



New York State
**PUBLIC EMPLOYEES
 FEDERATION AFL-CIO**

1168-70 Troy-Schenectady Road
 P.O. Box 12414
 Albany, NY 12212-2414

(518) 785-1900

(800) 342-4306

Fax (518) 785-1814

June 30, 2004

Officers:

Roger E. Benson
President

Jane Hallum
Secretary-Treasurer

Vice Presidents:

Patricia Baker
 Kenneth D. Brynien
 Joe Fox

Regional Coordinators:

Joyce Degenhardt
Region 1

James Carr
Region 2

Frank Besser
Region 3

Donald Kehoskie
Region 4

Mary Twitchell
Region 5

Michael DelPiano
Region 6

William Crotty
Region 7

Louis G. Matrazzo
Region 8

Neila Cardus
Region 9

Jennifer Faucher
Region 10

Jemma Marie-Hanson
Region 11

Doris Dodson
Region 12

Trustees:

Arlea J. Igoe
 Robert H. Reynolds
 Olubiyi Sehindemi



Mr. George H. Madison, Director
 Governor's Office of Employee Relations
 Agency Building #2, Empire State Plaza
 Albany, New York 12223

Dear Mr. Madison:

At several recent negotiations sessions, your lead negotiator has repeatedly questioned the integrity of PEF regarding our claim that the state is demanding the use of time clocks. Today in the press, your Deputy Director calls our claims a "disingenuous portrayal." There have also been allegations of breach of fiduciary responsibility. These are charges the Officers of PEF take very seriously.

As you know, GOER has a current Article 12.17 demand that supervisors or their designees are "authorized . . . to observe, record and verify the time and attendance of employees under their supervision." (emphasis added and language attached) That combined with the state's demand to modify a side letter that prohibits electronic timekeeping mechanisms creates the very clear opportunity for the state to impose time clocks.

Given the deep distrust that exists between PEF and GOER over the entire timekeeping issue, we, of course, conclude the worst regarding any proposal you may make in this area. Quite frankly, until you actually produce the proposed changes in the side letter that demonstrates "electronic recognition devices" will not be used for time clocks, we believe we are fully justified to suspect it is your intention to use them.

We have learned to expect the worst intentions from GOER regarding every proposal they make because your Deputy Director proudly proclaims, "it's all in the interpretation." GOER's collaboration with CSEA's effort to attempt to raid 200 PEF State Insurance Fund members to CSEA, renegeing on on-call/recall retroactive payments, and accusing PEF of agreeing to changes in Article 12.17 that we did not -- all of which were proven to be improper or false by independent judges and arbitrators, fully justifies PEF's collective distrust of the leadership of GOER. Then, you and your staff have the audacity to question PEF's integrity, while you routinely misrepresent the truth.

Your attempts to extract deeper concessions from PEF than either CSEA or UUP made are classic tactics used by GOER toward PEF and will be strongly opposed. PEF will not accept additional concessions and we are prepared to resist GOER's efforts for as long as it takes!

Sincerely,

Roger E. Benson
 President

Attachment

cc: PEF Membership
 George E. Pataki, Governor
 John Cahill, Secretary to the Governor
 William Howard, Deputy Secretary to the Governor
 NYS Legislators

In such cases, the appointing authority may require the employee to submit satisfactory evidence that the lateness was due to such emergency duties.

12.15 Leave for Professional Meetings

Subject to prior approval by the appointing authority, each employee will be allowed a maximum of three (3) days per year without charge to leave credits to attend (a) conferences or seminars of recognized professional organizations, such conferences or seminars to be directly related to the employee's profession or professional duties; and/or, (b) programs which are necessary for the employee to maintain or obtain licensure or accreditation in the employee's position with the State. Absences under this provision may be restricted to five percent of the profession in the operating unit (e.g., institution, hospital, college, main office or other appropriate facility). Approval of such leave shall be at the discretion of the appointing authority. Such approval will be based on a determination by the appointing authority that (1) the activity to be undertaken will directly benefit the agency, and (2) the absence will not interfere with the proper conduct of governmental functions. Such leave shall not be cumulative and if not used shall be cancelled at the end of each year of this Agreement. Unused leave shall not be liquidated in cash at the time of separation, retirement or death.

12.16 Leave for Professional Examinations

(a) Upon proper advance notice, employees may absent themselves from duty without charge to leave credits for the purpose of participating in one professional examination each year in their discipline. In the event such examination is administered in several parts, the several parts shall be considered a single examination. Absence required for travel shall be charged to appropriate leave credits.

(b) If an employee is scheduled to work on a shift which ends within eight hours of commencement of such professional examination, reasonable efforts will be made to adjust the employee's work schedule or, to the extent practicable in light of the agency's or institution's need to provide services, to approve the absence charged to appropriate leave credits.

12.17 Maintenance of Time Records

No employee in this unit shall be required to punch a time clock or record attendance with a timekeeper. All employees in this unit shall be required to keep daily time records showing actual hours worked and shall maintain a daily record of absences and leave credits earned and used in accordance with the Attendance Rules on forms to be provided by the State, subject to review and approval by the supervisor. **Supervisors or their designees are not timekeepers and are authorized as a function of their supervisory duties to observe, record, and verify the time and attendance of employees under their supervision. All employees in this unit will be held accountable and may be subject to discipline for time and attendance infractions.**