N
Y
S
OMCE

THE ORGANIZATION OF NYS
MANAGEMENT CONFIDENTIAL EMPLOYEES

An Affiliate of OPEIU Local 153, AFL-CIO

5 PINE WEST PLAZA • SUITE 513 • ALBANY, NEW YORK 12205-5587
TELEPHONE: (518) 456-5241 ~ 1-800-828-OMCE ~ Fax: (518) 456-3838

OMCE Testimony
Joint Legislative Budget Hearing on Workforce Development
February 5, 2020

OMCE testimony this year focuses on gaining support for our Retiree Parity bill A2462/S4079 and discussion of those items in the Governor's Executive Budget that we find most objectionable as well as long standing workplace issues that remain unresolved.

OMCE Supports:

Enactment of A2462/S4079 Retiree Parity Bill Executive Budget PPGG Section W continuing to protect and support unions.

OMCE Opposes:

Elimination of Medicare IRMAA Part B reimbursement, PPGG Section S.

Implementation of Differential Health Insurance reimbursement, PPGG Section V.

Proposal to cap Medicare Part B reimbursement, PPGG Section U.

Support for A2462/S4079:

In 2018 M/C employees still on the payroll received the last 1% of the 7% salary increases withheld in 2009 & 2010, 2% increases had been paid in 2015, 2016, and 2017. Legislative support of providing some measure of fairness to M/C employees is much appreciated.

While M/C employees who were still working received the 7% payment, M/C's who retired between 2009 and 2017 have received none or only a portion of the 7% salary increase that was withheld in 2009 and 2010, depending on the timing of their retirement.

We believe these retirees have been treated unfairly and over the years we have presented a number of different proposals to provide them some relief. Last year our parity proposal was well on its way to passage in both houses when it was stopped in the assembly after it passed in the senate.

This year we resubmit our proposal:

1) Each M/C retiree whose 2009 & 2010 salary increase was withheld shall receive a $70 dollar per month rebate for every month of withholdings from April 1, 2009 until the date of retirement or 3/31/2015, not to exceed $5000 – **OR** –
2) Any M/C retiree who retired between April 1, 2015 & June 30, 2017 whose salary increase for 2009 & 2010 was withheld shall receive $5000 less any parity salary increases received during the specified time period.

The Comptroller shall certify to the NYS DOB a listing of all such retirees deemed eligible. This would be a one-time only payment not a continuing expense.

We estimate less than a $8 million cost by which retirees would get only a small portion of the dollar amount they lost. It is The Right Thing To Do -and – would provide them some recognition of their forced sacrifice.

This year we submitted our proposal to GOER & DOB for inclusion in the Executive Budget – but it was not included. The bills have been introduced as A2462/S4079 and S4079 is in the finance committee.

Since October 2019 we have had discussions with the fiscal, Government Employees & Civil Service & Pensions committees and other assembly members on this proposal and **look** for your support. We hope that the Senate & Assembly will champion this bill and will include this proposal in your one house budgets.

PPGG Section W - Continuing to Protect and Strengthen Unions:

OMCE supports these provisions and believes they also need to be extended to cover management/confidential employees and OMCE as their recognized representative.

OMCE has for many years received information on new, or transferred or promoted, M/C employees but has not been provided with the personal information e.g. home addresses, referenced in this part. Recently we have had resistance from Civil Service Department Counsel to providing us any of this information claiming that OMCE is not an employee organization that represents a bargaining unit. Note that OMCE has been the sole representative for the M/C employees for 44 years.

Some agencies/facilities request OMCE participation in their orientation programs when they have new M/C employees, and some agencies/facilities request that OMCE provide our materials that they will give to new M/C's at their orientation session.

OMCE communicates regularly with the Governor's Office, Governor's Office of Employee Relations, Division of the Budget, Civil Service Department and Commission and State agencies on workforce issues, programs and services, disciplinary procedures and is the officially recognized representative of M/C employees in disciplinary procedures.

It is time to formalize OMCE's position as the M/C employees representative organization and fulfill that long ago promise made to them by then Governor Rockefeller at the creation of the M/C class, "You will be treated no less well than other employees.

The Executive Budget Proposals on Retiree Health Insurance:

This year again the governor is proposing several measures that would negatively impact M/C retirees along with other state retirees.

