

**Local 2627
District Council 37
General Membership Meeting
September 20, 2011**

The meeting was called to order at 6:15 p.m. by Robert Ajaye, President
There was a quorum.

In attendance were Executive Board Members:

Robert Ajaye, President
Michael Lanni, 1st Vice President
Gene Olmstead, 2nd Vice President
Bruce Heigh, Treasurer
Judy Briggs, Secretary
Cody Childs, Executive Board Member
Robert Fishburne, Executive Board Member
Patricia Taylor, Executive Board Member
Susie Yuen, Executive Board Member

Agenda:

Minutes
Treasurers Report
Nominations & Election of Trustee
Presidents Report
Old Business
New Business
Good & Welfare

Opening Remarks by President Ajaye

There is significance of the clock around my neck. A clock was worn by Flavor Flav in the revolutionary rap group called Public Enemy. The significance of the clock is to wake up. It is not a joke but has significance behind it.

DC 37 has lost 11,000 members over past 11 months. 6000 DC 37 members slated for layoffs. Local 2627 has not lost any members. DOE has 300 members slated to be laid off; 15 are 2627 members. We have been able to move 10 people some place else. The other 5 or 6 are pure provisionals. We are working on it. We just had a meeting with OLR on it.

Let me put the clock on. At the Labor Day parade we needed to make a showing. The only reason we are able to stop some of these layoffs is because DC 37 is behind us. We need to show DC 37 we are interested in our livelihoods. They are not going out there to put that effort if they know you have almost 4300 members and only 5 or 6 show up show up. We cannot be lackadaisical. One of the problems of not having layoffs in our local is that when you look around you and see the seat next to you is not empty because there have been no layoffs, you have no fear. But when you see what is happening in Wisconsin where collective bargaining started, Ohio, Michigan, and California, you see we are under attack. CSEA made a contract with the first three years 0%, 0%, 0%, 2%, 2%, and 9 days of furlough the first year, 5 days the second year. DC37 is not going out that way. DC37 has asked for meetings with the Mayor to bargain in good faith. We had 2nd meeting with NYCHA today September 20th. We will continue working on it

Minutes

A Motion to accept the July 19th minutes was made by David Ing and seconded by Norma Negrón.

On Page 1, Gene Olmstead, 2nd Vice President, made a correction to the last sentence of the first paragraph. “Mr. Ajaye responded to Mr. Goldberg. He said that the Agenda is set prior to the start of the meeting. The only way for the Agenda to be changed is by a motion made at the meeting, seconded and if a majority of the members vote to revise the Agenda.”

On Page 2, Mitchell Goldberg made a correction to discussion. “Mitchell Goldberg asked for a point of order with respect to the application of *Roberts Rules of Order*.”

A vote was taken. The Motion passed to accept the Minutes.

Treasurer’s Report

Bruce Heigh, Treasurer, made a Treasurer’s Report for April 2011, May 2011, June 2011, July 2011 and for the 6 month period January – June 30, 2011.

There was discussion.

Artie Kellam asked for a clarification on the expenditure of \$6,000. to the Central Labor Council. Bruce Heigh responded that usually every few months a payment will be made. However, they were unable to handle it. They don’t meet over the summer. The same thing with the 23 cents per member paid to DC 37. It is made every few months.

Mitchell Goldberg asked for a point of information whether the possible error with check 8009 has been addressed. He said the check was disbursed without any appropriate documentation; there was an email from the college and no receipt.

Bruce Heigh said the expenditure was for \$150. for education reimbursement and it is valid. President Ajaye was satisfied with the document. Robert Ajaye said as former education chair for several years, he viewed it as a valid document.

Mitchell Goldberg asked about the expense of \$168. on the American Express card. Robert Ajaye explained that the expenditure of \$168. was \$100. discretionary expenditure allowed by the Union, and \$68. reimbursed to the Union by Robert Ajaye.

Artie Kellam, Parliamentarian, said that Mitchell Goldberg asked the question. It was not a part of this timeframe to discuss it. Artie Kellam said that if there were further discussion, it should be taken up after the Treasurer’s Report.

A Motion to accept the Treasurer’s Report was made by Portia Perkins and seconded by Charles McClain. A vote was taken. The Motion passed to accept the Treasurer’s Report.

Local 2627 Executive Board Motions

Judy Briggs, Secretary, read the motions made, seconded and passed at the Local 2627 Executive Board Meetings of July 5, 2011 and August 2, 2011.

There was discussion.

