you provide information?

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Updated: 11/27/2023

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## PEF STAFF

Labor Management Coordinator position shall be filled by a current staff member or a PEF member or reassignment of an Officer.

January 30, 1986

A Research position shall be filled to handle Civil Service matters.

February 8, 1985

PEF shall hire an in-house general counsel to provide PEF with a full time legal staff. Such counsel will coordinate the activities of PEF's legal staff and, as needed, retained counsel.

October 12, 1983

Whenever possible, PEF will hire and promote from within. The President and Executive Director will accept recommendations from all elected officials.

December 14, 1982

The positions of Executive Director and Staff Director are to be filled by individuals who are not affiliated with any of the Internationals (NYSUT/AFT or SEIU) associated with PEF and this policy shall be implemented by March 1, 1983.

December 14, 1982

The Division/Steward Coordinator is accountable to the President of PEF through a nonpartisan Divisions Committee. Accountability shall include approval of large scale mailings, funding and policy decisions; notwithstanding the final approval of the Executive Board on budgetary items and interpretations of the PEF Constitution.

December 14, 1982

**TERMINATION, RESIGNATION AND SEVERANCE  
PEF M/C EMPLOYEES AND ELECTED OFFICERS**

**I. M/C Employees below Category 8: Just Cause**

1. All M/C employees at Category 7 or below on the M/C salary schedule who have completed at least one year of service in an M/C position shall not be terminated except for just cause. Just cause is not required when the Category 7 or below M/C employee's position is abolished for economic reasons.

2. An M/C employee at Category 7 or below on the M/C salary schedule may challenge his or her termination for just cause by notifying the Executive Director, in writing, within fourteen (14) calendar days of the termination. Upon receipt of such notification, PEF will request that the American Arbitration Association (AAA) appoint an arbitrator from an AAA panel to determine whether there is just cause for termination. All fees and expenses of arbitration shall be divided equally between PEF and the M/C employee.

**II. M/C Employees Above Category 7: Notice or Severance Pay**

1. All M/C employees at Category 8 or above on the M/C salary schedule who are terminated for reasons other than just cause, or whose resignation is requested, shall, except when the M/C employee's position is abolished for economic reasons, be entitled to the following benefits:

(A) *0-5 years of total PEF employment* - Two (2) weeks' notice of termination or two (2) weeks severance pay, at PEF's option, and compensation in cash for accrued, earned and unused vacation and holidays up to 40 days.

(B) *5-10 years of total PEF employment* - Six (6) weeks notice or six (6) weeks severance pay, at PEF's option, and compensation in cash for accrued, earned and unused vacation and holidays up to 40 days.

(C) *10+ years of total PEF employment* - At PEF's option, six (6) weeks notice or severance plus one additional weeks notice or severance pay for each year or fraction thereof beyond ten years of service, to a maximum of 12 weeks notice or severance pay, and compensation in cash for accrued, earned and unused vacation and holidays up to 40 days.

2. For purposes of this policy, termination for reasons other than just cause shall include resigning after refusing to accept a salaried position which is fifteen percent (15%) lower than the M/C employee's current salary or refusing to accept relocation to an office more than 30 miles distant from the employee's current work location.

3. The rate of payment for severance pay and payment for accrued, earned and unused vacation and holidays shall be based on the employee's highest salary during the year preceding the termination.

### **III. M/C Position Abolished for Economic Reasons**

When an M/C employee's position is abolished for economic reasons, that employee shall receive notice or severance pay, at PEF's option, and compensation in cash for accrued, earned and unused vacation and holidays up to 40 days. The amount of notice or severance pay shall be two (2) weeks for M/C employees with 0-5 years of total PEF employment. Employees with five (5) or more years of PEF employment will receive six (6) weeks notice or severance.

#### **IV. Elected Officials**

All elected officials shall receive, upon separation from service, compensation in cash for their accrued, earned and unused accumulation of vacation and holidays up to 40 days.

#### **V. Continuation of Health Insurance Benefits**

1. All M/C employees who are terminated, except those terminated for just cause, or whose resignation is requested, and elected officials who do not return to State service or opt for State retirement, shall receive continuation of health insurance benefits for a period of up to one year from the last day of employment. This will be funded by conversion to cash of unused sick leave credits, based upon the employee's highest salary during the year preceding the termination. This benefit will cease upon the employee accepting another position where health insurance is part of the compensation package. Termination shall include resigning when refusing to accept a salaried position which is fifteen percent (15%) lower than the M/C employee's current salary or refusing to accept relocation to an office more than thirty (30) miles distant from the employee's current work location. If an employee has no sick leave accruals, PEF will continue to carry health insurance for thirty (30) days from the last day of employment.

2. Notwithstanding the foregoing, M/C employees shall be entitled to receive continuation of health insurance benefits as may be available to them under the rules of *COBRA*.

**VI. Compensatory Time for M/C Employees in Category 8 and Above**

M/C employees at Category 8 or above on the M/C salary schedule shall not be permitted to earn compensatory time after December 31, 1995. Any accrued compensatory time that is not utilized by September 30, 1996 will be lost.

**VII. Exceptions to Paragraphs I and II of this Policy**

Due to the nature of the duties and responsibilities of the PEF Internal Auditor title, created in 2016, the PEF Internal Auditor shall be provided with the same Just Cause protection as provided to all other M/C employees at Category 7 and below of the M/C salary schedule upon completion of one year of service in that position, regardless of the Category at which he or she is actually employed (see Paragraph 1 of this policy). Therefore, the Internal Auditor shall not be entitled to benefits under Paragraph 2 of this policy. Just cause shall not be required if the Internal Auditor title is abolished for economic reasons.

**VIII. Effective Date of Policy**

This policy shall become effective on January 1, 1996. The Severance Pay Policy adopted by the PEF Executive Board on March 3, 1992 is rescinded as of that date.

Adopted:	December 8, 1995 Executive Board Meeting
Amended:	May 17, 2016 Executive Board Meeting
Amended:	March 9, 2017 Executive Board Meeting



### Terms and Conditions of Employment of PEF Employees

There shall be no change in terms and conditions of employment of PEF employees without the expressed approval of the Executive Board regarding stipends, bonuses, percentage increases and retirement or buy-out settlements unless they are already covered by contract or they are the direct result of an applicable bargaining unit process. Such settlements may be executed without Executive Board approval when in the judgment of PEF such settlements are less costly than continued legal proceedings and employment costs provided that the settlement does not exceed one year's total salary. Such settlements shall be disclosed to the Executive Board in the Executive Session.

Adopted July 29, 1993  
Executive Board Meeting

## PENSION/RETIREMENT

**Access to Pension In Lieu Of Death Benefit**

THEREFORE BE IT RESOLVED, that PEF engage in initiating legislative amendments to the current New York State Retirement and Social Security Law to allow the beneficiary to choose to either receive the death benefit or a 100% joint pension allowance based on the pension value had the employee retired on the day of their death; and

BE IT FURTHER RESOLVED, that seeking this is asking for what is fair and just based on years of service to the State of New York and will protect employee dependents, improve employee morale and improve State supplied services by retaining experienced employees longer.

Adopted at 2014 PEF Convention

## **NYS Pension Fund Investments**

THEREFORE BE IT RESOLVED, that the PEF President on behalf of the delegate body of this convention send a letter to NYS Comptroller DiNapoli, and request that his office continue to investigate and obtain the policies and procedures, with regards to executive compensation, of any corporation of which the NYS pension funds have a significant amount of investments; and

BE IT FURTHER RESOLVED, that the letter request that the Comptroller take appropriate action against such companies that have excessive executive compensation, or terminate ordinary workers for the purpose of increasing profits.

Adopted at 2012 PEF Convention

### **Pension Death Benefit**

THEREFORE BE IT RESOLVED, that PEF will continue to pursue passage of legislation to correct the current pension inequity that does not provide a full retirement benefit to a public employee who files their retirement papers but dies prior to the date of their retirement.

Adopted at 2012 PEF Convention

## **Retirement Security for All**

Whereas America's traditional retirement security model consisting of an employer-provided defined benefit plan, Social Security, and personal savings has unraveled for tens of millions of working age households; and

Whereas defined benefit pension plans providing secure retirement income have been all but eliminated in the private sector, and have been the target of increasing attacks in the public sector; and

Whereas only half of workers in the U.S. have access to any type of employer-sponsored retirement plan and 38 million households have no retirement account assets; and

Whereas the median retirement account balance for working households is \$3,000 and just \$12,000 for households near retirement which demonstrates the failure of defined contribution plan; and

Whereas the collective retirement savings shortfall facing U.S. workers is between \$7 and \$14 trillion, depending on which assets are counted; and

Whereas all workers must be able to count on a guaranteed stream of retirement income that allows them to maintain their standard of living after a lifetime of work; and

Whereas Social Security is America's most successful anti-poverty program, providing low and moderate wage earners with much needed guaranteed retirement income.

Therefore be it resolved that the Public Employees Federation support efforts at the state and national level to improve and build upon the federal Social Security and Supplemental Security Income programs; and

Therefore be it resolved that the Public Employees Federation support efforts at the state and national level to improve and build upon the federal Social Security and Supplemental Security Income programs; and

Be it further resolved that PEF supports the concept that all workers should have a guaranteed retirement income for life that allows them as well as their spouses and partners to maintain their standard of living after a lifetime of work and prevents all Americans from falling into poverty as they age; and

Be it finally resolved that the members of the Public Employees Federation reaffirm our support for the defined benefit pension plans and reject efforts to increase reliance on defined contribution plans as the primary means for retirement income.

Submitted by:

Jim Carr, AFT Retirees Committee Representative

Philip DelPiano, Retiree Executive Board Representative

On behalf of the PEF Retirees Executive Board

Adopted at 2015 PEF Convention

# POLITICAL ACTION

**Advocate for the Gender Expression Nondiscrimination Act (GENDA)**

THEREFORE BE IT RESOLVED, that we join the New York State AFL-CIO in affirming the labor movement's commitment to basic civil rights for all union members, including our members not currently protected by New York State human rights laws; and

BE IT FURTHER RESOLVED, that we will support legislation that extends these basic human rights, regardless of an individual's gender identity or expression; and

BE IT FURTHER RESOLVED, that the PEF will:

- Include an article in the Communicator stating its support for GENDA;
- Issue a press release stating its support for GENDA; “and”
- Send electronic messages to the Governor and all of the legislators, urging them to pass GENDA; and
- Have the authors of this resolution supply drafts of the Communicator article, press release and electronic message to legislators in order to save staff time; and

BE IT FURTHER RESOLVED, that we call on the New York State legislature and governor to enact a law to ban discrimination against transgender New Yorkers, and we will actively work to achieve that goal. We will make it a legislative goal to ensure that all members enjoy equal rights and benefits and will determine where New York State elected officials stand on this issue prior to elections.

Adopted: 2013 PEF Convention



## **Conversion of Earned Work Schedule Time to Compensatory Time**

WHEREAS, PEF members work diligently to meet the demands of their respective work responsibilities,

WHEREAS, the demands of the employees work responsibility have them work weekends, holidays, and after office hours,

WHEREAS, New York State employees, who are grade 23 or higher, do not receive overtime pay and are only compensated with Work Schedule Adjustment time for the extra hours of work they perform under the New York State Civil Service rules,

WHEREAS, the current Civil Service rules do not allow New York State employees to keep Work Schedule Adjustment time that was earned within the current pay period, and cannot carry over the unutilized Work Schedule Adjustment time to the following pay period,

WHEREAS, it is often difficult to use Work Schedule Adjustment time within the current pay period due to pressures of work responsibilities and operational needs,

THEREFORE BE IT RESOLVED, that this convention request that PEF will pursue Legislatively, as well as through collective bargaining, that all New York State employees, who are overtime ineligible and eligible for Work Schedule Adjustment time, may use this compensation time within a year from when the Work Schedule Adjustment time was accrued. Also, No restrictions should be placed using Work Schedule Adjustment time, which should have the same benefit as overtime compensation time,

### **Fiscal Impact: \$0 using the Work Schedule Time converted to Compensation time**

Radhakrishna Mohan, Executive Board 217, State Insurance Fund/ Chair, Article 13 Workers Comp Committee/  
President, PEF Indo-American Committee / PAC Co-Chair, Region 10

Michael Blue, Regional Coordinator, Region 8, Albany

James Desso, Chair, Statewide IT Committee/Executive Board Member seat-175, OITS, Albany

Katherine Czachorowski, Council Leader/ Executive Member, NY State Insurance Fund, Rochester

Aaron Uchytel, Information Tech Spec 3/Budget Chair, New York State Insurance Fund, Albany

Charles Roland, PAC Co-Chair, Region 11/Asst. Council Leader, OMH, Staten Island, New York

Carl Franklin, Former Executive Board Member

and On Behalf of PEF's Continued Member Services efforts

Adopted: September 2019  
PEF Convention

## **ELECTION RULES**

### **PAC ADVISORY COMMITTEE**

1. Term of Office; Qualifications:

Pursuant to Resolution 14 adopted by the 1987 Convention, three members of the PEF Executive Board are to be elected to serve on the PAC Advisory Committee. The first term of office for the Committee will be from December 1987 until the first meeting of the Executive Board after July 31, 1988. The election of this Committee will regularly take place at the first meeting after the start of the new term of office of the Executive Board in 1988, and every three years thereafter. Executive Board members who are also Statewide PEF Officers or Regional Coordinators or Statewide PAC members are disqualified from serving on the PAC Advisory Committee.

2. Nominations:

The Chair will call for nominations from the floor for the three seats on the PAC Advisory Committee. No nomination will be accepted if the person to be nominated is not present or does not agree to run. All nominations must be seconded. No Executive Board member may nominate more than one person. A motion to close the nominations, if made and seconded, requires the approval of two-thirds of those members present.

3. Voting:

The Voting shall be by secret ballot.

The Chair will appoint tellers responsible for distributing, collecting, and counting ballots. The Chair will also appoint two or more observers to oversee the collection and counting of ballots.

Each Executive Board member present and voting shall receive one ballot. Each member shall place on the ballot the names of the nominees he or she wishes to elect. The number of names shall be not more than the number of seats to be filled. No member may vote for a nominee more than once on a single ballot. The ballot should then be folded in half once. Each voting member will deposit the ballot in the voting box and advise the teller of his or her name. The tellers will observe the deposit of one ballot from each member and check off the name of the voting member. The teller will then reconcile the number of voting members. The ballots will be counted by the tellers in the presence of the observers.

Election shall be by a majority of those members present and voting. On the first ballot, the three nominees receiving the largest number of votes over a majority shall be elected. In case of a tie for the last seat, the tied candidates shall be eligible for the next ballot despite having received a majority of votes. If fewer than three nominees receive a majority, a second ballot will be taken to fill the remaining seat or seats using the same procedure as on the first ballot.

If, after the second ballot, a seat remains unfilled because no nominee has received a majority, a third ballot shall be taken. On this ballot and every other ballot thereafter necessary, the number of nominees shall be reduced to a number equal to the number of seats to be filled, plus two. The nominees eligible for election on the third ballot shall be those receiving the highest number of votes less than a majority on the second ballot, in the order of the number of votes received. The number of nominees shall equal the number of seats to be filled, plus two. In the event of a tie between candidates receiving less than a majority of votes, both shall be eligible for the third ballot.

If only one seat is to be filled, on all ballots after the first ballot only the two candidates receiving the highest number of votes shall be eligible for the next ballot.

4. Interim Elections:

Pursuant to Resolution 14, all present or future vacancies on the PAC Advisory Committee will be filled at the next meeting of the Executive Board after the seat becomes vacant, pursuant to these procedures.

Adopted December 4, 1992

## PAC ADVISORY COMMITTEE ELECTION PROCEDURES

- I.     Balloting
  - A.     Three different nominees voted for in ballot boxes
  - B.     Tellers, check off names of voters
  - C.     Reconcile number of ballots and number voting
  - D.     Ballots counted in presence of observers
  
- II.    Election on First Ballot
  - A.     Election requires majority of voting
  - B.     On first ballot, the three nominees receiving the largest number of votes over majority shall be elected.
  
- III.   Second Ballot
  - A.     If fewer than three nominees receive a majority, a second ballot will be taken using first ballot procedures.
  
- IV.    Third and Subsequent Ballots
  - A.     On third and subsequent ballots, the number of nominees are reduced to number of seats still to be filled plus two.
  - B.     Eligible for voting in order of number of votes from previous ballot.

## **ENDORSEMENT PROCEDURES**

One of the major functions of both the statewide and regional PACs is to make recommendations regarding endorsements for various political races throughout the state. The committee, therefore, makes the following general suggestions:

1. Endorsements must be part of an overall strategy for attaining the objectives of the Union.
2. The endorsement procedure must be clear and concise and should incorporate as much input as possible from members. The procedure must, however provide the necessary checks and balances to protect PEF from harmful decisions.
3. In January of each calendar year the statewide PAC should meet and approve a calendar for endorsements in scheduled elections for the upcoming year. The calendar should include dates that the statewide PAC will meet to consider recommendations for endorsement and the date by which the Executive Board should act.
4. The schedule for endorsements should be sent to PEF officers, Executive Board members, and Council Leaders. Regional PAC Chairs should ensure that all regional PAC members receive a copy of the endorsement schedule.
5. Regional PAC guidelines should include procedures for recommending and endorsing candidates for political office. The guidelines should include explicit requirements for notifying PAC representatives that an endorsement meeting will be held. If any region is unable to adhere to the Regional PAC guidelines before making any endorsement recommendations, it shall notify the Statewide PAC of the situation when it makes its recommendations, so the Statewide PAC can consider the situation during its deliberations.
6. Divisional PAC representatives should be encouraged to solicit advice from their membership and division council prior to voting.
7. If no Executive Board meeting is scheduled in time for consideration of endorsements in special elections, the Statewide Political Action Committee shall have the authority to make the endorsement.
8. All endorsements should be based on the candidate's record of service to PEF members, the individual's voting record and major policy decisions, and the candidate's support for PEF policies. A PEF member who is a candidate for office should be given special consideration if there is no detriment to PEF by supporting his or her candidacy. Also, consideration should be given to the candidate's overall record on labor issues.