These proposals are:

- Implement Differential Health Care Premium Contributions for new civilian hires at retirement based on years of service (PPGG Part V).
- Eliminate Taxpayer Subsidy for the Medicare Part B Income Related Monthly Adjustment Amounts (IRMAA) for High Income State Retirees (PPGG Part S).
- Maintain Reimbursement of the Medicare Part B Standard Premium for State Retirees at Current Levels (PPGG Part U).

We opposed these proposals last year and the Legislature rejected them. We oppose the proposals this year and urge you to again reject them.

Medicare Part B Reimbursement Cap (Section U– PPGG)

The Governor's proposal seeks to ***cap*** state reimbursement for Medicare Part B eligible retirees and their dependents effective April 1, 2020 at $144.60 per month.

In future years any increases in premiums would not be automatically reimbursed but would be subject to budget negotiations which would put reimbursement of the increases in jeopardy. The Governor's proposal estimates that the Medicare Part B Cap would reduce the State's Other Postemployment Benefits (OPEB) liability by $2.2 M in FY 2021 & $11.8 M in FY 2022.

Income Related Medicare Adjustment Amounts (IRMAA) Reimbursement (Section S – PPGG):

The Governor's proposal would amend Section 167-a of the Civil Service Law to cease reimbursement of additional Income Related Medicare Adjustment Amount premiums paid by higher-income retirees retroactive to January 1, 2020.

To minimize employee health benefit costs, the State requires all retirees participating in the NYSHIP to enroll in Medicare Part B upon turning age 65. After enrolling in Medicare Part B, the federal government requires enrollees to pay a monthly premium ($144.60 –2020 maximum). State retirees pay this monthly premium to the federal government (typically taken as a Social Security check deduction) but are later reimbursed the full amount by the state as a credit in their monthly pension allowance.

In 2007, the federal government implemented an additional income-related Part B premium requiring higher income enrollees to pay higher monthly premiums. These higher monthly premiums are called Income Related Medicare Adjustment Amounts (IRMAA).

Under the current law, the State also fully reimburses affected retirees if they are required to pay the additional IRMAA premiums. Under the Governor's proposal, state reimbursement of IRMAA would be eliminated effective January 1, 2020 and retirees paying the IRMAA would no longer be reimbursed.

(Appellate Court ruled against this in 2006 when non-payment of the surcharge was administratively attempted).

The Governor's proposal estimates that elimination of IRMAA reimbursement would reduce the State's OPEB (Other than Payroll Employee Benefits) liability by $3.7 M in FY 2021 and $15.7 M in FY 2022.

NYSHIP Retiree Health Insurance Premium Differential – Section V– PPGG:

Under current law, the state reimburses retirees for their NYSHIP Health Insurance costs after 10 years of service and NYSHIP participation. For state retirees with at least 10 years of service at grade 10 or higher, the state pays 84% of the cost of Individual Coverage and 69% of the cost of Dependent Coverage – the retiree pays 16% and 31% respectively. For state retirees with at least 10 years of service at grade 9 or lower, the state pays 88% of the cost of Individual Coverage and 73% of the cost of Dependent Coverage – the retiree pays 12% and 27% respectively.

The Governor's proposal seeks to establish a graduated health insurance reimbursement system for **civilian state employees hired on/after 10/01/2020** whereby retirees would contribute a greater share toward health insurance costs. The Governor's proposal **does not** apply to members of the NYS Local Police and Fire Retirement System, members of the uniformed personnel in the Department of Corrections and Community Supervision, and/or a state employee who is determined to have retired with a disability retirement.

The Governor's proposal estimates the graduated reimbursement system will reduce the state's OPEB liability by about 4% in the future.

(The current formula used to convert accumulated sick leave into an employee retirement health insurance fund already addresses this issue of parity and equity. The fewer years worked means fewer years you have to accrue unused sick days. Additional adverse impact is felt by those designated MC since they only earn 8 sick days per year and are further disadvantaged since it takes them 38% longer to accrue unused sick days). This is part of the reasoning behind our proposal to implement a one-time opt out for the IPP program – we believe it is singularly unfair to treat M/C employees inequitably.

Civil Service & Workforce Issues:

The Governor's discussion of the state workforce is spare focusing on workforce increases in some agencies and decreases in others, e.g. DOCCS, improving government efficiency – the state workforce under Executive control has declined since Governor Cuomo took office as agencies "streamline operations and enhance efficiencies". Improving productivity and efficiency is positive and important but no mention is made of caring for employees and providing those employees with the resources and support services they need. While we hear about workforce reductions from our members who are required to manage with insufficient resources, the composition of the workforce – specifically the M/C workforce has changed.