Charles McClain asked if Patricia Taylor could second a motion to send herself to the Women's Conference in Wisconsin. Robert Ajaye said that she could second the motion, the same way someone may nominate themselves for office. Mitchell Goldberg asked what benefit would accrue to the Local from her attending. Robert Ajaye said that she was Chair of the Local 2627 Women's Committee and no extra remuneration would be paid.

Nominations for Trustee

Mitchell Goldberg asked if the Executive Board had passed a motion to hold an election for Trustee. Judy Briggs, Secretary, said the minutes of the September Executive Board meeting had not been accepted yet. Robert Ajaye said a nomination and election for a vacated office was based on past experience. When a position is vacated, the normal procedure is to have an election. Gene Olmstead read Article 6, Section 8 of the Constitution relating to the nomination and election for vacant positions. The nomination and election was announced on the Meeting Notice.

Gilbert Sambolin and Miguel Bernard volunteered to be the election committee. Three calls will be made for nominations.

Judy Briggs, Secretary, nominated Charles McClain. Charles McClain declined. Michael Lanni, 1st Vice President, nominated John Restripo. He accepted. Raquel Alonzo Martinez nominated herself. She accepted. David Eng nominated Mitchell Goldberg. Mitchell Goldberg accepted.

Gilbert Sambolin asked three times if there were any additional nominations for Trustee. No more nominations. Nominations were closed.

President's Report

Jim Hanley, Director of OLR, has issued a Due Process for provisionals that has been reinstated, since the Longbeach Decision was revoked..

Everybody should be using an alternate method of clocking in if you don't want to use the hand scanner. If not able to, please call the office.

There was a Press Release from City Hall that after Hurricane Irene, the City was open on Monday. Call the office if you were not able to get to work by flooding or transportation issues on that day.

DOF will be moving 17 people, October 9, from DoITT to DOF. It will be a logical rather than a physical move; the payroll will be taken over by DOITT. It will be to the Data Center at DoITT.

The CSEA contract has been ratified by the members with first three years 0%, 0%, 0%, 2%, 2%, and 9 days of furlough the first year, 5 days the second year. DC37 is not going out that way.

The Federal Government Project on Federal Oversight spends \$320. billion on contractors. The Special Committee on Spending will be looking into it. AFSCME pointed this out. It was written in the Sept. 13 *New York Times*.

Mary O'Connell, General Counsel, of OLR sent a notice September 16, 2011, that the Union is barred from making a lawsuit to give exams until 2014 when the legislation that revokes the Longbeach decision expires. "Unfortunately, due to the fact that the State, in 2007, enacted legislation rendering the nine-month limitation on provisional employees, and the required administration of civil service exams for such competitive titles, inapplicable to DCAS employers, the Union is barred by law from proceeding with the litigation until such time as the legislation expires. The 2007 legislation, reflected in Section 65(5) of the New York State Civil Service Law, expires on December 31, 2014. Thus, until that time, the Union cannot compel the City, through litigation, to conduct examinations and establish eligible lists for provisional employees in competitive civil service titles."

November 3rd begins the filing period for the Telecommunications Exam. The Filing Papers are on the Internet, <http://www.nyc.gov>.

There is a copy of the sliding exam fee schedule on the Internet.

Report of the Election Committee for Election of Trustee

The votes were counted and the results announced by Gilbert Sambolin. John Restripo won the election with 30 votes. The vote count is as follows: John Restripo, 30 votes; Mitchell Goldberg, 13 votes; Raquel Alonzo Martinez, 10 votes. Laura Pirtle made a motion and Charles McClain seconded it to accept the report of the Election Committee. A vote was taken. It passed.

Jon Ng, DC 37 Council Representative swore in John Restripo.

Continuation of President's Report

Robert Ajaye, President, explained that the article from Charles Reese sent to Local 2627 members in an email "*545 vs. 300 Million*" indicated the people in the Congress control our lives. He advised members to read it.

On the Judicial Panel Case #11-70, Election Protest of the Local 2627 election, the case is denied in its entirety by AFSCME. The ruling came in promptly within 10 days. The election results are confirmed in its entirety.

Robert Ajaye, President, complained that the charges in Judicial Panel Case #11-81 filed by Seth Solomon, shop steward, and two other shop stewards at the Transit Authority, are a personal attack against him and he has no legal recourse against this personal attack other than addressing the protest to AFSCME and showing the charges to be invalid. He explained about the DC 37 Welfare Fund. At the TA when Local 2627 accreted TA members they had the option to retain the TA benefits or the DC 37 Welfare Fund benefits. The TA members chose to retain the TA benefits.

