

CIVIL SERVICE ISSUES

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

RESOLUTION #1  
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:

BEFORE 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 insure that members rights are protected.

Submitted by: Barry Markman

South Beach Psychiatric Center

1979 Resolution

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 PEP that Civil Service shall be its top priority;  
Therefore, be it resolved, that PEP counsel use any or all means necessary to insure 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

### **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 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, OME  
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, OME  
Haydee Montenegro-Gonzalez, OME  
Barry Rachnowitz, Tax and Finance  
Williamay Thompson, OMRDD  
Ray Palmer, SIF  
Bernice Jones, DOL  
Robb Roberts, OME

Adopted 10/22/93  
PEF Convention

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

989 Resolutions

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 IF 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

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 the 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 or 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