## **ENDORSEMENT PROCEDURES**

Page 2

9. All membership requests for endorsement should be directed to the Regional PAC Chair.

10. PEF may expend funds to attend events of any currently elected State-wide or State Legislator regardless of whether or not that public official is currently endorsed by PEF, with approval of the State-wide PAC Chair (Political Action Committee) or the President, and consultation with the Legislative Director.

PEF presently considers three levels in its endorsement process: local, which includes county as well as municipal elective positions; state, which includes the legislature and statewide positions such as Governor, Comptroller, and Attorney General; and national, which includes Congress, President and Vice President.

The committee suggests that a fourth level of endorsement be established – local with special significance. These races would include any local contest which the statewide PAC designates as being so important as to require a formal vote by the statewide PAC and possibly monetary contributions from PEF. Such races should be determined by a review of local races by the statewide PAC in January of each year.

Below are suggested steps for considering each level of endorsement.

### **6.1 State Level Races**

In state races, because of the importance of the legislature and statewide offices for PEF, the statewide PAC should retain the ability to act on an endorsement when a regional PAC has failed to make a recommendation.

Also, the statewide PAC should override regional recommendations only when they conflict with the interests of the union. Any such alteration in a recommendation, however, should be carefully considered and an explanation for not accepting the region's position should be forwarded to the respective regional PAC by the statewide Chair.

#### **6.1.1. Legislative Races**

Requests for endorsement for legislative seats should originate in regional PACs in accordance with time frames established at the beginning of each year by the Statewide PAC. The following steps for legislative endorsements are suggested.

## **ENDORSEMENT PROCEDURES**

Page 3

1. Prior to the statewide endorsement meeting, regional PAC Chairs should hold regional meetings in accordance with the respective regional guidelines to determine recommendations in legislative races. Each regional PAC should review all legislative contests within its respective region.
2. The statewide PAC should meet according to the established calendar and consider all regional recommendations in accordance with its guidelines.
3. Statewide PAC recommendations should then be forwarded to the PEF Executive Board for final endorsement.

### **6.1.2. Statewide Races**

Requests for endorsements for statewide offices should originate at the statewide PAC in accordance with time frames established at the beginning of each year. This does not, however, preclude regional PAC Chairs from seeking guidance from their respective PACs prior to voting at the statewide PAC. The following steps for statewide endorsements are suggested.

1. Prior to the statewide meeting, regional PAC Chairs should hold regional meetings to seek guidance from their respective PACs on statewide offices.
2. The statewide PAC should meet according to the established calendar and consider statewide recommendations in accordance with its guidelines.
3. Statewide PAC recommendations should then be forwarded to the PEF Executive Board for final endorsement.

## **6.2 NATIONAL LEVEL RACES**

### **6.2.1 House of Representatives**

Requests for endorsements for legislative seats should originate in regional PACs in accordance with time frames established at the beginning of each year by the statewide PAC. The following steps for legislative endorsements are suggested.

1. Prior to the statewide endorsement meeting, regional PAC Chairs should hold regional meetings in accordance with the respective regional guidelines to determine recommendations in Congressional races. Each regional PAC should review all Congressional contests within its respective region (wholly or in part).

## **ENDORSEMENT PROCEDURES**

Page 4

2. The statewide PAC should meet according to the established calendar and consider all regional recommendations in accordance with its guidelines.
3. Statewide PAC recommendations should then be forwarded to the PEF Executive Board for final endorsement.

### **6.2.2 President, Vice President and Senate**

Requests for endorsements for President, Vice President and U.S. Senate should originate at the statewide PAC in accordance with time lines established at the beginning of each year. This does not, however, preclude regional PAC Chairs from seeking guidance from their respective PACs prior to voting at the statewide PAC. The following steps for the above endorsements are suggested.

1. Prior to the statewide PAC meeting to consider endorsements for President, Vice President, and Senate, regional PAC Chairs should hold regional meetings to seek guidance from their respective PACs.
2. The statewide PAC should meet and endorse for the above offices according to its established calendar and guidelines.
3. Statewide PAC recommendations should be forwarded to the PEF Executive Board for final endorsement.

### **6.3 LOCAL ELECTIONS WITH STATEWIDE IMPACT**

Recommendations in local elections which have union wide significance should originate in the respective regional PAC in accordance with time frames established at the beginning of each year within the statewide PAC. The following steps for these endorsements are suggested.

1. The statewide PAC should designate those local elections with statewide impact prior to the end of April each year. The endorsement schedule for these elections should be added to the yearly endorsement schedule.
2. As part of the development of an endorsement schedule for local elections with statewide impact, the statewide PAC should establish specific recommendations regarding the type of resources the organization should commit to these races. As part of these recommendations, a special fund should be dedicated to disseminating information to our membership.
3. Prior to the statewide endorsement meeting, regional PAC Chairs should hold regional meetings in accordance with the respective regional guidelines to determine



## **ENDORSEMENT PROCEDURES**

Page 5

recommendations in the above races. Each regional PAC should review all local contests within its respective region.

4. The statewide PAC should meet according to the established calendar and consider all regional recommendations in accordance with its guidelines.
5. Statewide PAC recommendations should then be forwarded to the PEF Executive Board for final endorsement.

### **6.4 LOCAL ELECTIONS WITHOUT STATEWIDE IMPACT**

Recommendations in local elections should originate in the active regional PAC. Each regional PAC should have explicit guidelines for making local endorsements which do not have statewide significance. The following steps for local endorsements are suggested.

1. Regional PAC Chairs should hold regional meetings in accordance with the respective regional guidelines when appropriate to make endorsements in local races which do not have statewide impact.
2. When a regional endorsement is made the name of the person endorsed, his or her opponent's name, the reason for the endorsement, and any other pertinent information should be forwarded to the statewide PAC Chair for review by the statewide PAC.

("Review" will be considered complete if all statewide PAC members have had adequate time to consider a particular endorsement and have not voiced any objection.)

3. The statewide PAC Chair should ensure that copies of the information are received by statewide PAC members for their consideration. PAC members should be given two weeks (14 days) from the mailing of the materials or one week (7 days), if delivered directly to them, to voice objections.
4. If the statewide PAC Chair receives no objections from statewide PAC members, the endorsement of the regional PAC should be considered valid.
5. If any member of the statewide PAC voices an objection to a local endorsement, the statewide PAC should be polled or should be asked to formally vote at its next scheduled meeting to either veto the particular endorsement or to uphold it.
6. If a majority of the statewide PAC votes to veto a local endorsement, the endorsement should be considered null and void; otherwise, all regional endorsements should be considered valid.

## **ENDORSEMENT PROCEDURES**

Page 6

### **6.5 PRIMARIES AND SPECIAL ELECTIONS**

Occasionally, PEF may wish to endorse in primary races, and in some instances an endorsed candidate may lose the primary. In the past, we have also endorsed in more than one primary race for the same office. In either case, special consideration may be needed to determine whom to endorse in a general election after a primary has been held.

Also, elected officials may not finish their terms of office thus calling for special elections to fill open positions. A special election may not be part of the yearly PEF political calendar.

In both of the above situations, special procedures should be established to ensure that there is no confusion about endorsements.

#### **6.5.1. Primary Endorsements**

1. All regularly scheduled primaries should be included in the PEF political calendar at the beginning of each year and should follow the procedures established for the respective election.
2. Endorsements of a single candidate prior to a primary election should imply an endorsement of the same candidate – if the candidate wins – in the general election.
3. If an endorsed primary candidate loses or an endorsement is made in more than one primary for the same office, the statewide PAC Chair shall, upon completion of the primary election, immediately ask the appropriate regional PAC(s), i.e., the regional PAC from which the primary endorsement originated, to make recommendations for the general election in accordance with PAC guidelines and procedures and return recommendations to him or her.
4. If no meeting can be held in adequate time for PEF to participate in the election, the statewide PAC Chair should poll both the statewide PAC or the Executive Board in accordance with PAC guidelines for final endorsement.

#### **6.5.2. Special Elections**

Special elections, because they are unexpected, will probably not be on the PEF political calendar. For this reason, it may be necessary to hold special statewide PAC meetings to consider making endorsement(s) in these elections.

## **ENDORSEMENT PROCEDURES**

Page 7

1. Once a special election has been announced, the Statewide PAC Chair will notify regional PAC chairs of the timetable for the endorsement process.
2. The appropriate regional PAC Chairs should make recommendations to the Statewide PAC according to their respective regional guidelines by the date established by the Statewide PAC Chair.
3. The Statewide PAC will either meet (if feasible) or be polled to make its recommendation(s) in the special election on the date established by the Statewide PAC Chair, which will be no less than ten days from the date that the appropriate regional PAC chairs are notified of the special election.
4. If regional recommendations are provided, the Statewide PAC will consider them in accordance with its guidelines when making its recommendation(s).
5. If the Executive Board is not scheduled to meet in time to make endorsement(s) in the special election(s), the Statewide PAC recommendation(s) will be considered the final endorsement(s) in those special elections.

Adopted: May 19, 1990  
Executive Board Meeting

Revised: March 8, 2002  
Executive Board Meeting

Revised: March 2, 2006  
Executive Board Meeting

Revised: December 1, 2017  
Executive Board Meeting

PROPOSED POLITICAL ENDORSEMENT PROCESS  
NEW YORK STATE PUBLIC EMPLOYEES FEDERATION

LEVEL OF RACE	Initiation of Process*		
	REGIONAL PAC	STATE PAC	E-BOARD
STATE			
Legislature	recommend**	recommend	endorse***
Statewide		recommend	endorse
NATIONAL			
House	recommend	recommend	endorse
Senate		recommend	endorse
President		recommend	endorse
Vice President		recommend	endorse
LOCAL WITH STATEWIDE IMPACT	recommend	recommend	endorse
LOCAL WITHOUT STATEWIDE IMPACT	endorse	review/veto****	

\* Member requests should be directed to the regional PAC Chair for consideration. If the race the member is interested in is in another region, the member's regional PAC Chair should forward the request to the appropriate Chair. All such requests should be presented to the particular PAC for consideration.

\*\* "recommend" means to recommend endorsement to the next higher body;

\*\*\* "endorse" means that PEF officially supports a particular candidate;

\*\*\*\* "review" means endorsement is made if there is no objection.

## English Plus

Whereas, some public officials and individuals are trying to curtail one of America's greatest assets – its rich variety of culture and languages; and

Whereas, America is becoming more ethnically diverse at a time when expanding commerce has created a global economy, and with it a need for communication among people speaking many languages (NAFTA); and

Whereas, our diversity gives us an economic edge and legislation that curtails the use of languages other than English poses a threat to individual rights and American interest (first amendment); and

Whereas, multi-lingualism has always been a part of America, from the speech of Native Americans to that of our newly arrived immigrants (in New York City 125 languages are spoken):

Therefore be it resolved, that in order to better understand our neighbors to the North, South, East and West, and in order to receive a broader view of international affairs, the Public Employees Federation through the AFL-CIO International will endorse the Congressional initiative to support the English-Plus Resolution; and

Be it further resolved, PEF will actively promote the acquisition of multi-lingualism in order to ensure greater understanding among our diverse groups.

Submitted by: Sam Vargas  
Haydee Montenegro  
Eduardo Perez  
Andy Rodriquez  
Tony Rivera  
Hispanic Committee of PEF

Adopted: October 25, 1995  
PEF Convention

## ESTABLISHING A POLITICAL ACTION FUND

1. The appropriate amount will be deducted from the check-off monies.
2. Disbursement of funds will be based on the funds available, the laws governing contributions, and procedures previously adopted by the Executive Board.
3. All costs of the Political Action program and all administrative costs for the lobbying efforts be paid from this fund.
4. Per PEF Policy, amended herein, regarding “Establishing a Political Action Fund - An amount, based on \$.50 per member plus \$100 per NYS legislator, residing in the region, will be available for each PEF Regional PAC, to cover such expenses of members travelling to Political Action Committee meetings, and the purchase of any goods and services necessary for the functioning of the Regional Political Action Committee. Regions to be held harmless from decreases per this formula. An additional amount will be provided for multi-regional activities/events held in the NYS Capitol as approved by the PEF President and SWPAC Chair.

An additional amount of up to \$3,000 will be provided for Multi-Regional activities/events approved by the PEF President and SWPAC Chair.

5. A certified public accountant will audit the books at the end of the fiscal year, and formally report on the income and expenditures of the fund.
6. Because of applicable federal and state laws, absolutely no monies shall be expended from Division or Regional funds for political action.

October 9-10, 1983

Temporarily Suspended by budget  
as passed by Executive Board –  
March 2018

Amended March 26, 2020  
Validated June 11 & 12, 2020

**Establishing a Statutory “Essential Worker Compensation Program”**

WHEREAS, the global COVID-19 pandemic required federal, state, and local governments to designate certain public sector workers as “essential” for purposes of requiring such workers to deliver essential services to New Yorkers in need; and

WHEREAS, in accordance with the Executive Order #202.6 approved by the Governor, these “essential” workers delivered life-saving services, often performing tasks not part of their usual job description and a significant threat to themselves and their loved ones; and

WHEREAS, despite the circumstances of the threat and the dedicated and faithful performance of assigned duties by these “essential” workers, there were no specific statutory benefits to recognize their selfless service, the threat to their health and lives, and/or the extended time they spent away from their loved ones; and

WHEREAS, only through the union’s unwavering advocacy were workers ultimately recognized for this service with the enactment of the COVID Death Benefit law, the Health Care Workforce Bonus program and the contract agreement reached between the PEF and the state; and

WHEREAS, the state needs to develop a specific statutory compensation program that becomes operative when an Executive Order or other action with the force or effect of the law is undertaken that requires state employees to render critical emergency services which put their health and/or their lives and/or those of their families at risk.

THEREFORE, BE IT RESOLVED that PEF work to develop legislation to provide additional compensation for any employee impacted by the adoption of any future Executive Order or any other action that has the force or effect of law which requires them to render services during a public health or other emergency where there is a direct threat to their health and safety or that of their families.

Fiscal Impact: Departments and Committees already exist within PEF to promote and lobby for this legislation. Minimal Fiscal Impact.

Submitted by:

Wayne Spence  
President  
New York State Public Employees Federation, AFL-CIO

Joe Donahue  
Secretary Treasurer  
*New York State Public Employees Federation, AFL-CIO*

Randi Diantonio

Vice President

NYS Public Employees Federation-AFLCIO

Darlene Williams

PEF Vice President/Contract Chair  
New York State Public Employees Federation, AFL-CIO

MURIEL HARDY-LEE, MDS

PEF Trustee

New York State Public Employees Federation, AFL-CIO

Bruce C. Giddings

PEF Trustee

New York State Public Employees Federation, AFL-CIO

Radhakrishna Mohan

Region 10 Coordinator

New York State Public Employees Federation, AFL-CIO

David Dubofsky  
Claims Service Rep 1, NYSIF

Region 5 Coordinator  
New York State Public Employees Federation, AFL-CIO

Danielle Bridger

Region 8 Coordinator

Public Employees Federation (PEF)

Bernadette O'Connor

Region 11 Coordinator

New York State Public Employees Federation, AFL-CIO

Shelby Wisneski

REGION 3 Coordinator

New York State Public Employees Federation, AFL-CIO

Michele Iorfida



Region 1 Coordinator

New York State Public Employees Federation, AFL-CIO

Leisa Abraham

Region 3 Coordinator

New York State Public Employees Federation, AFL-CIO

Adopted: 2023 PEF Convention

Fighting the “Anti-government and Public Services Movement”

WHEREAS, public employees and services they provide are a constant target of the ever more powerful “Anti-Government and Public Services Movement”; and

WHEREAS, in New York State this “Anti-Government and Public Services Movement” is currently driving the debate on public services to the citizens of New York; and

WHEREAS, this “Anti-Government and Public Services Movement” is central to the purpose and goals of groups such as CHANGE NY, the Business Council, the Citizens Budget Commission and the ever-proliferating tax revolt groups; and

WHEREAS, the agenda and goal of these groups, if realized, could lead to the destruction of PEF and the quality services we provide to the citizens of New York State; and

WHEREAS, it is clear that the current Governor of New York has embraced their agenda and goals as witnessed by the issuance of his Executive Order #8 creating the Council & Commission on Privatization and his pro business “Regulatory Reform”; and

WHEREAS, the strength of PEF resides in its members:

THEREFORE BE IT RESOLVED, that PEF take whatever steps are necessary to defeat this “Anti-Government & Public Services Movement”; and

BE IT FURTHER RESOLVED, such steps should include but not be limited to the following:

- 1) Research into the goals and strategies of these groups.
- 2) Compilation of data on the goals and strategies, as well as participants in these groups.
- 3) Identification of vulnerable targets in these groups.
- 4) Strategic planning to develop and initiate insider strategies, i.e., corporate campaigns, to weaken the influence of these groups.
- 5) Strategic planning to develop and initiate strategies and tactics to change the basic debate on government services from these groups’ stated purposes to debate on the necessity of government services.

