

STATE OF NEW YORK
ADMINISTRATIVE, INSTITUTIONAL AND
OPERATIONAL SERVICES UNITS

In the Matter of the Arbitration by and between

CSEA, LOCAL 1000, AFSCME AFL-CIO,
Union,

**CONSENT
AWARD**

-and-

STATE OF NEW YORK,
(Department of Environmental Conservation),
Employer.

Grievance: Class Action-Follett et al.
OER File Nos. 2009-03-0315 & 2009-02-0462

BEFORE: Jeffrey M. Selchick, Esq.
Master Arbitrator

APPEARANCES:

For Civil Service Employees Association, Inc.
Ross D. Hanna, Director of Contract Administration

For State of New York, Department of Environmental Conservation
John V. Currier, Governor's Office of Employee Relations
Deputy Director for Contract Negotiations and Administration

In accordance with the parties Collective Bargaining Agreements (Joint Exhibit 1) (hereinafter, "Union" and "State"), the undersigned serves as Master Arbitrator for all contract disputes. Pursuant to Article 34 of the Agreements, Triage review was held by the Master Arbitrator on September 3 and 17, October 8, 22 and 29, 2010.

After receipt of relevant exhibits and documents, and understanding the uncertainties of litigation, the parties engaged in settlement discussions, and at the direction of the Master Arbitrator, final resolution of the instant Class Action grievances shall be as follows, in the form of this Consent Award:

1. The provisions of the 2007-2011 State/CSEA Agreements, as expressed in the Side Letter dated January 4, 2008 regarding Article 7, Treatment of Employees Moving from NS Positions to Salary Graded Positions, shall be amended effective November 1, 2010, to provide that employees represented by the Union in non-statutory positions who moved to a graded position in any bargaining unit on or after April 1, 2003, who have service in a NS annual or hourly position in the titles of: Calculation Clerk 1, Cleaner, Clerk 1 and 2, Cook, Data Entry Machine Operator, Food Service Worker 1 and 2, Janitor, Key Board Specialist 1, Mail and Supply Clerk, Maintenance Assistant, Maintenance Assistant Mechanic, Maintenance Assistant Parks, Painter, Photographer 1 and Principal Clerk, shall be credited for that service as if such service was at least equal to the hiring rate of the graded position for those respective titles.

2. The Master Arbitrator shall retain jurisdiction to resolve any and all disputes regarding the implementation of this Consent Award.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

I, Jeffrey M. Selchick, do hereby affirm upon my oath as Master Arbitrator that I am the individual described in and who executed this Instrument, which is a Consent Award.


JEFFREY M. SELCHICK, ESQ.
MASTER ARBITRATOR

DATED: November 1, 2010
Albany, New York