Brother Solomon feels he has been denied the \$800. from the DC 37 Welfare Benefit. He does not qualify for it. A copy of the charges to AFSCME are available for anyone who wants to see them. Local 2627 doesn't even have access to that money in the DC Education Fund. The personal charges against Robert Ajaye, President, Local 2627 and Barbara Kairson, Administrator, DC37 Education Fund, of Local 2627 are completely invalid, he said.

Brother Solomon further charges that Local 2627 President Robert Ajaye and Barbara Kairson, Administrator, DC37 Education Fund, willfully denied TA members' children the SAT preparation class. President Ajaye showed the SAT preparation flyer and read from it. Anyone may apply. The SAT prep support flyer said it is \$75. for members children and \$85. for anyone else's children. Robert Ajaye explained he still has to spend man hours addressing the AFSCME charges.

Mitchell Goldberg asked for a point of order. He said that according to *Roberts Rules of Order* the inability of one member to nominate more people than there are positions for should be announced at the time. He objected that this point was not brought up at the AFSCME Judicial Case Hearing for #11-70. Julie Liebowitz said it was mentioned at the hearing; she was there; that the Election protest was denied by AFSCME in its entirety.

Robert Ajaye, President, welcomed Dr. Dennis Deane of DC37: (212) 815-1205 and (917) 991-3744. He said members should contact Dr. Deane. Members have called the Local office trying to get their jobs back after they have retired. Dr. Deane explained that members should come to see him if they are considering retiring or buying back time toward Pension. With buyback, the cost is greater the longer you wait. Dr. Deane said once retirement papers are in, they cannot be pulled back. They are all legal documents. DC 37 can provide members with an estimate of pension when they come in to see Dr. Deane. Dr. Deane asked that members leave their first and last name when they call. If you come in as a provisional, you may not be in the pension, Brother Ajaye explained. Provisional members should check with the Local office to see if they are in the pension system or if they need to buy back time. Military time up to 3 years can be bought back.

The children of two Local 2627 members were awarded a DC 37 scholarship. The young people are Briana Valentine and Michael Feldmen. Their pictures and a bit about them is on the Local 2627 website. The scholarship folder mentions locals that have their own scholarships.

Robert Ajaye said he wanted to propose that Local 2627 give a scholarship for members' children in the amount of \$6-\$10,000. It will be brought up again at the next Local 2627 Membership Meeting in November. There was preliminary discussion. Charles McClain asked what happened to the Jessica Williams Scholarship. Bruce Heigh, Treasurer, explained that DC37 decided that a Local President's name would no longer be used as the name of the DC37 scholarship. Charles McClain suggested that the Local 2627 scholarship be named the Jessica Williams scholarship since she was the second president of Local 2627 and the history of Local 2627 should be preserved. Robert Ajaye reported that Local 2627 is the only local that gives an education reimbursement. He said the TA members are still eligible for the \$800. education reimbursement from the Local; they are not eligible for it from the DC37 education fund.

Robert Ajaye, President, asked for a motion to contribute \$250. toward New York State Senator Diane J. Savino's birthday party. He explained that State Senator Diane J. Sevino is be on the Civil Service Committee, though she is no longer the head of it, and is still a friend of Civil Service. Charles McClain made a motion and Gilbert Sambolin seconded the motion to contribute \$250. toward State Senator Diane J Savino's birthday party. There was a headcount to make sure that there were 20 people present. There were 41 members present. A vote was taken. The vote passed.

Robert Ajaye explained that if DOI ever calls you, DOI has a right to question you. If a member needs representation call the office. If you are arrested, let your Agency know and you are entitled to a lawyer.

Robert Ajaye asked Mike Lanni, 1st Vice President to report on the bedbug situation at HRA. Brother Lanni reported that there was going to be a meeting with HRA management on September 21 on the chemical treatment for treatment for bedbugs on the 15th floor of 15 MetroTech, Brooklyn, in 16 cubicles. Brother Olmstead said the way they are going about it does not make sense to him.

Robert Ajaye, President, asked if everybody had seen the t-shirts. He showed the Local 2627 t-shirt that had been purchased to distribute to members attending the Labor Day Parade event. "We do IT" are the words on the back of the t-shirt. Twenty-eight people marched and wore the t-shirts. The only way we can give to people who didn't attend is by charging \$15. per t-shirt, to go back into the local's treasury, for next year. There was discussion. Artie Kellam explained that members had asked about purchasing t-shirts. Robert Ajaye said it might be sold at cost. Gilbert Sambolin suggested auctioning 5 t-shirts at the end of a meeting so people will stay at the meetings. Robert Ajaye suggested the cost be pro-rated on the size. Argie Kellam asked how many people would be interested in wearing the t-shirt on Solidarity Day. Julie Liebowitz said members of other locals made little jackets out of their t-shirt.