Submitted by: Neila Cardus  
Bill Crotty  
Paul Marling  
Michael Valentino

Adopted: October 25, 1995  
PEF Convention

## **GUIDELINES FOR CREATING PEF'S ANNUAL LEGISLATIVE AGENDA**

1. Call for changes to current Legislative Agenda placed in May issue of *the Communicator*.
2. Changes proposed by members must be submitted to SWPAC by June 29<sup>th</sup>.
3. SWPAC deliberates at July meeting and makes recommendations to Executive Board.
  - a) Any member who has submitted changes to the Legislative Agenda will be notified of the SWPAC's decision.
4. Executive Board deliberates at August meeting and makes recommendations to Convention delegates:
  - a) Debates/votes on changes recommended by SWPAC first.
  - b) Debates/votes on remainder of Legislative Agenda second.
  - c) Any member who has submitted changes to the Legislative Agenda will be notified of the Executive Board's decision.
5. Convention Legislative Agenda Committee constituted in the same manner as Convention Resolution Committees. Committee will debate/vote on new legislative agenda changes submitted to SWPAC after August Executive Board meeting, but not later than September 15. It will take a majority vote of committee to recommend a debate/vote on new legislative agenda changes not previously recommended by Executive Board.
6. Convention delegates debate/vote on changes to legislative agenda:
  - a) Debates/votes on changes recommended by Executive Board first.
  - b) Debates/votes on changes recommended by Convention Legislative Agenda Committee second.
  - c) Debates/votes on remainder of Legislative Agenda third.

Adopted:      May 6, 1998  
Executive Board Meeting

## **Guidelines for Political Contributions**

### Eligibility

PEF may expend funds to attend events of any currently elected State-wide or State Legislator regardless of whether or not that public official is currently endorsed by PEF, with approval of the State-wide PAC Chair (Political Action Committee) or the President, and consultation with the Legislative Director.

Individuals who are candidates for the following elected offices, or who are incumbents in those offices, are eligible to receive political contributions from PEF:

- a. NYS Assemblyperson
- b. NYS Senator
- c. NYS Attorney General
- d. NYS Comptroller
- e. NYS Lieutenant Governor
- f. NYS Governor
- g. US House of Representatives (from NYS) – COPE funds only
- h. US Senator (from NYS) – COPE funds only
- i. Mayor – NYC
- j. Mayor – Albany
- k. County Executive candidates in counties where PEF represents non-state employees
- l. Local Offices – PEF members only
- m. County District Attorneys

The following committees are eligible to receive political contributions from PEF:

- a. NYS Democratic Assembly Campaign Committee
- b. NYS Republican Assembly Campaign Committee
- c. NYS Republican Senate Campaign Committee
- d. NYS Democratic Senate Campaign Committee
- e. NYS Democratic Committee
- f. NYS Republican Committee
- g. NYS Working Families Party
- h. All NYS County Democratic Committees
- i. All NYS County Republican Committees
- j. All local Democratic or Republican political clubs

### Procedure

When a contribution is being considered for an endorsed NYS Assembly person (or candidate), NYS Senator (or candidate), a county Democratic or Republican Committee, a local Democratic or Republican political club, or a PEF member in (or campaigning for) a local office, the request

should come from the Regional Coordinator or Regional PAC Chair on the official PAC Contribution Request Form, accompanied by the invitation or contribution request. It will be reviewed by the Legislative Director or his/her supervisor. Final approval will be given by the Statewide PAC Chair or President.

When a contribution is being considered for one of the statewide incumbents (or candidates), one of the federal incumbents (or candidates), or one of the statewide committees, the request shall come from the Statewide PAC Chair on the official PAC Contribution Request Form, accompanied by the invitation or contribution request. The requests will be reviewed by the Legislative Director or his/her supervisor. Final approval will be given by the President.

All contributions will be reported to the Statewide PAC at its monthly meetings and to the Executive Board at its quarterly meetings.

All Federal contributions must be coordinated with both SEIU and AFT in order to maintain compliance with Federal Campaign Finance Law.

#### Amount of Contribution

The Executive Board sets the limit on the total amount of dues monies spent for political contributions in a given year (and therefore each two-year election cycle) when it establishes the PEF Annual Budget. The Statewide PAC tentatively allocates that amount on a two year election cycle basis for all elected positions and political committees. These tentative allocations may fluctuate as the individuals occupying legislative committee chairs change, as individuals change their degree of support for PEF's Legislative Agenda, and as the need for campaign assistance changes closer to Election Day.

The maximum amount that any incumbent, candidate or committee can receive from PEF for any 2-year election cycle is established in NYS and Federal Campaign Finance Law. In addition, PEF has established a total combined limit of \$7,000 for each 2-year election cycle which will be allocated to each PEF Region for the funding of contributions to all county political committees and local political clubs.

Adopted: December 1, 1999  
Executive Board Meeting

Revised: December 12, 2000  
Revised: June 22, 2001  
Revised: June 8, 2006  
Revised: December 2, 2011  
Revised: December 1, 2017

Revised: March 26 and 27, 2015 Executive Board Meeting ~~\$3,000~~ [\$7,000]

## GUIDELINES FOR USE OF COPE FUNDS

### I. BACKGROUND

In February of 1980, the PEF Executive Board approved a motion to establish a Committee on Political Education, with a committee to establish how to raise monies.

At the 1983 PEF Convention, a resolution was passed which made reference to keeping the COPE Fund intact, and that the COPE Fund raises funds for federal candidates and is voluntary. It also stated that special emphasis would be given to COPE Fund drives.

At the 1985 PEF Convention, a resolution was passed that indicated that since the NYS Attorney General had ruled that a voluntary deduction plan for State workers desiring to contribute to federal campaigns would be legal, and recognizing that many PS&T employees work in federally funded programs controlled by the federal budgeting and appropriations process, and that it is desirable to be in a position to exercise some influence over the political process, it was resolved that the Legislative Department and the Secretary-Treasurer implement a voluntary payroll deduction plan for NYS federal campaign races, stipulating that details of the plan, including guidelines for expenditures of funds, be approved by the PEF Executive Board, and that no funds from this plan be expended for primary races during the first four years of the fund's existence.

A COPE fundraising drive took place in approximately 1987 with emphasis at the PEF Convention. In 1995, a major COPE campaign was initiated with the assistance of SEIU. This was the first campaign which involved a direct mailing to members and retirees, phone banking by retirees and personal solicitation of members and staff.

### II. COPE GUIDELINES

A. COPE funds and the interest generated from these funds will not be used as a portion of the routine operating budget for the PEF political action committee/ legislative department budget. "Routine" is defined as the normal and regular operating expenses of the political action committee and legislative department as indicated in the existing PEF budget process. "Routine" also includes the contribution line of the regular budget process.

B. COPE funds will not be utilized in the allocation of "routine" political contributions. Routine is defined as those individual and/or committee contributions which will ensure PEF presence at fundraisers, demonstrate PEF support of PEF endorsed candidates and promote PEF influence with party committees. COPE funds will be utilized to ensure the election/re-election of candidates/incumbents in targeted races whose platform and/or record is primarily supportive of PEF's legislative agenda and to ensure the defeat of incumbents/challengers whose record/ platform is overwhelmingly against PEF's legislative agenda and public service.

C. COPE funds will be annually budgeted as follows:

1. 60% allocation for federal races
2. 30% allocation for state/local races;
3. 10% allocation for annual COPE campaign.

## COPE Guidelines

### Page 2

D. Annual budget will be computed based upon projected income as determined by payroll deductions and direct contributions received by January of each year.

E. During non-election years, allocation for federal and for state/local races will be “banked” in preparation for the next election year; allocation may be utilized in special, off-year federal and state/local elections.

F. Procedures for requesting COPE funds for state/local candidates will be the same procedure which currently exists for requesting funds for political contributions. This procedure has been approved by the PEF Executive Board. The requisition form will differentiate a request for COPE funds from a request for Legislative Funds.

G. Requests for COPE funds for federal candidates will be initiated by the President/designee, Vice President Liaison to the SWPAC or the SWPAC chair. These requests will be made to one or both of our affiliates. All checks for federal campaign contributions will be drawn by SEIU COPE or AFT COPE in accordance with Federal Election Law.

H. In those cases where a requisition for COPE funds is initiated by the President/designee, it will be reviewed by the SWPAC chair. In those cases where a requisition is initiated by the SWPAC chair, it will be reviewed by the President/designee. For all congressional or state/local contributions which are initiated by PEF, the respective regional PAC chair will be consulted and the SWPAC will be notified.

I. COPE related per capita rebates from affiliates will be deposited into the Legislative Fund upon receipt to be directed to the PEF political program for campaign related activities and contributions.

J. Until such time as the COPE fund is self-sustaining, expenditures for member education regarding COPE shall be considered a routine expenditure of the PEF general operating budget.

K. Expenditures of COPE funds will be made in accordance with existing PAC Guidelines and Endorsement Procedures, and in accordance with all applicable state and federal laws.

L. PAC Chairs will receive reports of COPE expenditures on a quarterly basis at PAC meetings.

M. PEF Accounting Dept., in consultation with PEF Legal Dept., will ensure that all expenditures are in compliance with legal requirements and that all necessary reports are filed with NYS Board of Elections and Federal Elections Commission, and that all necessary income tax reports are filed.

N. The PEF COPE campaign will be a continuous project with a major emphasis a minimum

of once per year.

Adopted: December 4, 1996  
Executive Board Meeting



**Helping PEF Members Who Did Not Take Vaccine**

WHEREAS, the State of New York denied unemployment benefits to thousands of workers, including PEF members, who lost their jobs because of their inability to take the covid vaccine; and,

WHEREAS, thousands of New Yorkers, including PEF members, were unable to take the vaccine due to medical issues and sincerely held religious beliefs; and,

WHEREAS, multiple New York State Supreme Court rulings have invalidated some of the various covid vaccine mandates; and,

WHEREAS, PEF must unify and promote justice for all PEF members;

THEREFORE, BE IT RESOLVED: PEF must discuss with the New York State

Department of Labor how to notify PEF members of any process for reconsidering previous

unemployment insurance benefit denials and for filing late claims for all PEF members who lost their jobs, even temporarily, due to the State not accommodating PEF members' inability to take the covid vaccine.

FISCAL IMPACT: Demonstrating that PEF will fight for its members will enhance PEF's reputation and increase membership. Hence, adopting this resolution will have a positive fiscal impact.

Jacob Weintraub, Treasurer, Division 245 Labor

Adopted: 2023 PEF Convention

1985 resolutions

### Legislative Action

WHEREAS, the Public Employees Federation has established Political Action Committees in all twelve regions of the state, and

WHEREAS, PEF like other unions and the AFL-CIO, is engaged in initiating, supporting, or opposing a wide range of legislation. Bills covering such topics as Tier III pension, veteran's buyback, etc., have required considerable pressure on lawmakers to gain passage, and

WHEREAS, PEF leaves legislative action in the hands of its Legislative Director and the upper officers and staff. The regional PACs assume little role in pressuring legislators, Congressmen, or local officials on pending legislation,

THEREFORE BE IT RESOLVED, that PEF develop guidelines on legislative action regularly distributing synopsis of bills supported or opposed by PEF. The new rules shall include the regional PACs in recommending legislation and pressuring lawmakers, city, state, or national, to take appropriate action, and

BE IT FURTHER RESOLVED, that PEF aid and train the regional PACs to lobby legislatures and develop Legislative Action Committees. PEF shall also encourage the Divisions to establish Political and Legislative Action Committees to help the regional committees involve PEF rank-and-file members in the legislative process.

Submitted by:        John Singleterry  
                              Doug Bullock  
                              David Armbruster

**RESOLUTION #10**  
**LEGISLATIVE AGENDA EVALUATION PROGRAM**

WHEREAS, PEF needs the means to measure the extent to which its political action program is accomplishing its objectives; and

WHEREAS, PEF must establish an objective and uniform approach to judging how well elected officials respond to and act on PEF's legislative issues:

THEREFORE BE IT RESOLVED, that, adhering to the priorities set at the annual convention, the statewide Political Action Committee create a list of PEF's legislative agenda issues and PEF's position on each of these issues; and

BE IT FURTHER RESOLVED, that the list be presented to the appropriate elected officials by the Regional PAC Chairs prior to the start of each year's legislative session and that the list be updated as appropriate; and

BE IT FURTHER RESOLVED, that the elected officials are informed that, in the future, PEF's level of support will be based on their responsiveness to PEF's position on the issues; and

BE IT FURTHER RESOLVED, that the statewide Political Action Committee compile and present to the Executive Board candidate evaluations, based on reports from the regional PACs, documenting the candidate's responsiveness to PEF's position on the issues; and

BE IT FURTHER RESOLVED, that PEF's level of support be contingent on the candidate's documented record of support, or lack thereof, for PEF's position on the issues.

Submitted by:

Cliff Salo, Council Leader, DIV. 383 (DHRC-Albany)

Marjorie DeVoe, Executive Board, Law – Statewide

Susan Jeffords, Executive Board, Parole Regions 1-9

Tom Donahue, Executive Board, DOCS

John S. Duengfelder, Jr., Executive Board, DOT, Div. 219

Tony Burns, Statewide PAC Chair

Diane Hart, Steward Roswell Park

Jeff Satz, Region 8 Coordinator

Robert J. Ridley, Executive Board, Agriculture and Market - Statewide

George Goldsmith, Executive Board, Equalization & Assessment - Statewide

Laura L. Szalasny, Executive Board, OMH Gowanda P.C.

Michael McGuire, Council Leader, Div. 219, DOT

Anthony Osswald, Chief Steward, Div. 219, DOT

Adopted  
1991 PEF Convention  
Oct. 29, 1991

**Outsourcing of Public Work through the Use of Private Consultants and Contractors  
Funded by Agency-Created Non-Profit “Research Foundations” (eg. Regents Research  
Fund, SUNY Research Foundation, Health Research Incorporated, etc.)**

THEREFORE BE IT RESOLVED, that the PEF President recommends to the Governor and Legislature that these private funds should be dissolved or forced to disassociate themselves from publicly accountable state agencies and consultants and contractors hired by them should not be allowed to do public work.

Adopted: 2013 PEF Convention

## PAC GUIDELINES

The political action structure of PEF entails a Statewide Political Action Committee and twelve separate Regional PACs. Each Regional Coordinator shall be the designated Regional PAC Chair of that region.

A Regional Coordinator may choose to delegate the duties of a Regional PAC Chair, and in that case, the Regional Coordinator, may either: (1) appoint a Regional PAC Co-Chair, or (2) by the rules of that region there shall be elected a Regional PAC Co-Chair, to perform such duties.

In the event a Regional PAC Co-Chair is appointed or elected, the Regional Coordinator retains the ultimate authority to remove the appointment, appoint another person and/or remove an elected Regional PAC Co-Chair at any time. The Regional Coordinator shall always have the overall responsibility over the logistical function of the Regional PAC of that region.

If the Regional PAC Co-Chair is elected, rules and procedures for the election shall be established by the Regional PAC and approved by the Statewide PAC.

The Regional PAC Co-Chair should be officially recognized as separate from the Regional Coordinator.

### Statewide PAC

1. The voting members of the Statewide PAC are composed of the twelve duly constituted Regional PAC Chairs or Co-Chairs (one vote per region) and one representative from the PEF Retirees, with the Statewide PAC Chair used for tie breaking purposes only. Ex-Officio members of the Statewide PAC are the President and the Vice President in charge of Political Action who have no vote. Staff advisors to the Statewide PAC have no vote.
2. Polling will be utilized only when it is not expedient to call a Statewide PAC meeting. The polling of the Statewide PAC should be conducted via email, Zoom or other electronic conferencing method whenever possible. If that is not feasible, then the Statewide PAC Chair or his/her designee will contact the Regional PAC Chairs and Co-Chairs via telephone. A record of the telephone call should be maintained. The record should contain the time and date that the call was made and a record of the vote.
3. PEF members and PEF committees are prohibited from lobbying in the name of PEF on any issue without prior authorization from the President, or the Statewide PAC Chair. Such authorization must be directly communicated to the Legislative office. The scheduling of lobbying appointments is the sole responsibility of the appropriate Regional PAC Chair or Co-Chair, with the exception of the President, the Political Director and the Legislative Director. Regional PAC Chairs and Co-Chairs should be notified of meetings scheduled by the President, Political Director and the Legislative

Director whenever possible.

While the Statewide PAC has responsibility for political activity, it welcomes the opportunity to work with all committees in PEF and invites input from the various committees.

The Statewide PAC Chair must be advised of any political initiatives being contemplated by Committees in order that they can be placed on the Statewide PAC agenda to determine their consistency with PEF policy.

When applicable, Committee Chairs will be invited to make presentations to the Statewide PAC.

4. All political initiatives must be submitted to the Statewide PAC for review. The PAC will review all PEF political initiatives regionally and statewide for consistency with PEF policy.
5. The Statewide PAC will:
  - a. review all Regional recommendations for endorsements and make final recommendations to the Officers, and Executive Board for approval consistent with endorsement procedures;
  - b. develop and assist in implementing strategies to forward PEF policies and initiatives;
  - c. monitor and assist in the development and preparation of a State and Federal Legislative Agenda utilizing the timetables below;

January - SWPAC approves annual calendar of meetings and activities including endorsement schedule. Legislative and Civil Service Departments' review and analyze NYS Executive Budget Proposal to develop priorities for review and approval by the SWPAC.

February - SWPAC and member leaders offer input to develop testimony for public hearings, budget fightback plans and regional or statewide lobbying initiatives. This information is shared with Officers, Regional PACs, Executive Board, Council Leaders. Regions work with the Political and Legislative Directors to identify races of relevance for primary endorsement consideration

March/April - Primary endorsements or early endorsements are sent to the Executive Board for approval/consideration at the Spring Meeting. Ongoing

budget and legislative advocacy.

May - Request for input for Legislative Agenda development sent to members.

June - Development of draft Legislative Agenda for submission for review at Summer Executive Board meeting.

July/August - Regions hold endorsement interviews for General Election to be considered at Summer Executive Board meeting.

October - Final Review and approval of Legislative Agenda at Convention. Get out the vote initiatives for endorsed candidates.

- d. work with the staff to plan and coordinate lobbying efforts;
- e. review and approve the proposed political action budget prior to its approval to the Executive Board;
- f. in conjunction with the Legislative Departments, develop a political program calendar for yearly activities from July to June, (the calendar must be presented no later than the June PAC meeting; a yearly schedule of endorsements will be developed by January);
- g. work with the Legislative Department to survey the political skills of PEF members to assess resources and recommend programs to develop resources for future.

### Regional PAC

1. Regional PACs should work with the staff and the Regional PAC Chair or Co-Chair to coordinate and conduct regional lobbying and grassroots organizing for campaigns and other political activities.
2. Regional PACs should recommend endorsements consistent with procedures and positions on issues to the Statewide PAC.
3. Each region should develop regional guidelines to be approved by the Statewide PAC which includes: rules for representation and voting, a regular meeting schedule with at least six scheduled meetings per year (this does not preclude special meetings), endorsement procedures and other pertinent rules for running the Regional political organization.

4. Regional Coordinators may appoint a Regional PAC Co-Chair or request that the duly constituted Regional PAC elect someone to serve in that capacity. Each Regional Coordinator has the ultimate authority to appoint and/or remove a Regional PAC Co-Chair, and has overall responsibility over the logistical function of the Regional PAC. If the Regional PAC Co-Chair is elected, rules and procedures for the election should be established by the Regional PAC for approval by the Statewide PAC.
5. Minutes and recordings of attendance should be required for each Regional PAC meeting.
6. Each Regional PAC should select a secretary to take minutes and keep attendance records. Duties and selection procedure for the Regional PAC secretary should be included in the rules and procedures for each regional PAC.
7. Rules on regional representation in PACs should ensure that divisional representatives have the preponderance of voting power on the Regional PAC.

If a Regional PAC wishes to provide at-large representation, rules for at-large representatives should ensure that the number of at-large representatives do not exceed the total number of divisional representatives.

Rules on Regional PAC voting should clearly state voting eligibility and procedures by which the Regional PAC makes other decisions. Vote counts should be either by individual, by division, with each division allotted an equal number of votes, or weighted by the number of division members in the Region.

8. A Regional PAC shall not adopt any rules or procedures that are inconsistent with this policy.

#### Statewide Political Action Committee Chair (Statewide PAC Chair)

The PEF Statewide PAC Chair is the President's designee and as such is responsible to the President for coordinating the activities of the PAC in accordance with the policies and program of PEF. Additionally, the Statewide PAC Chair shall be responsible for:

- a. coordinating the activities of the PAC with the assistance of the Political Director, Legislative Director and the Legislative Office as directed by the Convention, Executive Board and Officers;
- b. ensuring the tickets to political events are acquired and distributed with the assistance of the Legislative Department (priority should be given to the Statewide Officers, and Statewide PAC Chair, Regional Coordinators and PAC Chairs and Co-Chairs);



- c. recommending levels of contributions to political committees and candidates (he/she shall ensure that check requisitions are handled expeditiously-disposition of checks should take place prior to the event whenever possible-and that a copy of the approved requisition be forwarded to the Legislative Office after consultation with the Political Director and Legislative Director);
- d. calling and chairing statewide PAC meetings and ensuring that minutes of each meeting be kept and forwarded to the President and each Regional PAC Chair and Co-Chair on a timely basis;
- e. developing a political program calendar for yearly activities from July to June for approval at the June PAC meeting;
- f. with his/her designee, will attend Officer's meetings when PAC functions are planned;
- g. and performing other duties related to political action requested by the President or the Executive Board.

#### Regional Political Action Chairs and Co-Chairs

Regional Political Action Chairs and Co-Chairs are responsible for extending the influence of PEF in the political sphere by heightening the visibility of the Union in political circles and lobbying for the PEF program by whatever means are available within the guidelines of PEF policy. Regional PAC Chairs and Co-Chairs shall be responsible for:

- a. coordinating and directing the activities of regional PACs in coordination with their respective Regional coordinators;
- b. initiating all requisitions to Regional Political events and ensuring that tickets to Political events are acquired and distributed to appropriate persons;
- c. recommending levels of contributions to political committees and candidates;
- d. calling and chairing regional PAC meetings;
- e. developing a political program calendar for regional activities from July to June;
- f. performing other duties related to political action when requested; and
- g. representing the region and its Regional Coordinator at Statewide PAC meetings and functions.

Funding County Committee Functions

Each Region should be allocated \$7,000 to be used for County Committee fundraisers per two-year election cycles.

Adopted: November 29, 1990  
Executive Board

Amended: March 8, 1996  
Executive Board

Amended: March 2022  
Executive Board

## **1986 Resolutions**

### **Resolution 12**

#### **PAC Policy**

WHEREAS, the work lives of PEF members are significantly entwined with the political process; and

WHEREAS, the fate of PEF members rests with decisions made at all levels of the political spectrum; and

WHEREAS, a unified, professional approach to political issues is the only way to effectuate change:

THEREFORE BE IT RESOLVED, that the President and Executive Board of PEF establish and publish a mandatory uniform policy for the operation of the Statewide and Regional PACs; and

BE IT FURTHER RESOLVED, that such policy will also provide for better communications between the Statewide, Regional and Division PAC's to ensure commonality of goals, appropriate candidate endorsements and effective lobbying efforts; and

BE IT FURTHER RESOLVED, that such policy provide for greater accountability by the Statewide and Regional PACs; and

BE IT FURTHER RESOLVED, that such operating policy be established immediately following the closing of this Convention so as to permit an organized, uniform and professional approach to the forthcoming important elections.

Submitted by: WNY Labor Division 221 Council

## **PEF OPPOSES CLOSURE OF SECURE TREATMENT FACILITIES**

WHEREAS, the State has been moving individuals from secure treatment facilities to community residential care in OPWDD, OMH, OCFS, and other agencies, allegedly required by the Supreme Court's decision in *Olmstead v. L.C.*; and,

WHEREAS, some of the consumers that were removed to said residential care are in need of more intensive treatment and secure environments and have been inappropriately discharged; and

WHEREAS, placing such consumers in community residential care has resulted in injuries to those who care and treat these individuals, injuries to other consumers, and poses a threat to the general public;

THEREFORE, BE IT RESOLVED that it shall be PEF policy to oppose closures of the State's remaining OPWDD, OMH, and OCFS secure treatment facilities; and

BE IT FURTHER RESOLVED that PEF will advocate for a comprehensive, realistic and valid assessment of the best treatment settings for its consumers, not driven by misguided interpretations of the Olmstead Decision, political rhetoric, or to save money

Submitted By: Kevin E. Jones -- Executive Board Seat 235, DOL

Randi DiAntonio – Executive Board Seat 285, OPWDD

Lyndon Jones – Executive Board Seat 005, OSC

Terry Lefler – Executive Board Seat 300, OPWDD

Ed Snow – Region 7 Coordinator

Angel Cook – Executive Board Seat 225, DOL

Janette Clark – Executive Board Seat 350, OPWDD

Adopted at the 2015 PEF Convention

**POLITICAL ACTION COMMITTEE – ADVISORY EXECUTIVE COMMITTEE**

A Trustee shall be a non-voting observer of the PAC Advisory Executive Committee.

Adopted: August 26-27, 1985

The Political Action Advisory Executive Committee (PAAEC) shall submit an accounting of the funds of the Political Action Committee on a regular basis. This written report shall be submitted to the Executive Board two weeks prior to its regular meetings. To achieve this, adequate notice of the Board meeting shall be given to the PAAEC.

Adopted: December 4, 2009

## Political Action Advisory Executive Committee Procedures

WHEREAS, the Political Action Advisory Executive Committee was established by the Executive Board to “review and report on PAC budgeted expenditures and for the approval of unanticipated expenditures”; and

WHEREAS, the PAAEC should be free from all appearances of a conflict of interest, and the PEF policy should clearly state the purpose and function of the PAAEC:

THEREFORE BE IT RESOLVED, that the following language replace current language in the PEF policy manual under the title “PEF Political Action Fund,” which was approved at the 1987 PEF convention:

### PAAEC Procedures

Any non-political contribution charged to the Political Action Fund of PEF for \$5,000 or more, which has not otherwise been approved by the Executive Board, for one time during the budget year, (including total projected salary for any employee or total projected payments to any outside consultant) must be both fully discussed with, and majority approval obtained from, the Political Action Advisory Executive Committee (PAAEC) at least thirty days prior to the disbursement of any funds.

When expenditures arise after approval of the PEF budget by the PEF Executive Board, the PAAEC will act in lieu of full Executive Board approval. At the next Executive Board meeting after the PAAEC acts on a request for approval of an expenditure, the PAAEC chairperson will issue a written report to the Executive Board explaining the PAAEC action.

All political contributions will be reviewed by the PAAEC for their appropriateness in following all PEF procedural guidelines within the calendar quarter in which they occur.

The PAAEC Chairperson will be charged with the responsibility of convening meetings quarterly and will make quarterly written reports to the President and the Executive Board presenting any questioned contributions with recommendations to remedy any problems. If there are no problems, the PAAEC will formally certify that the fund is in procedural compliance every quarter in the same written reports or in additional reports as are necessary.

The PAAEC will be made up of one elected member from the Statewide PAC, three members elected from the Executive Board, and a non-voting Trustee representative. The PAAEC Chair will be one of the PAAEC Executive Board representatives and will be elected by the PAAEC.

Members from the Executive Board who serve on this committee cannot be members of the Statewide PAC or Statewide Officers or Regional Coordinators. Election for the Executive Board representatives on the PAAEC will formally take place at the first meeting held after the start of each term of office for the PEF Executive Board.

The Statewide PAC member of the PAAEC will be a non-voting member. All vacancies on the PAAEC will be filled at the meeting of the statewide PAC or the Executive Board which follows their occurrence.

Authorization and distribution of PAC monies are the sole responsibility of PEF elected officials and members.

Fiscal Note: This is a procedural matter which requires no new expenditures.

Submitted by:  
Neila Cardus  
Ray Dobin  
Barry Rachnowitz

Adopted: 1994 PEF Convention  
October 18, 1994

**Protecting Members from Physical Attacks**

WHEREAS, the Public Employees Federation is a union of Professionals; and

WHEREAS, as a union of Professionals, PEF expects its members to be treated in a professional manner, and

WHEREAS, PEF has always worked to protect the Health and Safety of its members on the job; and

WHEREAS, recent policy decisions have led to moving high risk consumers from secure treatment facilities to community residential care in OPWDD, OMH, OCFS, and other agencies, allegedly required by the Supreme Court's decision in *Olmstead v. L.C.*, has led to situations where PEF professionals are left to deal with consumers with histories of violence and criminal activities in settings that are not equipped to safely address their needs; and that can and does result in such PEF Professionals, as well as other consumers, suffering from physical and or sexual assault(s) and mental duress while performing their duties

WHEREAS, in order to have safe working environments and effective treatment with high risk individuals, it is essential that the legal authorities are responsive to our members and take appropriate action when such individuals commit violent crimes.

THEREFORE, BE IT RESOLVED that PEF shall use its considerable political influence, to engage law enforcement through any means possible, but among other things through its Health & Safety office as well as such Statewide organizations as the New York State Sheriffs' Association, the New York State Association of Chiefs of Police; and the District Attorneys Association of the State of New York, so as to raise awareness and encourage each member of these various organizations to step up, and arrest and prosecute these individuals when appropriate so as to disincentivize any and all such assaults in the future; and

BE IT FURTHER RESOLVED that PEF will allow the political endorsement of County District Attorneys, so long as it is done to support a DA, or DA candidate, whose platform includes engaging in such prosecutions, and/or prosecutions under the Nurse Felony Law; and

BE IT FURTHER RESOLVED that PEF will draft, and seek the introduction, passage, and signing of a bill requiring the State to assume its own costs of treating the consumer, who has been arrested on misdemeanor and felony charges, in order to prepare them so that they are competent to stand trial, rather than billing the county for those costs.

Submitted By: Kevin E. Jones -- Executive Board Seat 235, DOL  
Randi DiAntonio – Executive Board Seat 285, OPWDD  
Lyndon W. Jones -- Executive Board Seat 005, OSC  
Terry Lefler – Executive Board Seat 300, OPWDD  
Ed Snow – Region 7 Coordinator  
Angel Cook – Executive Board Seat 225, DOL



Janette Clark – Executive Board Seat 350, OPWDD

Adopted at 2015 PEF Convention

Protect Retiree's Rights

It shall be the policy of PEF to make no agreement open or tactic that would allow or permit the state to take rights and/or benefits away from retirees in exchange for a promise not to take benefits or jobs away from dues paying members. Whenever PEF is asked to support or oppose legislation regarding benefits of retirees that PEF retirees chapter president be consulted.

Executive Board Meeting  
December 8, 1995

## REGIONAL PAC BUDGETS

Regional PAC budget balances may roll over to the next fiscal year effective the end of fiscal year 2003-2004. This roll over cannot exceed two years of PAC budget balances.

Adopted: 2003 PEF Convention

## **Single Payer Health Care Plan Legislation**

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

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

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

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

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

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

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

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

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

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

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

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  
Danielle Bridger, PEF Regional Coordinator R8  
Michele Silsby, PEF Regional Coordinator R1  
Gina Corona, PEF Regional Coordinator R4  
Bernadette O'Connor, PEF Regional Coordinator R11  
Radhakrishna Mohan, PEF Regional Coordinator R10  
Barbara Stransky, PEF Regional Coordinator R7  
David Dubofsky, PEF Regional Coordinator R5  
Conrad Davis, PEF Executive Board  
Gregory Salamida, PEF Executive Board

Adopted: October 2022  
PEF Convention

1988 Resolutions

Resolution 38 - Voter Registration

WHEREAS, a politically active membership is most effective at the ballot box; and

WHEREAS, PEF members' involvement in the election process is less than desirable; and

WHEREAS, elected officials have ultimate responsibility to their electorate; and

WHEREAS, PEF has a rather low voter registration; and

WHEREAS, PEF has designated specific funds for political action; and

WHEREAS, grassroots democracy is the strongest deterrent to tyranny and duplicity:

THEREFORE BE IT RESOLVED, that quarterly PEF send voter registration forms to any member whose address has changed in the past 90 days.

Submitted by: Howard A. Shafer

1985 Resolutions

Voter Registration Information System

WHEREAS, PEF's PAC Committees, both Statewide and Regional, are separately hindered by PEF's failure to have computerized voter registration lists of its membership, and

WHEREAS, each Regional PAC must compile by hand voter registration information, which quickly becomes obsolete with time, and

WHEREAS, PEF's membership list is contained in NYSUT's computer, and

WHEREAS, although unknown, it is believed that only half of the PEF membership is registered, and

WHEREAS, a politically active membership is most effective at the ballot box, and

WHEREAS, PEF has budgeted over \$1/2 million yearly to PAC activities:

WHEREFORE BE IT RESOLVED, that PEF shall dedicate funds from its PAC budget to hire computer professional(s) to design, effectuate and operate a computer system which shall contain the membership voter registration data base and any other pertinent data as shall be developed, such as congressional district, etc.

Submitted by: Vote of the PEF/ENCON Statewide Steward Council, Division 169

## PUBLICATIONS

## ADVERTISING

The Executive Board approved the principle of advertising with the following advertising policy:

1. The Publisher reserves the right to reject advertising not in keeping with the character and policy of the newspaper of the organization.
2. Advertisements may not discriminate in terms of race, sex, religion, age or national origin.
3. Travel ads are accepted only from those travel agencies which are members of the American Society of Travel Agents.
4. Political ads, ads for member organizations, and tobacco ads are not accepted.
5. The position of an advertisement will be assigned at the discretion of the publisher unless otherwise specified to the advertiser.

May 1981



Resolution 62 – Communicator

WHEREAS, the Communicator was intended to be the newspaper of the PEF membership; and

WHEREAS, letters to the editor provide a vital service to our membership by giving them the opportunity to be heard; and

WHEREAS, allowing the Central PEF Administration to unilaterally decide which letter should or should not be published has led to censorship:

THEREFORE BE IT RESOLVED, that the letter policy for the Communicator shall be to welcome all letters to the editor about all issues relevant to our membership; and

BE IT FURTHER RESOLVED, that all letters will be printed subject to editing for space, fairness and good taste; and

BE IT FURTHER RESOLVED, that all letters will include the writer's name and daytime phone number for verification.