Vincent Thompson, DOE, Computer Service Technician asked about job description for the title and duties actually performed. Robert Ajaye said he needed to talk to his Shop Steward.

A member asked about jobs that were being phased out. Robert Ajaye asked what jobs. He explained that Housing Authority has been cooperative in placing Operations people. He said Operations people should be looking into other skill sets. The print pool areas are shrinking. Judy Briggs, Secretary, said they are going paperless. Robert Ajaye, President, said people should call the office to see what can be done individually.

Old Business

Gilbert Sambolin asked about buying jackets like President Ajaye is wearing for the Shop Stewards. President Ajaye said his jacket was given to him by Jim Wilkinson, former 1st Vice President. He said jackets are something the membership would be willing to pay for. Julie Liebowitz explained that there was a water repellent jacket purchased by the Local 983 for their members for about \$25. She will get the information to the Local 2627 office. Mitchell Goldberg explained that no one forced Shop Stewards to be Shop Stewards. He asked how a jacket would benefit the Shop Stewards or the members. Robert Ajaye explained that Local 2627 Shop Stewards are not paid.

New Business

Gilbert Sambolin explained that various members have passed away before retirement. He said if people are postponing retirement, he suggested people think about what we are doing this for, for a better life in retirement. He said retirement is an option for Local 2627 members.

Michael Lanni explained there is an Italian Heritage Dinner Dance, October 22, beginning at 1 p.m. at Russo's on the Bay. The Local will pay half of a ticket. You need to pay for any person you bring. A ticket costs \$85. Half of the price of the ticket for a member is the standard that the Local has always paid.

Good & Welfare

The following members received good and welfare:

Sam Isaac (ACS)	Sam's wife had a baby.
Brett Kock (DC37)	Brett Koch's stepdaughter Charlene Jones
Joy Azrolan (DOP)	Joy's mother is ill.
John Shea (HRA)	He had a medical operation.
Mark Shoenfeld (HRA)	Their stepfather passed away.
Hal Shoenfeld (HRA)	Their stepfather passed away.
Sharon Daniels-Bonets (HRA)	She is out sick.
Olga Zimlin (HRA)	Member is ill.
Sandra Hilton (HRA)	Sandra had knee surgery.
Badar Chaudhry (HRA)	Badar's wife had a baby.
Natalia Posternak (NYCHA)	She had a death in her family.
Isabelle Lewis (NYCHA)	Isabelle's father passed away.

Robert Fishburne made a motion to adjourn the meeting. Laura Pirtle seconded the motion. A vote was taken. The vote passed.

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Judy Briggs
Local 2627, Secretary

Attachments:

Due Process for Provisionals Memorandum

Supreme Court Article 78 Petition Compelling Civil Service Exams for L 2627:

Withdrawal of Petition

Treasurer's Report, April, May, June, July 2011; 6 month Period January – June 30, 2011.

Memorandum

To: Robert Ajaye
From: Dena Klein DK
Date: September 16, 2011
Re: Supreme Court Article 78 Petition Compelling Civil Service Exams For L. 2627 Titles, Status: Withdrawal of Petition

Enclosed please find a copy of the letter from the Legal Department concerning the withdrawal of the above-referenced New York County Supreme Court litigation. In addition, enclosed please find a copy of Section § 65 of the New York State Civil Service Law which contains the legislation barring the Union from filing a lawsuit against the City in order to compel it to administer civil service examinations for competitive titles with provisional employees.

Feel free to contact me with any questions at x1450.

Very truly yours,

M.J. O'Connell
General Counsel

cc: M.J. O'Connell

Memo

To: Affected Local Presidents
Division Directors

From: Evelyn Seinfeld *ES*

Date: August 30, 2011

Re: Due Process for Provisionals

Attached is the Due Process Agreement for Provisionals who have served for two or more years in a same or similar title in the same agency. Such employees are eligible for due process as long as there is no active eligible list for the title. This agreement follows the language of the previous Due Process Agreement that was in effect before the Long Beach decision.

Since this Agreement only covers mayoral agencies, this will require negotiations with HHC on a similar agreement.

Regarding pending cases, please follow-up with Legal.

Enclosure

Cc: Lillian Roberts
Oliver Gray
Henry Garrido
Barbara Ingram-Edmonds
Mary O'Connell
Robin Roach
Steve Sykes