1990 Convention  
Resolution

Submitted by: David Greene, Reg. 12 Coordinator

## **Convention Resolution Comments and Assignments**

WHEREAS: PEF Convention Resolutions must be submitted by early June; AND

WHEREAS: Early June is at least three and one half (3 ½) months before the Convention;  
AND

WHEREAS: Unlike earlier times, most, if not all, such Resolutions are currently submitted in digital form, and therefore do not require that PEF re-type them; AND

WHEREAS: PEF no longer receives upwards of one-hundred (100) resolutions per Convention; AND

WHEREAS: It is the PEF President's prerogative to provide the delegates with comments on each of these Resolutions; AND

WHEREAS: PEF Convention Delegates need time to review these voluminous "Staff" Comments well in advance of the Convention; AND

WHEREAS: It is simple for the PEF Administration to assign these resolutions into their appropriate Convention Resolution Committees at the time that the Resolutions and the "Staff" Comments are provided to the delegates; AND

WHEREAS: It is important that PEF Convention Delegates receive all this information well in advance of the Convention;

THEREFORE, BE IT RESOLVED THAT: each year's Convention Resolutions must be provided to that year's Convention Delegates, along with their Resolution Committee assignments and any "Staff" Comments that the PEF President may wish to provide, no later than August 30<sup>th</sup> or thirty (30) days before the Convention is convened, whichever is earlier.

Adopted at May 2014 Executive Board

## Determining the Intent of Convention Resolutions

Therefore, be it resolved that henceforth when the intent of a convention resolution is questioned, determining – determining the intent of the resolution shall first be done by a simple reading of the “Be it resolved” paragraphs, giving the words their common meaning unless the resolution deals with a particular issue, the study of which has certain jargon that has a special meaning when used in the context of the issue, and be it further resolved that only if the meaning of said resolution cannot be determined as described above and any ancillary material including transcript be considered in interpreting the intent of said resolution.

Adopted at March 2015 Executive Board

GENERAL POLICY

Official PEF publications will not be utilized for individual accusations which are slanderous or those which effectively amount to character assassination of other union members.

February 1981

**Labor Management Reporting and Disclosure Act (LMRDA) Rights –  
Notification to PEF Members**

PEF will publish twice annually, information directly from the US Department of Labor's Office of Labor-Management Standards (OLMS) regarding both the Bill of Rights for union members and guidelines for elections.

One of these two annual publication requirements will occur in the PEF Communicator issue which serves as the required announcement for statewide officer elections during the triennial elections.

Adopted: September 2008  
PEF Convention

### **Leave Donation Publication and Enhancement Program**

THEREFORE BE IT RESOLVED, that PEF devise a program for the purpose of publicizing and soliciting leave donations for PEF members in need of donations, by utilizing *The Communicator* and the PEF website for that express purpose; and

BE IT FURTHER RESOLVED, that participation in such program shall be voluntary on the part of the PEF member seeking leave donations, and in no case shall PEF publicize or publish the name of a PEF member participating in the Leave Donation/Exchange Program; and

BE IT FURTHER RESOLVED, that PEF shall work with the Governor's Office of Employee Relations, individual agencies, Divisions, Council Leaders, and any other necessary persons or entities to establish a system and process whereby PEF members in need of leave donations can be identified, contacted for permission, authorized for publication, and otherwise made aware of the program whose purpose is to enhance their individual opportunities for leave donations; and

BE IT FURTHER RESOLVED, that PEF shall establish a regular feature within *The Communicator* and on the PEF website whose sole purpose is to make known the names and appropriate information of PEF members in need of leave donations, and to facilitate such donations by the timely and regular updating of said information to all PEF members.

Adopted: September 14, 2011  
PEF Convention

## Presentation of Resolutions in the Policy Manual

Therefore be it resolved that henceforth resolutions added to the Policy Manual shall contain the whereases and the sponsors of such resolutions, and to the extent possible, resolution from which sponsors' name have been stripped shall have this information added back in upon request.

Adopted June 30, 2015

Executive Board Meeting

## **1989 Resolutions**

### **Resolution 102 — Providing for Resolution Text**

WHEREAS, Resolutions set policy for PEF; and

WHEREAS, Resolutions are passed at the Convention and Executive Board meetings; and

WHEREAS, once this occurs there is no standard process for disseminating the information and making it available to the membership:

THEREFORE BE IT RESOLVED, that PEF publishes as soon as possible all new resolutions passed at the Convention and/or Executive Board in the official PEF newsletter.

Submitted by:  
Region 8 Stewards' Council



**Approved by Executive Board**

**5/24/2019**

**Referenda**

Policy on Referenda:

For any referenda, the Secretary-Treasurer shall post on the PEF website the complete text of the referenda, background and rationale for the referenda, the fiscal impact, the name/position of the author(s), and any comments by PEF staff, at least 30 days prior to the mailing of the referenda.

## ARCHIVED/RESCINDED POLICIES

## Agency Fee Procedure

**1. Notification of Dissent:** Any person paying an agency fee to PEF may notify the union of his/her dissent from the expenditure of any portion of the fee by PEF or its affiliates in aid of activities or causes of a political or ideological nature only incidentally related to terms and conditions of employment. Notification shall be made by letter sent to PEF's Secretary-Treasurer by regular, registered or certified mail during the period between February 15 and March 15 of each year, prior to the fiscal year to which the objection applies. In the notification the dissenter must specifically inform the union whether the objection is continuous, which means that it does not have to be renewed each year. If the notification does not state that the objection is continuous, the objection must be renewed annually according to the requirements and time frames provided herein. A person who is newly employed or re-employed at any time during the fiscal year to which his/her notification applies must send his/her notification, in the manner described above, within thirty (30) calendar days of receipt of his/her first payroll check from which agency-fee deductions are made.

**2. Estimated Refund:** Each person who notifies the Union as provided in paragraph 1 shall, pending PEF's final refund determination, receive an estimated refund. This estimated refund shall represent the dissenter's approximate pro rata share of expenditures by PEF or its affiliates in aid of causes of a political or ideological nature only incidentally related to terms and conditions of employment. The estimated refund shall be transmitted within thirty (30) days of the end of PEF's fiscal year to a dissenter who files a timely notice of dissent.

**3. Refund:** The approximate proportion of agency fees actually spent by PEF and its affiliates during the fiscal year in aid of causes of a political or ideological nature only incidentally related to terms and conditions of employment shall be determined annually, after the close of each fiscal year of PEF. This determination shall be promptly communicated, in writing, to each dissenter. If this determination is for an amount greater than the estimated refund, the difference with interest at the statutory rate shall promptly be transmitted to each dissenter.

**4. Objections/Neutral Hearing:** If a dissenter is dissatisfied with PEF's refund determination, an objection may be made within thirty (30) days of receipt of the refund. Objections shall be made to PEF's Secretary-Treasurer by regular, registered or certified mail. All objections will be expeditiously submitted by PEF for hearing and resolution to a neutral party appointed by the American Arbitration Association from its panel of arbitrators. PEF, at its option, may consolidate all objections and have them resolved at one hearing. An objector may present his/her objection to the neutral in person. The cost of this hearing shall be borne by PEF.

**5. Escrow:** The balance of a dissenter's agency fee payments during the fiscal year in question shall be held in an interest-bearing, segregated account until PEF's refund determination is made and any objection by the dissenter is finally determined under the procedure set forth in paragraph four.

Revised and Adopted:  
November 2007  
Executive Board Meeting

### XIII. Automobile Travel:

Mileage will be reimbursed pursuant to PEF policy, detailed herein.

- Approved travel by personal vehicle will be reimbursed at the federal IRS business rate. When mileage is reimbursed for a personal vehicle, NO gas costs may be reimbursed; tolls may be reimbursed with receipts.
- For journeys of 150 miles or more round-trip, it is strongly encouraged that PEF travelers consider using a rental vehicle whenever possible; as such rentals will result in financial savings to the union.
- In the event that the PEF traveler wishes to arrange for a vehicle rental, s/he MUST do so through PEF Travel. Gas and tolls for the rental vehicle will be reimbursed ONLY IF scanned (Concur) and original receipts are provided.
- Exceptions to this policy may be made by the Secretary-Treasurer in the event of irregularities, abuses and/or special extenuating circumstances.

Archived by the Executive Board  
September 2022

## BUDGET

The Finance Committee shall receive all budget requests from officers, staff and committee chairpersons no later than October 15th in order that they may develop a budget to be presented to the Executive Board no later than January 31st.

March 25, 1981

## Budget Policy

The Secretary-Treasurer shall receive all budget requests from officers, staff and committee chairs no later than November 1st of each year in order that he/she may share that information with the Finance Committee. The Secretary-Treasurer will then prepare and present the budget to the Executive Board no later than the last week of February. The Secretary-Treasurer shall mail the proposed budget to the Executive Board no later than four weeks prior to the scheduled meeting at which it will be adopted.

Executive Board  
December 12, 1991

Car Allowance Policy

It will be PEF policy that the statewide officers receive reimbursement at the New York State PEF contractual rate for miles driven in pursuit of their duty; when that annual mileage reimbursement becomes greater than the annual staff transportation allowance, the mileage rate would be reduced to one-half of the IRS automobile travel reimbursement. This to be effective August 1, 1997.

Adopted: August 14, 1997  
Executive Board Meeting

\*Rescinded March 21, 2019  
Executive Board Meeting

**Civil Service Promotional Test Battery Settlement Should be Exempt from PEF Dues**

THEREFORE BE IT RESOLVED, that any money not yet received as a settlement of the lawsuit filed against the Civil Service Promotional Test Battery by those represented by PEF be included in the dues exempt category and that PEF will give back all dues monies that were taken from the Simpson law case back to the members that were affected.

Adopted: September 12, 2011  
PEF Convention



## **Division Council Standards**

### **Division Procedures and Responsibilities**

- Established required Division Committees®
- Conduct two Division Membership Meetings per year®
- Publish two Division Newsletters per year
- Update PEF Bulletin Board monthly
- Be connected to PEF Web Page/E-Mail Network and check regularly
- Establish a new Membership Orientation Procedure and conduct as necessary
- Sponsor two Division events per year (awards ceremony, picnics, EAP event)
- All Stewards receive training certification after election®
- Notify Regional Coordinator and Executive Board representatives of all Division meeting®

### **Fiscal Responsibilities**

- Prepare annual Division Budget that is approved by Stewards' Council®
- Submit Quarterly Financial Reports to Central PEF and Regional Coordinator®
- Division Approves Annual Budget®
- Submit Annual Audit to Central PEF®

### **Mobilization**

- Organize to be Fully Mobilized Division
- Recruit Member Mobilizers to a minimum of 10% of the Division Membership

### **Labor/Management**

- Establish a local Labor/Management Committee®
- Conduct four Labor/Management meetings per year®
- Circulate Labor/Management minutes to the Division membership and post on local PEF Bulletin Board

### **Contract Enforcement**

- Serve as liaison in filing of grievances®
- Establish a grievance structure
- Be involved in Disciplines/Discharges and Interrogations

### **Political Action**

- Establish Local Political Education Committee
- Encourage participation in regional PAC
- Recruit COPE Contributors
- Conduct regular Voter Registration Campaign

### **Union Solidarity**

- Join Central Labor Council or Area Labor Federation

- Attend several Local Labor Events per year

®Mandatory Requirement per PEF Constitution or Policy  
**Adopted by the PEF Executive Board, August 2, 2002**

**Archived June 10, 2019**

## **DUES**

The union will modify its dues structure effective April 1, 2001, to .9 percent of salary with no cap on earnings. Grade 38 employees will be capped at \$900 annually in consideration of their lack of job rate and longevity payments. All funds raised by this dues structure will be incorporated in PEF budgets approved by the Executive Board and will be accounted for annually in a written report to the membership. The funds apportioned to the Member's War Chest may not be spent outside of contract fight-back activities unless approved by a three-quarter vote of the Executive Board.

Adopted: September 11, 2000  
PEF Convention

## **Expenses**

The Board adopted the optional use of accruals by any members with payment of \$75.00 per day for committee and/or Executive Board attendance.

(NOTE: As part of the 1984-85 PEF budget, the Executive Board voted to increase this amount to \$115.00 on March 12, 1984.)

March 25, 1981  
Amended November 2016 Executive Board

## Internal Controls on Division Expenses

The Secretary Treasurer will not eliminate purchase cards but will act ASAP to institute internal controls on division expenses and report on same to E-Board at the upcoming March 2015 meeting. Such internal controls over expenditures by purchase cards and checks by divisions shall include but not be limited to prevention of self-approved expenditures, requirement that expenditures be consistent with division budgets, and have secondary approvals by division council members, mechanisms to block inappropriate expenses and cash advances, provisions for comprehensive, impartial audits.

Adopted at December 2014 Executive Board

## MEAL ALLOWANCE

Meal Reimbursement per 2021-22 Budget:

	Regions 1-8 Received	Regions 9-12 (Downstate) Received
Breakfast	\$10.00	\$12.00
Lunch	\$15.00	\$18.00
Dinner	\$35.00	\$40.00
Breakfast & Dinner	\$45.00	\$52.00
Breakfast & Lunch	\$25.00	\$30.00
Lunch & Dinner	\$50.00	\$58.00
Breakfast, Lunch & Dinner	\$60.00	\$70.00

Updated: March 3, 2016  
Executive Board Meeting  
Meal Allowances Updated: March 2021  
Executive Board Meeting

Time frame for meal expense reimbursement will be as follows:

Breakfast reimbursement if you depart from home before 7:00 a.m.

Lunch reimbursement if you are on PEF business for a full day between 12:00 noon and 2:00 p.m.

Dinner reimbursement if your travel necessitates getting home after 7:00 p.m. while on PEF business for the full day.

May 1, 1981

#### XIV. Meal Reimbursement Allowance Maximums: *effective April 1, 2019, with original itemized receipts:*

	<u>Regions 1-9</u>	<u>Regions 10-12</u>
Breakfast	\$10	\$12
Lunch	\$15	\$18
Dinner	\$35	\$40
Breakfast & Dinner	\$45	\$52
Lunch & Dinner	\$50	\$58
Breakfast, Lunch & Dinner	\$60	\$70

If reimbursement for meals is requested for more than one person, ALL NAMES must be provided.

OMH Specialist Position

A position for an OMH Specialist shall be budgeted with a salary up to \$50,000. The Officers in conjunction with the statewide labor/management team and the Legislative Department shall develop an action plan including the duties for the position.

Adopted July 29, 1993  
Executive Board Meeting

PEF CREDIT CARD

Be it resolved, that Jane Hallum, is hereby authorized to open a credit account with the State Employees Federal Credit Union and agree to all conditions of such account as set forth by the institution; and that said account is to be registered in the name of the Public Employees Federation.

This shall apply to every Secretary-Treasurer.

Adopted: May 6, 1998  
Executive Board Meeting



PEF DIVISIONS FINANCIAL POLICY

In accordance with the PEF Constitution (Article XX, Section B), the following guidelines are proposed to deal with Division Financial activity:

I. Funding

- A. Approved Divisions shall be funded based on their membership. The funds shall be provided on a quarterly basis at a rate to be determined by the Executive Board in connection with the PEF annual budget. The fiscal year shall be April 1 to March 31.

II. Expenditures

- A. Approved Divisions shall be allowed to spend monies on any activity that is not contrary to the stated goals and policies of PEF. All spending must be in accordance with the Division Budget as approved by the majority vote of the Division Council and in compliance with other provisions of the specific Division's constitution. Spending in the following areas is strictly prohibited:
  - 2. political activities,
  - 3. internal caucus activities,
  - 4. salaried employees,
  - 5. direct payment to members in excess of actual expenses,
  - 6. reimbursement of members dues,
  - 7. legal fees.

\*III. Division Responsibilities

- A. Approved Divisions shall:
  - 1. elect at least a Council Leader and Treasurer, when a Division has two or more stewards it is recommended that the Treasurer be a steward.
  - 2. develop a budget to be approved by the Division Council on or before April 1 and forwarded to PEF Central by April 30<sup>th</sup>.

3. establish an Audit Committee (to be composed of at least 3 persons with no more than one being a steward and/or officer (except the treasurer) of the Division). This Committee shall do a yearly audit of the Division's financial activities and report to the Council, membership and to PEF Central within 90 days after the end of the fiscal year.
4. at the conclusion of each fiscal year have the Division Audit Committee conduct/maintain an inventory of the assets (e.g. furniture, electronics, fixtures) owned by the Division. An Inventory Report will be submitted by the Division to PEF Central with the Audit Report.
5. report all monies received and spent no later than 30 days after the conclusion of each quarterly period.
6. make all financial reports, especially the Annual Budget and the Audit Report, available to the Council and membership.

#### IV. Accounts

- A. Division funds shall be deposited at the end of each quarterly period in the Division's account at the bank designated by PEF. This deposit may be withheld if a Division is delinquent in submitting any one of the above stated reports.
- B. When a Division is delinquent in submitting the required annual budget or audit, or quarterly reports for one or more consecutive quarters, deposits of Division funds into the Division's account shall be withheld until all Division reports are brought current, or the office of the Secretary Treasurer which will have first hand knowledge of Division circumstances which have caused the delinquency, has approved the disbursements of Division funds. Such delinquencies and circumstances shall be included in the Secretary Treasurer's next report to the Executive Board.
- C. All accounts must require at least two signatures to withdraw funds.

#### V. Accounting

- A. All Division expenditures must be properly documented via invoices or on the appropriate forms provided by PEF such as:
  1. Division expense vouchers which need to be submitted with the vendor's detailed and itemized receipts,
  2. quarterly Journal Register Reports along with itemized receipts or supporting documentation,

3. Petty Cash Journal Reports along with itemized receipts or supporting documentation,

VI. Penalties

- A. Division quarterly payments shall be withheld until all outstanding reports are submitted.
- B. A portion of a Division's quarterly payment may be forfeited if the quarterly report, budget or Audit/Inventory Report is more than 30 days late (e.g. 90 days 30/90 of funds may be withheld).
- C. Divisions will reimburse PEF for all fees associated with bounced checks written by the division.
- D. Expenses that lack detailed receipts/documentation will be charged against future per caps.

VII. Purchase Cards

- A. One purchase card will be designated to each Division whose Division Council requests such. Council requests for additional cards must be approved by the PEF Secretary-Treasurer.
- B. All division expenses must be approved/signed off within 30 days of purchase. Failure to sign off on card purchases within 30 days will result in a temporary freeze of the division's account.
- C. The Division Treasurer shall be the reviewer of all purchases. Purchases by the Treasurer shall be reviewed by another officer.
- D. Purchase cards will be temporarily shut off when a zero balance is reached.
- E. Per Capita shall be available for spending on the first business day of the quarter.
- F. All detailed/itemized receipts for card purchases made during the fiscal year must be submitted with the annual Audit for review and retention by PEF.

VIII. Authority

- A. The Secretary/Treasurer and the Divisions Committee shall have the authority to adopt rules, procedures and forms necessary to implement this policy.

Adopted March 3, 2016  
Executive Board meeting

Updated at 2018 March Executive Board meeting

\*Rescinded November 29, 2018  
Executive Board Meeting

## PEF REGIONS FINANCIAL POLICY

### I. Funding

Regions shall be funded based on the approved budget adopted by the Executive Board. The funds shall be provided on an as needed basis. The fiscal year shall be April 1 to March 31.

### II. Expenditures

Regions shall be allowed to spend monies on any activity that is not contrary to the stated goals and policies of PEF. All spending must be in accordance with the Regional Budget as approved by the Executive Board. Spending in the following areas is strictly prohibited:

1. external political activities
2. internal political activities
3. salaried employees
4. payment in excess of actual expenses
5. reimbursement of dues, fees
6. legal fees

### III. Regional Responsibilities - Regional Coordinator

1. Establish a budget that shall provide adequate services to Regional Steward and Regional Membership on or before December 1 and forwarded to PEF Central.
2. Establish an Audit Committee to be composed of at least three persons. This Committee shall conduct an audit of the Region's financial activities and report to the membership and to PEF Central within 90 days after the end of the fiscal year. No Audit Committee member shall be a signatory to the Regional Bank Accounts.
3. At the conclusion of each fiscal year have the Director of Finance conduct an inventory of the fixed assets (e.g., furniture, fixtures) owned by PEF in the Region. A fixed Assets Inventory Report will be submitted to the Region by PEF Central.
4. Report to PEF Central Accounting all monies earned and spent no later than 30 days after the conclusion of the fiscal year.

### IV. Accounts

- A. Regional funds shall be deposited as soon as they are received into the Region's local account. This reimbursement may be withheld if proper documentation is not supplied.
- B. All accounts shall have at least two signatures on the Bank Registry Card. Two signatures are required on all checks to withdraw funds.

## V. Accounting

All Regional expenditures must be properly documented via invoices or on the appropriate forms provided by PEF such as:

1. Regional expense vouchers which need to be submitted with the vendor receipts.
2. Regions shall not have more than one account.
3. Twenty-five percent of the annual budget shall be made available to the region at the start of the fiscal year.

## VI. Penalties

Regional reimbursements may be withheld when proper documentation is not supplied or when ordered by the Executive Board.

## VII. Authority

The Executive Board shall have the authority to adapt rules and procedures. The Secretary/Treasurer shall approve all necessary forms to implement this policy.

February 1, 1990

Policy approved by PEF Executive Board  
11/29/18

Archived 5/24/19 - RULES FOR DIVISIONS: Formation and Financial Management

## **A. General Division Guidelines**

1. Constituencies shall be logical, cohesive units. They may be departmental or geographically based. Crossing PEF Regional boundaries is permissible. Division by title or community of interest shall not be allowed. Fifty (50) regular PEF members are needed to start a Division.
2. Divisional Constitutions should follow the model guidelines presented herein. Local adaptation and additions may be necessary, but must not negate the intent and purpose of the model. All changes should be indicated. Explanations may be necessary. The first nine articles are to be named and numbered as outlines. Extra articles, if any, would start with Article Ten (10). With the exception of the Audit Committee, Division Committees listed in Constitutions are not considered mandatory.
3. Thirty percent (30%) showing of interest petitions will be required to start the process. When more than one agency and/or location is proposed for a Division, separate petitions for each agency and/or location will be required.
4. The draft constitution will be sent for a constituency ratification vote. Ratification for approval is a majority of those voting. When more than one agency and/or location is proposed for a Division, separate ratification votes of each agency by location will be required. Ratification votes will be done on-site when practical. If by mail, ballot counting will be done in a location as convenient to Division members as possible.

## **B. Division Structure**

1. In order to create uniformity of divisional leadership and reduce confusion due to multiple titles for similar functions, the following terms shall describe Division structure:

The Division Council is the governing body of each division.

The Council Leader is the Chief administrative Officer.

The Assistant Council Leader(s) is the assistant administrative officer(s).

The Secretary is the Chief record keeper.

The Treasurer is the chief financial officer.

- NOTE: Divisions may combine the roles of Council Secretary and Treasurer into one Secretary-Treasurer position.

These officers may be elected either by the Council from among themselves or at-large by the constituency. Divisions composed of less than 175 PEF members must elect a Division officer-at-large, so that the Council has at least 4 members (Article IV, Section 1).

2. Division Officers Elections:

Divisions with less than four (4) stewards elect the officers in the following manner:

If a Division has:

- 1 Steward, this is the Council Leader

2 Stewards, they are Council Leader and Treasurer (or Secretary-Treasurer- S-T)  
3 Stewards, the Council Leader, Treasurer (or S-T), Secretary (or Assistant Council Leader).

3. The Term of Office for all elections shall be between one (1) to three (3) years (Article XX, B, 6).

4. Documents, records and reports related to the Division's financial operations and leadership decisions by the Council Leader, Treasurer, Secretary and Assistant Council Leader shall be considered PEF property, and must be transferred to successors. In the event successors are not yet elected, materials must be transferred by the officers whose terms have ended to PEF Finance.

**C. PEF Division Council Standards:** Divisional leadership is responsible for ensuring that the following core union functions are provided to benefit PEF members in the Division:

**Required Tasks and Responsibilities:**

39. Establish required Division Committees\*
40. Conduct at least two Division Membership Meetings per year\*
41. Provide regular (at least monthly) informational updates by meetings, links to the PEF website, emails, e-bulletin board and physical bulletin board postings.
42. Conduct new Membership Orientations whenever new members join the Division
43. Sponsor two Division events per year (such as picnic, holiday party, MBP promotions, EAP event, scholarship awards, etc.)
44. Ensure all Stewards receive training certification within 6 months after election\*
45. Notify Regional Coordinator and Executive Board representatives of all Division meetings\*
46. Prepare annual Division Budget, approved by Division and Stewards' Council\*
47. Submit Annual Audit and Quarterly Financial Reports (per Rules for Divisions)\*

**Membership Engagement**

48. Recruit stewards and membership mobilizers to fully engage all members.
49. Work with Field Services Organizing to have a fully recommitted and mobilized Division.

**Labor/Management**

50. Establish a local Labor/Management Committee\*
51. Conduct at least two Labor/Management meetings per year\*
52. Circulate/share Labor/Management agenda and minutes with to the Division membership and post on local PEF Bulletin Board.

**Contract Enforcement**

53. Establish a grievance structure and serve as a liaison in grievance filings\*
54. Be involved in Disciplines/Discharges and Interrogations

**Political Action and Union Solidarity**

55. Encourage participation in regional Political Action Committee work, voter registration drives, and overall activism.
56. Recruit COPE contributors by requesting participation during new member orientations and political activism.
57. Join with labor groups and participate in Central Labor Council, Area Labor Federation, and in several local/ regional labor events every year.

*\* Indicates Mandatory Requirements per PEF Constitution or Policy.*

Division Council Standards adopted 8/2/02, updated November 2018.



## **D. PEF Divisions: Funding, Budgeting and Financial Management**

In accordance with the PEF Constitution (Article XX, Section B), the following guidelines deal with Division Financial activity:

### **1. Funding**

- k. Approved Divisions shall be funded based on their membership in Division accounts maintained at PEF. No other bank accounts for Divisions are permitted, nor shall PEF's Tax ID number be made available for Division use. The funds shall be provided on a quarterly basis, for the first 200 members, and for 201+ members, at rates to be determined by the Executive Board in connection with the PEF annual budget.
- l. The fiscal year shall be April 1 to March 31.
- m. At inception, and once the new, approved Division has elected officers, a \$500 advancement start-up funds shall be provided from per capita funds. Thereafter, funding shall be quarterly to Divisions in good standing.
- n. Each Division shall receive a quarterly Division membership list from PEF, which shall be the basis of the quarterly per capital payment.
- o. Divisions may request that PEF Finance manage their receipts and expenditures directly, in the event that circumstances warrant such beneficial assistance for operations. In the event that Divisional leadership is not able or willing to implement PEF Division Council Standards, the Secretary-Treasurer may have PEF Finance manage divisional finances through direct beneficial assistance.

### **2. Expenditures**

#### ***IMPORTANT NOTES:***

- Approved Divisions are allowed to spend monies on any activity that serves a PEF union purpose, is consistent with the Labor-Management Reporting and Disclosure Act (LMRDA), is pre-approved by the Division Council, and is not contrary to PEF goals and policies, including the Code of Conduct.
- Documentation **MUST BE MAINTAINED** and **SUBMITTED** to PEF Finance specifying the members participating in meetings and events, and specifying the value of, and members in receipt of, any gifts or giveaways purchased by the Division (see attached Documentation Requirements).
- q. All spending must be explained, receipted, and in accordance with the Division Budget as approved by the majority vote of the Division Council and in compliance with other provisions of the specific Division's constitution.

#### **Spending in the following areas is strictly prohibited:**

1. Political activities
2. Internal caucus activities
3. Salaried employees
4. Honoraria to members
5. Direct payment to members in excess of actual expenses
6. Reimbursement of member's dues
7. Rebates or gifts to members (via cash, check, credit card)

## 8. Legal fees.

- r. Examples of permitted Divisional expenditures include, but are not limited to:
  - 1. Expenses for Division members' meetings (food, room, supplies, etc.)  
*NOTE: Food purchased for PEF meetings and events MUST be from a licensed restaurant/supplier/caterer, for liability and health & safety reasons.*
  - 2. Expenses for Division operation (postage, printing, etc.)
  - 3. Mileage for Division purposes- consistent with PEF travel policy and specifying union purpose, meeting notice, etc.
  - 4. Tickets and contributions for local functions where the Division should be represented
  - 5. Membership engagement and seasonal events
  - 6. Good & welfare, scholarships.
- s. All STATEWIDE Divisions must ensure that resources are shared fairly with members located across the State, ideally on a pro-rata basis.
- t. Convention expenditures: Approved Divisions have the discretion to allocate up to \$100.00 to each delegate attending PEF Conventions, provided that such allocations are approved in advance by the Division Council, as evidenced by meeting minutes prior to the given Convention. No Division may reimburse any delegate for a single room supplement.
- u. No double reimbursements are permitted: Divisions may NOT reimburse for expenses vouchered for payment by other entities or PEF departments.
- v. No 'discretionary' or 'petty cash' funding amounts allocated to Division Council officers, stewards or members are permitted under any circumstances.
- w. Expenses for Labor-Management meetings should be charged to the Division's LM budget, unless there is an MOU with NYS with other provisions related to expenses.
- x. Expenses for Health & Safety meetings should be charged to the Division's H&S budget, unless there is an MOU with NYS with other provisions related to expenses.

## 3. Division Responsibilities

### Approved Divisions Shall:

- u. Develop an annual budget to be approved by the Division Council on or before April 1 and forward it to the PEF Finance Department by April 30<sup>th</sup>.
- v. Establish an Audit Committee to be composed of at least 3 persons, with no more than one being a steward and/or officer (cannot include the Treasurer) of the Division. This Committee shall do a yearly audit of the Division's financial activities and report to the Council, membership and to PEF Central within 90 days after the end of the fiscal year by completing the Annual Division Audit.
- w. At the conclusion of each fiscal year have the Division Audit Committee conduct and maintain an inventory of the assets (e.g. furniture, electronics, fixtures) owned by the Division, using the Guidelines for Maintaining a Fixed Assets Inventory. The inventory report will be submitted by the Division to PEF Finance with the Annual Division Audit.

- x. Report and explain all monies received and spent no later than 30 days after the conclusion of each quarterly period, for both checkbook and purchase card Divisions.
- y. Submit original receipts to PEF Central on a quarterly basis, keeping copies on file for the annual audit.
- z. Review Division's trial balance info within 30 days of receipt from PEF Finance, to check for accuracy and make any needed corrections or clarifications in a timely fashion.
- aa. Make all financial reports, especially the Annual Budget and the Audit Report, available to the Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor.
- bb. Provide current personal email and cell phone contact information for the Division's Council Leader and Treasurer or Secretary-Treasurer to Finance.
- cc. Require that the Division have at least one officer who assumes financial leadership, with the responsibility for communicating with Finance (Council Leader and/or Treasurer or Secretary-Treasurer).
- dd. Ensure that any Division officer with spending authority complete and submit an approved Application for Purchasing Authority, within 30 days, or the deadline set by Finance, (available online at:  
[http://www.pef.org/pef\\_files/docs/forms/Application\\_for\\_Purchasing\\_Authority.pdf](http://www.pef.org/pef_files/docs/forms/Application_for_Purchasing_Authority.pdf))

NOTE: the Division Financial Management Timeline spreadsheet (attached) is designed to be a helpful planning guide.

#### 4. Account Deposits

- g. Division funds shall be deposited at the end of each quarterly period in the Division's account at the bank designated by PEF. This deposit may be withheld if a Division is delinquent in submitting any one of the above stated reports.
- h. All accounts require at least two signatures, or dual purchase card approval, to spend funds.
- i. No more than one (1) year's reimbursement, or \$5,000, whichever is greater, can be accumulated by a Division. One year's reimbursement is defined as the sum of the last four quarterly per capital payments. The Division Treasurer will receive written notice of the maximum.

#### 5. Accounting for Expenditures

NOTE: All Division expenditures must be pre-approved by the Division Council and properly documented via original invoices, PEF Works entries, participant sign-in sheets and/or on the appropriate forms provided by PEF such as:

- i. Emails and/or minutes documenting Division Council approvals,
- j. Lists of meeting participants (using PEF sign-in sheet form) and giveaway recipients.

- k. Division expense vouchers or PEF Works entries, which need to be submitted with the vendor's detailed and itemized receipts,
- l. Quarterly: Journal Register Reports (checkbook Divisions only) along with itemized receipts and supporting documentation (all divisions).

## 6. Penalties

NOTE: When a Division is delinquent in submitting the required annual budget or audit, or quarterly reports for one or more consecutive quarters, or is missing significant required financial documentation, deposits of Division funds into the Division's account shall be withheld, and penalties may be assessed, until all Division reports are brought current. Exceptions to imposing penalties and/or withholding funds may be made if the Office of the Secretary-Treasurer has knowledge of Division circumstances which explain and excuse the delinquency. Such delinquencies and circumstances shall be included in the Secretary- Treasurer's next report to the Executive Board.

- k. Division quarterly payments shall be withheld until all outstanding reports and accounting entries are submitted.
- l. A portion of a Division's quarterly payment may be forfeited if reports, such as the quarterly report, budget, audit or inventory list, are more than 30 days late (e.g. if 60 days late, one-third of funds may be forfeit, at 90 days, two-thirds, or after 120 days, the entire quarterly amount).
- m. Prior to restoring withheld quarterly payments, a revised budget reflecting such restored funding must be submitted to Finance. Once such a budget is in place, along with the required outstanding documents, funding may then be restored.
- n. Divisions will reimburse PEF for all fees associated with bounced checks written by the division.
- o. Expenses lacking detailed receipts/documentation will be charged against future per caps. Funding for such deductions may be restored if the Division Council leadership provides a full explanation at a membership or stewards' meeting, wherein the participants vote their approval to excuse the error and approve the un-receipted expense. Documentation requesting restoration, including the Division meeting minutes and participant list for such approval, and proof that the action was disclosed to the full Division membership, must be provided to Finance within 90 days of the deduction.

## 7. Purchase Cards

- m. One purchase card (pcard) will be designated to each Division, per the Division Council request. Council requests for additional cards must be approved by the PEF Secretary-Treasurer.
- n. All Division expenses must be approved/signed off within 30 days of the purchase by two Divisional officers. Failure to sign-off on card purchases within 30 days will result in a temporary freeze of the Division's account.

- o. The Division Treasurer shall be the final reviewer and approver of all purchases. *It is required that one of the Division Council officers (Treasurer, Council Leader, Assistant Council Leader, or Secretary), who does NOT have a purchase card, be empowered to sign-off on all Division expenditures by any other cardholders, in order to ensure a virtual dual sign-off. It is strongly recommended that the Treasurer take on this role and not have a pcard.* Purchases by the Council Leader and any other officer shall be reviewed and approved by the Treasurer, or other officer without a pcard. In the event that purchases are made by the Treasurer, they shall be reviewed and approved by the Council Leader, or other officer without a pcard.
- p. Purchase cards will be temporarily shut off when a zero balance is reached.
- q. Per Capita shall be available for spending on the first business day of the quarter.
- r. All detailed/itemized original receipts for card purchases made during the fiscal year, as well as relevant original participant lists, must be submitted quarterly for review and retention by PEF, or may be submitted more frequently (monthly) to ensure such documentation is not lost as it is essential to the annual audit. It is strongly recommended that Divisions retain copies of receipts and related materials.

#### 8. Division Status as “Not in Good Standing” or “Improving”

- i. Determinations that Divisions are Not in Good Standing (NGS) or Improving (I) are made quarterly or as needed.
- j. Factors involved in a determination that a Division is “Not in Good Standing” (NGS) include:
  - 5. Missing financial and required documentation, such as an absence of an approved budget, audit, receipts, attendance lists with participant sign-offs, specification of the union purpose of the expense, and/or,
  - 6. Absence of financially responsible leadership.
- k. Factors for a determination that a Division is Improving consist of active work underway with Finance and Divisions staff on the part of Division officers and leaders in order to return the Division to good standing,
- l. The Finance Office will reach out to Division officers (and Executive Board representatives for such divisions) at risk of being listed as NGS prior to the final determination, in order to provide assistance to resolve the factors of concern whenever possible.

#### **E. Authority**

The Secretary-Treasurer and the Divisions Committee shall have the authority to adopt rules, procedures and forms necessary to implement these policies.

TIMELINE FOR DIVISIONAL FINANCIAL REPORTING AND RESPONSIBILITIES						
PEF Fiscal Year: 4/1 to 3/31 -- Quarters:	Quarter I: Apr 1-June 30	Quarter II: July 1-Sept 30	Quarter III: Oct 1- Dec 31	Quarter IV: Jan1-Mar 31		
<b>REPORT/ ACTIVITY:</b>						
<b>Application for Purchasing Authority Completion:</b>						
Submission by PEF members with any spending authority, by pcard and/or check: within 30 days, or deadline set by Finance						
	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>		
<b>Quarterly Report on Monies received and spent</b>	for Q IV	for Q I	for Q II	for Q III		
Provide original receipts to Finance, keep copies in Division	30-Apr	30-Jul	30-Oct	30-Jan		
<b>Annual Budget</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>	<b>Due Dates</b>		
Create Annual Budget: Treasurer with Division Council	1-Apr					
Submission of Annual Budget to PEF Finance, no later than:	30-Apr					
Share budget with Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor	30-Apr					
<b>Annual Audit:</b>						
Convene Committee, conduct Fixed Asset Inventory after FYE	suggest 15-Apr					
Complete and submit annual audit to PEF Finance, with Asset Inventory, within 90 days of 3/31 FYE	before 30-Jun					
Share audit with Council, Division membership, Regional Coordinator, Executive Board and Internal Auditor	30-Jun					
<b>NOTE:</b> Risk of Penalties if Annual Audit and Inventory not submitted after 30 day grace period ending:		30-Jul				

	<b>SUPPORTING DOCUMENTATION REQUIREMENTS</b>						
<b><u>EVENT or ACTIVITY using DIVISIONAL FUNDS</u></b>	<b>Itemized, Original Receipt for Meals, Purchases, Donations or Contributions</b>		<b>List of all PEF Participants/ Recipients, including their signatures per PEF format</b>		<b>Expense Voucher or PEF Works Entry with details on purpose, rationale</b>		<b>Notes</b>
<i><b>NOTE: The PEF Union Purpose for Expenditure, and Good or Service Purchased, Must ALWAYS be Specified in Detail</b></i>							Submit required documentation within 30 days
Holiday Party	x		x		x		
Summer Picnic	x		x		x		
Members' and Stewards' Meetings, Membership Engagement Session, other	x		x		x		
Travel: MUST comply with applicable PEF travel policies	x		x		x		Describe what, where, when, why
Good & Welfare: e.g. sympathy, get well, retirement plaque, commendation, scholarship	x		x		x		All members to be provided same benefit in same situation, specify names
Giveaways: refer to policy document for guidance	x		x		x		NEVER cash or equivalent

Approved at November 29, 2018 Executive Board

Archived 5/24/2019  
Executive Board Meeting

## RULES FOR FORMING A DIVISION

### A. General Division Guidelines

1. Constituencies shall be logical, cohesive units. They may be departmental or geographically based. Crossing PEF Regional boundaries is permissible. Division by title or community of interest shall not be allowed. Fifty (50) regular PEF members are needed to start a Division.
2. Constitution should follow the model guidelines presented in this package. Local adaptation and additions may be necessary, but must not negate the intent and purpose of the model. All changes should be indicated. Explanations may be necessary. The first nine articles are to be named and numbered as outlines. Extra articles, if any, would start with Article Ten (10).
3. Thirty percent (30%) showing of interest petitions will be required to start the process. When more than one agency and/or location is proposed for a Division, separate petitions for each agency and/or location will be required.
4. The draft constitution will be sent for a constituency ratification vote. Ratification for approval is a majority of those voting. When more than one agency and/or location is proposed for a Division, separate ratification votes of each agency by location will be required. Ratification votes will be done on-site when practical. If by mail, ballot counting will be done in a location as convenient to Division members as possible.

### B. Division Structure

1. In order to create uniformity of divisional leadership and reduce confusion due to multiple titles for similar functions, the following terms shall describe Division structure: The Division Council is the

governing body of each division. The Council Leader is the Chief administrative Officer. The Assistant Council Leader(s) is the assistant administrative officer(s). The Council Secretary is the Chief record keeper. The Treasurer is the chief financial officer.

These officers may be elected either by the Council from among themselves or at-large by the constituency. Divisions composed of less than 175 PEF members must elect a Division officer-at-large, so that the Council has at least 4 members (Article IV, Section 1).

#### 2. Division Officers Elections:

Divisions with less than four (4) stewards elect the officers in the following manner:

If a Division has:

- 1 Steward, this is the Council Leader
- 2 Stewards, they are Council Leader and Treasurer
- 3 Stewards, the Council Leader, Treasurer, Secretary

3. The Term of Office for all elections shall be between one (1) to three (3) years (Article V, Section 4).

### C. Division Funding

***1. Eighteen Dollars (\$18.00) per regular PEF member for the first 200 members and Sixteen dollars (\$16.00) per regular PEF member for the remainder will be allocated annually to a Division.\**** The Division Council shall prepare a budget within this funding. From these per capita funds, a \$500.00 advancement start up fund shall be given to each approved Division upon election of officers. Thereafter, funding shall be quarterly, yielding one-quarter (1/4) of the yearly budget.



\*Superseded by “Division Funding Increase”  
policy – updated at March 2018 Executive

2. Each Division shall submit a quarterly report to PEF and copy to the appropriate Regional Coordinator.
  - a) Division Journals must be submitted in a timely manner according to guidelines. The Secretary-Treasurer of PEF is authorized to withhold Division per capita allotments for failure to submit journals.
  - b) No more than one (1) year's reimbursement or \$5,000.00, whichever is Greater can be accumulated by a Division. One (1) year's reimbursement is defined as the sum of the last four quarterly per capita payments. The Division Treasurer will receive written notice of the maximum.
  - c) Bills must be submitted for payment with explanations as needed.
  - d) Absolutely no cash (includes checks) rebates to membership.
3. Each Division shall receive a quarterly Division membership list from PEF in which shall be the basis of the quarterly per capita payment.
4. The budget shall be sent to the PEF Executive Board.
5. No honorariums for Council members shall be allowed.
  - a) Absolutely no honorariums to any member. If honorariums are expended, the Secretary-Treasurer of PEF will deduct the amount from the next division per capita allotment.
  - b) Expenditures for Convention delegates — Divisions may, if they wish, expend funds for extraordinary expenses for convention delegates. Expenses for the duration of the convention may not exceed \$100.00 per delegate. (*Amended 10/19/2004 — see General Convention policies*)
  - c) Expenses for Divisional Labor/Management meetings only.
6. At no time will the funds on hand exceed more than one year's per capita. Special dues or assessments are not included.
7. A division may not reimburse for expenses vouchered in other entities of PEF (no double reimbursement).
8. A division may have a petty cash account but it must be on a revolving (receipt) basis with a maximum limit of \$100.00. There must be a ledger sheet kept itemizing transactions.
9. Expenses for Divisional meetings only (Food, Room, Supplies, etc.).
10. Expenses for Division operation only (Postage, Printing, Mileage for Divisional purposes).
11. Tickets and contributions for local functions where the Division should be represented.
12. No direct political contributions for political fund raisers.

#### **D. PEF Divisions Financial Policy**

In accordance with the PEF Constitution (Article XX, Section B), the following guidelines are proposed to deal with Division Financial activity:

##### 1. Funding

Approved Divisions shall be funded based on their membership. The funds shall be provided on a quarterly basis at a rate to be determined by the Annual Convention. The fiscal year shall be April 1 to March 31.

##### 2. Expenditures

Approved Divisions shall be allowed to spend monies on any activity that is not contrary to the stated goals and policies of PEF. All spending must be in accordance with the Division Budget as approved by the majority vote of the Division Council and in compliance with other provisions of the specific Division's constitution. Spending in the following areas is strictly prohibited:

- a. political activities
- b. internal caucus activities
- c. salaried employees
- d. direct payment to members in excess of actual expenses
- e. reimbursement of members dues
- f. legal fees

### \*3. Division Responsibilities

Approved Divisions Shall:

a. elect at least a Council Leader and Treasurer, when a Division has two or more stewards it is recommended that the Treasurer be a steward.

b. ~~establish a Budget Committee which shall adopt a realistic~~ develop a budget to be approved by the Division council on or before April 1 and forward it to PEF Central with the first Quarterly Report. by April 30<sup>th</sup>.

c. establish an Audit Committee (to be composed of at least 3 persons with only no more than one being a steward and/or officer (except the treasurer) of the Division). This Committee shall do a yearly audit of the Division's financial activities and report to the Council, membership and to PEF Central within 90 days after the end of the fiscal year.

d. at the conclusion of each fiscal year have the Division ~~Audit committee~~ Audit Committee conduct/maintain an inventory of the ~~fixed~~-assets(e.g. furniture, electronics, fixtures) owned by the Division. An Fixed Assets Inventory Report will be submitted by the Division to PEF Central with the Audit Report.

e. report all monies ~~earned~~ received and spent no later than 30 days after the conclusion of each quarterly period.

f. make all financial reports, especially the Annual Budget and the Audit Report, available to the Council and membership.

#### 4. Accounts

a. Division funds shall be deposited at the end of each quarterly period in the Division's account at the ~~Amalgamated Bank of New York~~ bank designated by PEF. This deposit may be withheld if a Division is delinquent in submitting any one of the above stated reports.

~~b. Divisions may establish accounts at other financial institutions. If this is done, \$50 must remain in the Amalgamated Bank account, and all expenses are to be paid from the second account. When a Division is delinquent in submitting the required annual budget or audit, or quarterly reports for one or more consecutive quarters, deposits of Division funds into the Division's account shall be withheld until all Division reports are brought current, or the office of the Secretary Treasurer which will have first hand knowledge of Division circumstances which have caused the delinquency, has approved the disbursement of Division funds. Such delinquencies and circumstances shall be included in the Secretary Treasurer's next report to the Executive Board.~~

c. All accounts require at least two signatures to withdraw funds.

#### 5. Accounting

All Division expenditures must be properly documented via invoices or on the appropriate forms provided by PEF such as:

a. Division expense vouchers which need to be submitted with the vendor's detailed and itemized receipts,

~~b. telephone logs for long distance phone calls should be submitted with the phone bill,~~

~~e. b. quarterly Journal Register Reports along with itemized receipts or supporting documentation,~~

~~d. c. Petty Cash Journal Reports along with itemized receipts or supporting documentation,~~

~~e. Divisions that have more than one account must submit the bank statements and cancelled checks for all accounts on a quarterly basis.~~

## 6. Penalties

- a. division quarterly payments shall be withheld until all outstanding reports are submitted.
- b. A portion of a Division's quarterly payment may be forfeited if the quarterly report, budget or Audit/Inventory Report is more than 30 days late (e.g. 90 days 30/90 of funds may be withheld).
- c. Divisions will reimburse PEF for all fees associated with bounced checks written by the division.
- d. Expenses that lack detailed receipts/documentation will be charged against future per caps.

## 7. Purchase Cards

- a. One purchase card will be designated to each Division whose Division Council requests such. Council requests for additional cards must be approved by the PEF Secretary-Treasurer.
- b. All division expenses must be approved/signed off within 30 days of the purchase. Failure to sign off on card purchases within 30 days will result in a temporary freeze of the division's account.
- c. The Division Treasurer shall be the reviewer of all purchases. Purchases by the Treasurer shall be reviewed by another officer.
- d. Purchase cards will be temporarily shut off when a zero balance is reached.
- e. Per Capita shall be available for spending on the first business day of the quarter.

f. All detailed/itemized receipts for card purchases made during the fiscal year must be submitted with the annual Audit for review and retention by PEF.

## ~~7.~~ 8. Authority

The Secretary/Treasurer and the Divisions Committee shall have the authority to adopt rules, procedures and forms necessary to implement this policy.

Adopted March 3, 2016  
Executive Board meeting

## **E. Procedural Policies for PEF Central Payments Regarding Division Elections**

All Division Constitutions call for timely elections and the formation of an Election Committee, yet the Divisions Department is besieged by overdue steward elections and requests for the Divisions Department to conduct the elections.

In view of these problems, and the convention adoption of Resolution #1, the Divisions Committee formulated the following recommendations which were approved at the January 30/31, 1986 Executive Board meeting:

1. Per Resolution #2 (see Appendix) it remains the responsibility of each Division to form an Election Committee which, in conjunction with the appropriate Regional Coordinator, shall follow their Division constitution and conduct the actual election process, including notice preparation, nomination verification, ballot preparation and ballot counting.
2. Postage will be the responsibility of PEF. Therefore, all election notices and election ballots should be mailed out from and received by a PEF office. A designated PEF Post Office box shall be used for returned ballots. The ballots will be picked up only at the close of balloting, preferably with an Election committee member present. The ballots will be sealed and then turned over to an Election Committee representative(s). The sealed ballots are not to be opened until the stated ballot counting date and time, and must be opened in front of witness(es).

Absentee and duplicate ballots may be mailed directly (or hand-distributed) by an election Committee member and the return envelope must clearly indicate the status (absentee/duplicate) of the enclosed ballot. However, a daily listing of requests, address changes, etc., must be maintained. This log must be sent to the Divisions Department to obtain reimbursement for any postage cost involved.

### **COPIES OF SAMPLE ELECTION NOTICES, NOMINATING PETITIONS, BALLOTS AND TALLY SHEETS, AS WELL AS WORKSHEETS (WITH CHECK LIST) TO AID IN THEIR PREPARATION, ARE AVAILABLE UPON REQUEST FROM THE DIVISIONS DEPARTMENT.**

3. The reproduction/printing of official election notices and ballots shall be provided by PEF, so that the Division does not incur these costs.
4. The following are the only categories of Election Committee incidental expenses which PEF Central shall be liable for:
  - a. travel over 35 miles - which was created solely due to committee activities.
  - b. food - lunch, dinner, etc., provided at the work location and/or PEF office for Committee meetings), ballot counting, etc.

These must be receipted on a standard PEF voucher and accompanied by a statement as to why they were necessary. The division may, especially for food expenses, initially cover these costs and submit the bill with the voucher to PEF.

5. Any additional cost (e.g., staff time {salaries} necessitated for PEF's preparation of election notices, ballots, receiving of nomination forms, etc. per diems and other expenses for ballot counting) incurred by PEF due to a Division's failure to follow the Election Article of their Constitution and form its own functioning Election Committee shall be funded by the Division (i.e., charged to its treasury). This applies whether election is overdue or not.

#### Additional Costs Defined

Since the adoption of the above policies, the Secretary-Treasurer has determined the additional cost for Divisions failing to properly conduct their own elections to currently be:

Preparation of Notice:

\$35, plus \$15 extra if multiple constituencies, plus \$10 per hour for staff time.

Receipt of Petitions: \$35,

Ballot Preparation:

\$35, plus \$15 extra for each additional constituency, plus \$10 per hour for staff time.

Ballot Counting:

\$35, for up to 50 ballots, plus 50 cents for each additional ballot, plus \$15 surcharge for each additional constituency, plus \$10 per hour for staff time.

#### STEWARD ELECTION TIMETABLE

Failure to form a properly functioning Election Committee is in direct violation of that Division's Constitution, and necessitates an additional workload for those outside the Division. The Division abandons the concept of "with freedom come responsibilities" and cannot be rewarded for this negligence. In fact, once the steward term expires, theoretically the Division's charter ceases to exist.

Therefore, the Executive Board has established the following timetable for the conduct of a timely election:

a. The Division council and Regional Coordinator are to be notified, in writing, by the Divisions Director three months prior to the election due date.

b. If any problems are encountered with the running/operation of the election, the Division Council (Election Committee) must notify the Regional Coordinator and Divisions Director immediately. The Division's Election Committee and/or Regional Coordinator should submit the Election Notice and Nomination Petition to the Divisions Director 60 days prior to the due date of the elections.

c. If there is no response from the Division by 45 days prior to the due date of the election, the Divisions Director must contact the Division leadership and/or Regional Coordinator to determine what the problems are, if any.

d. If no election Committee has been formed 30 days prior to the due date (i.e., expiration date of present term), the appropriate Regional Coordinator should attempt to do so. If this is not achieved prior to 15 days before the expiration date of the steward term of office, the Regional Coordinator and/or the Divisions Director shall send notices via certified mail to all present stewards. This notice shall state that the Division Council has not formed an Election Committee, per their Election Article in their Constitution, and if they do not do so by the expiration of their term, the Division will have waived this right and the Regional Coordinator and/or the Divisions Director shall have to conduct the election.

e. Any additional costs (e.g. , staff time {salaries} necessitated for PEF's preparation of election notices, ballots, receiving of nomination forms, per diem and other expenses for ballot counting) incurred by PEF due to a Division's failure to follow the Election Article of their Constitution and form its own functioning Election Committee shall he funded by the Division (i.e., charged to its treasury). This applies whether election is overdue or not.

f. If the Division fails to conduct the election within 30 days after the due date of the election, all division funding is to be withheld.

g. Once the 30 day grace period is exceeded, the Division shall forfeit pro rata its per capita payments during the time period when no elected council existed (i.e., from the date of steward term of office expiration until new election has been completed). This forfeiture shall be based on the following direct proportional formula:

$$\text{Forfeiture} = \frac{\# \text{ of days overdue}}{365 \text{ days}}$$

\*yearly per capita  
(e.g., 73 days late =  $73/365 = 20\%$ ; thus 1/5 of its yearly per caps is lost if the Division has 100 members this would be  $(1/5 \times (\$18) \times (100))$ , which equals \$360.

These funds will be used (earmarked) to finance the excess overhead incurred by the Division Department in handling these elections.

The effective date of the forfeiture section shall be July 1, 1986, and all stewards shall be sent a notification by April 1, 1986 which shall also include an explanation of the steward election process for the division. If requested, training will be provided to help the Council and/or the Election Committee.

h. If the Division fails to conduct the election within 3 months after the due date of the election, all stewards whose term of office has expired will be removed from the official OER steward list.

i. The Division has the right to appeal any sanctions to the Executive Board.

#### **F. Role of Regional Coordinator in Relation To Divisions**

1. Regional Coordinators shall receive timely notice of all regular and special meetings and quarterly Division reports on the level of

service provided by the Division to its constituency.

The report shall summarize Division activity and shall include a financial statement. A review of these reports should be used for the regional quarterly report.

Where Divisions include more than one PEF Region, the quarterly Division Reports will be sent to each affected Regional Coordinator.

2. No Regional Coordinator shall be an officer of any Division.

3. The Regional Coordinator shall oversee and ensure fair elections in his/her region.

#### **G. Role of Departmental Executive Board Members in Relation to Divisions**

1. A Departmental Executive Board Member shall be a member of the Division Council of which he/she is a divisional constituent.

2. The Departmental Executive Board member shall have free access to members of his/her constituency and may exercise that access at any Division meeting which includes members from his/her departmental Executive Board constituency.

#### **H. Role of Divisions in Labor/Management Teams**

1. Divisions shall incorporate a procedure where departmental stewards choose their own local labor/management representative(s).

2. The Statewide Departmental Labor/Management Committee shall consist of all PEF Executive Board members from that Department plus one representative from each departmental region not already

represented. If the Department has more than twelve (12) regions, PEF regions shall be used.

## APPENDIX

### Resolution No. 1 - 1985 Convention

Therefore be it resolved, that to protect and promote the integrity of the steward election process, PEF Central be directed to pay for all legitimate costs of all elections.

### Resolution No. 2 - 1985 Convention

Therefore be it resolved, that no other PEF or international body shall propose other methods or make changes to any presently authorized Division Constitution, which negates and/or supersedes the present Division amendment procedure, and

Be it further resolved, that only a Division can change their Division Constitution by following its own constitutional amendment procedures.

## Article IV - Division Council

Section 1. The Division Council shall be composed of the stewards elected by their appropriate constituency. All Council members shall be the official PEF representatives of this Division. The Officers of this Division shall be elected from the Council members. They shall be known as: Council Leader, Assistant Council Leader, Division Secretary, and Division Treasurer. The Council shall be the principle decision making body for the Division.

Section 14. PEF Departmental Executive Board Members shall:

- a. be a member of this Division Council, if he/she is a member of this constituency.
- b. inform the Division constituency of all matters of concern before the PEF Executive Board.

Section 15. The Division Council in consultation with the appropriate Regional Coordinator(s) shall:

Determine the appropriate steward constituencies, provided this apportionment does not exceed the number allowed for this Division. Unless changed by PEF, the intradepartmental steward allocation shall be based on one (1) steward per fifty (50) PS&T unit members.

Section 16. Upon succession, all elected representatives must turn over all records and documents in an orderly fashion to their replacements.

Section 17. All council members must serve to enhance the well-being of the Division constituency and respect all legitimate inquiries concerning the operation of this Division.

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Clarifying Motion Concerning Executive Board and Division Council Membership  
(January 31, 1986 Executive Board Meeting)

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The intent of Article IV, Section 14, is that a Departmental Executive Board Representative during his/her term of office is a voting member of the Division Council within which he/she is a constituent, and thus has the same rights and privileges of other council stewards.

Further, since PEF Officers and Trustees are also by their nature considered stewards during their term of office, per Article IV, Section 1, each of them is a voting member of the respective Division Council within which he/she is a constituent, and thus has the same rights and privileges of other council stewards.

## Article V - Elections

Section 1. The Division Council, maintaining fair apportionment, shall select the Election Committee. No candidate for election shall serve on the Elections Committee.



Section 2. The election Committee shall coordinate all upcoming elections with the

Section 3. The Elections Committee shall give reasonable opportunity to potential candidates to have their names submitted to the committee. Nominations for any elected position within the Division shall be made by petition signed by not less than ten (10%) percent of the members of the appropriate constituency, and the names of such provided for such nominations and filed with the Chairperson of the Elections Committee.

Section 4. The Term of office for all positions shall be \_\_\_\_\_ year(s), and shall commence on\_\_\_\_\_. Any vacancy which occurs shall be filled by a special election to be held within sixty (60) days of the vacancy's occurrence. This vacancy will occur when notification is given to the Council Secretary.

Section 5. All regular members of the Division shall have the opportunity to vote by written secret ballot for representatives from their constituency. The balloting will be conducted in the manner prescribed in this constitution and will guarantee the right

appropriate PEF Regional Coordinator, who shall ensure fair elections.

of each member to vote. The Election Committee shall provide at least ten (10) days notice before the election.

Section 6. All ballots should provide adequate space for a write-in vote and should clearly state the date upon which the ballots must be received. The distribution of the ballots and the return of the completed ballots shall be accomplished in such a manner as to guarantee each member an opportunity to cast his ballot without the necessity of his physical presence at the polling place. The Election Committee and the appropriate Regional Coordinator(s) shall be responsible for the custody and counting ballots.

Section 7. Election balloting may be on-site, by mail, or a combination of the two. The election results shall be promptly announced after the close of the balloting.

Section 8. Upon showing just cause, a member who is unable to cast his ballot personally may be permitted to cast his ballot by mail.

Rescinded November 29, 2018  
Executive Board Meeting



## PEF Policy on Equal Employment Opportunity

PEF is an Equal Employment Opportunity employer who encourages and promotes equal opportunities in all employment actions. PEF is committed to ensuring Equal Employment Opportunity exists for all employees and applicants in accordance with all state, federal and local laws.

It is PEF's policy to provide equal employment opportunity without regard to race, color, age, religion, sex, sexual orientation, national origin, marital status, pregnancy, parenthood, creed, veteran's disability, physical, mental or psychiatric disability. PEF intends that all matters related to recruiting, hiring, training, compensation, benefits, promotion, transfer, professional development/training, reasonable accommodation for disabilities or religious practices, termination/layoffs, recalls and all treatment on the job be free of unlawful discriminatory practices.

A handwritten signature in cursive script that reads "Kenneth Brynien".

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Kenneth D. Brynien  
President

4/30/12

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Date

April 26, 2012



# *memo:*

**TO:** PEF Staff  
PEF Executive Board  
PEF Council Leaders

**FROM:** Wayne Spence, PEF President

**DATE:** July 7, 2020

**RE:** PEF Sexual Harassment Policy  
Reissued July 7, 2020

Please note an update has been made to the attached PEF Sexual Harassment Policy and Complaint Form. The update provides employees the option to report Sexual Harassment complaints to the PEF Executive Department Paralegal (Rebecca Lalli), in addition to a manager, supervisor, or the Executive Director (Todd Kerner).

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Wayne Spence  
PEF President

July 7, 2020

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Date

Reissued: July 7, 2020



# *memo:*

**TO:** PEF Staff  
PEF Executive Board  
PEF Council Leaders

**FROM:** Wayne Spence, PEF President

**DATE:** July 7, 2020

**RE:** PEF Sexual Harassment Policy  
Reissued October 4, 2018  
Revised July 7, 2020

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The New York State Public Employees Federation (PEF) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of our commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally under this policy. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

This policy:

- Prohibits sexual harassment consistent with guidance issued by the New York State Department of Labor,
- Provides examples of prohibited conduct that would constitute unlawful sexual

harassment,

- Includes information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement about applicable local laws,
- Includes a complaint form,
- Includes a procedure for the timely and confidential investigation of complaints that ensures due process for all parties,
- Informs employees of their rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially,
- Clearly states that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue,
- Clearly states that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful, and
- Provide employees with sexual harassment prevention training.

Everyone must read and be familiar with the attached policy.

Thank you for your diligence and assistance with regard to this very important matter.



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Wayne Spence  
PEF President

July 7, 2020

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Date

Reissued: October 4, 2018

Revised: July 7, 2020

Archived: November 27, 2023

## **PEF Sexual Harassment Policy**

**approved October 4, 2018**  
**revised July 7, 2020**  
**archived November 27, 2023**

### **Introduction**

PEF is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of PEF's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>2</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with PEF. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy:**

1. PEF's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with PEF. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. PEF will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of PEF who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>3</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, the Executive Director or the

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<sup>2</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>3</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

*Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure. Page*

PEF Executive Department Paralegal. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject PEF to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. PEF will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. PEF will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. PEF will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Executive Director or the PEF Executive Department Paralegal.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.



- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** PEF cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, the Executive Director or the PEF Executive Department Paralegal. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, the Executive Director or the PEF Executive Department Paralegal.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Executive Director or the PEF Executive Department Paralegal.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. PEF will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Executive Director and/or the PEF Executive Department Paralegal, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and

- The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by PEF but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at PEF, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to PEF does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at

Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

#### **PEF Complaint Form For Reporting Sexual Harassment**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Executive Director or the PEF Executive Department Paralegal, in person, via fax or via electronic mail (with relevant contact information). You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

### **COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:    Email    Phone    In person

### **SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

## COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Instructions for Employers**

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.





## **PEF SEXUAL HARASSMENT POLICY**

The Public Employees Federation recognizes that a productive working environment is one that is free of sexual harassment. PEF is committed to maintaining a work environment that is free of sexual harassment.

Sexual harassment is unwelcome verbal or physical conduct of a sexual nature, which the employee did not solicit or incite, and which the employee regards as undesirable or offensive when:

1. Submission to that conduct is made, either explicitly or implicitly, a term or condition of an employee's employment; or
2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The harasser and victim may be either gender. The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee (i.e. a vendor, courier, elected union official, union member, etc.). Sexual harassment can be verbal, physical or pictorial, and examples may include but are not limited to:

- Sexual comments about an individual's body, sexual activity, deficiencies, or prowess; jokes, whistling, innuendo, sexual gestures, sexual graffiti, sexual epithets, gossip or other written or verbal sexual references;
- Displaying sexually suggestive objects, pictures, cartoons, posters, magazines, calendars, etc.;
- Harassing behavior directed at a person due to his or her sex or sexual orientation;
- Sexual touching, hugging, kissing, leering or ogling;
- Brushing up against another's body, touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;

- Pressure for dates; subtle pressure for sexual activities;

- Promise of promotions, favorable performance evaluations, etc. in return for sexual favors; demanding sexual favors accompanied by implied or overt threats to a person's job, promotion, performance evaluation, etc;
- Retaliation of any kind for having filed, supported or cooperated with a report of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.)

PEF believes that the best way of maintaining a work environment free of sexual harassment is through education. PEF is committed to increasing the awareness of all its employees and elected leaders about sexual harassment in the workplace. PEF will encourage participation and education programs containing sexual harassment by all employees, particularly employees with supervisory responsibilities and elected leaders.

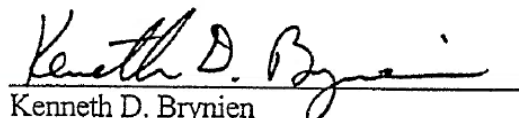
When an employee of PEF feels she or he is the victim of sexual-harassment, irrespective of where the alleged harassment occurred or whether the alleged harassment involved another PEF employee or non-employee, a report and official report should be made to the employee's immediate supervisor. If the employee's immediate supervisor is the person against whom the report is being made, or the employee is otherwise uncomfortable about bringing the report to his/her immediate supervisor, the report should be made directly to the Director of Human Resources and Education. The report can be made in person or in writing. If the report is made in person to the employee's supervisor a written report will be made by the supervisor and filed with the Director of Human Resources and Education. The Director of Human Resources and Education, or an investigation team appointed by the Director of Human Resources and Education, will then conduct a prompt investigation.

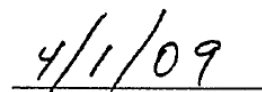
The investigation of a complaint of sexual harassment will generally include an initial meeting with the person making the report and separate interviews with any witnesses to the alleged harassment. It will also generally include a meeting with the person against whom the report is made. He/She will be advised that a report has been made, advised of the nature of the report and of the identity of the person making the report, and will be given an opportunity to respond. If the accused person is a member of the bargaining unit, he or she shall be advised, pursuant to the PEF/USW collective bargaining agreement, of the entitlement to Union representation. A written record of all actions taken during this investigation and of the conclusions reached will be made. This written record will remain confidential, except to the extent necessary to allow the person against whom the report is made to respond. Both the accused person and the person claiming to have been sexually harassed will be provided with written notice of the final determination of the Director of Human Resources and Education.

Sexual harassment of employees occurring in the workplace, or in other settings in which employees find themselves in connection with their employment, is unlawful and any retaliation against an individual who has made a report about sexual harassment or has cooperated with an investigation of alleged sexual harassment will not be permitted.

PEF will not tolerate any violation of this policy. If, after the investigation conducted pursuant to this policy, any violation of this policy is found, action appropriate to the nature of the violation will be taken.

Sexual harassment constitutes just cause for discipline and/or discharge under the PEF/USWA agreement or a cause of discipline and/or discharge for all M/C staff. A non-employee (i.e. a vendor, courier, elected union official, union member, etc.) may face consequences for sexually harassing behavior from their employer, from PEF under applicable policies, and/or penalties imposed under the law by the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission.

  
Kenneth D. Brynien  
President

  
Date

Reissued April 3, 2009

Archived December 17, 2018 (new Sexual Harassment Policy and Complaint Form approved 10-4-18 added to PEF Staff folder)

## **QUARTERLY FINANCIAL REPORT**

It shall be the policy of PEF that the Secretary-Treasurer distribute by mail the quarterly financial report with each proposed Executive Board agenda for review and approval of the Board.

November 30 – December 1, 1989  
Executive Board Meeting

## SCHOLARSHIPS

A scholarship fund is to be established for the two children of Maureen Negus for their education, either college or vocational school and if not used by their 24<sup>th</sup> birthday, the money will be returned to PEF. (That scholarship being \$5000 each).

October 1985

TRAVEL POLICY

Henceforth, it will be the policy of the New York State Public Employees Federation that all PEF-funded air and rail travel will be booked by the PEF Travel Corporation whenever possible.

Adopted: December 3, 1997  
Executive Board Meeting

\*Rescinded March 21, 2019  
Executive Board Meeting

TRAVEL

Hotel reservations will be made by our PEF Office based upon two in a room.

Normal and reasonable travel expenses will be paid by PEF only upon submission of vouchered receipts. Mileage reimbursed at State rates.

PEF will reimburse for necessary overnight stay in a hotel upon advance approval by the Albany Office and when direct billing cannot be arranged.

August 12, 1980

\*Rescinded March 21, 2019  
Executive Board Meeting



Travel Policy

Permission for members to use air transportation to attend PEF meetings and functions shall be at the discretion of the Secretary-Treasurer, who shall consider distance, time constraints, personal (justified) needs, and cost constraints before granting permission.

Executive Board  
December 12, 1991

\*Rescinded March 21, 2019  
Executive Board Meeting

## ADMINISTRATIVE SECTION