The Department of Civil Service is charged with carrying out and ensuring compliance with the constitutional and statutory requirements for a merit civil service system. Unfortunately, the department allows too many Executive Agency requests for exempt classification so that the constitutional requirements of merit and fitness seem to go by the wayside or are considered optional. The Department needs to be staffed and tasked to carry out its responsibilities. The administration of the Merit System needs to be taken seriously and needs closer oversight.

This trend of diminishing the competitive class management group bodes ill for the future of the state workforce and ensuring that the public is well served. Adherence to professional and ethical standards, continuity of service, training, competence and institutional knowledge, and loyalty to the public service rather than to the elected official of the day is the right prescription for how to effectively manage.

Information just received from the Civil Service Department provides an example of this disturbing trend. While it is a snapshot of one facet of the M/C workforce it is indicative of a larger problem.

Management Confidential Hires:

Jurisdictional Classification	CY 2018	CY 2019
Competitive	109	95
Non-Competitive	193	173
Exempt	358	397
Unclassified	7	21
	667	**686**

Agencies justify exempt classification by using phrases such as:

- "Exempt jurisdictional classification is needed for the Special Assistant due to the fact that the incumbent will report to the Executive Deputy Commissioner or designee and must maintain a high degree of diplomacy and discretion to guarantee the confidentiality of sensitive information". This describes why the position should be M/C but does not justify exempt classification.
- "Placement of the requested position in the exempt jurisdictional class is appropriate due to the confidential and sensitive nature of the duties associated with investigations of violations and enforcement proceedings" – this again justifies placement in the M/C category but not justification for no examination.
- "Placement of the position outside of the competitive class will assist the department in considering candidates from diverse backgrounds who could be able to successfully perform the duties". Are we to believe that diverse candidates would not be identified through the competitive class route?
- "We believe it is impractical to test for the requirements necessary for successful performance in this position. The incumbents must have strong technical (testable), effective communication skills (testable), the character and personality traits necessary to properly handle the tasks and information, and they must be supportive of the overall goals, objectives and policies of the Commissioner of our agency. In view of this, it is essential that the Commissioner have the flexibility necessary to appoint candidates in whom he can have full faith and confidence".

What a sad commentary that state agencies and the civil service department actively engage in avoiding the constitutional requirements for employee selection and use the "diversify our workforce" and " need for flexibility" as "legitimate" criteria for avoiding competitive selection processes.

Rarely do these kinds of requests get rejected by the Civil Service Department and the CSD itself has used the same reasoning for staffing that agency.

While the Governor and his administration tout streamlining operations and enhancing efficiencies the effects are not always positive – e.g. the reorganization and centralization of human resources, finance and ITS functions into the Business Service Center so agencies can focus on their program missions, we get many questions from employees on issues that the Business Services Center should be able to answer but doesn't. Further, human resources staff in many agencies are poorly or untrained and employees do not trust that the information they receive from their agency HR offices or the Business Service Center is correct. We also answer many questions that should be and are directed to the Civil Service Department and are referred by Civil Service staff to OMCE.

Succession Planning:

In most state agencies there has been limited succession planning for the training and replacement of those in critical M/C positions. Couple that with a reticence by union represented employees to accept M/C positions given the history of compensation woes and we have a "Pipeline" to M/C positions that is broken. This is complicated by the demographic fact that those union represented employees eligible for advancement are nearly the same age as those in the M/C positions and even if they don't plan to retire soon see no advantage to accepting a M/C position.

Our review of the Civil Service Department workforce management report provides a concerning view of the state workforce as of January 2019 (Latest Available).

Jurisdictional Class	Percent Workforce	M/C's Percent
	100%	6.5%
Competitive Class	79.4%	53%
Noncompetitive Class	19.6%	14.8%
Exempt	2.1%	29%
Labor	3.7%	
Other	0.2%	

This comparison clearly shows that the M/C class is being populated by employees whose fitness has not been determined by competitive examination and/or where no minimum training and experience requirements are established. The determination that it is not practicable to determine merit & fitness of applicants by competitive examination appears to be based on understaffing and a lack of interest in developing and/or implementing effective screening and evaluation tools coupled with an attitude that, despite what the governor says about protecting public employees, is particularly uncaring about treating career public servants with dignity, respect and acknowledging their value in serving the public.

As indicated in the 2019 CS Workforce Management Report, pages 9 & 11, (Attachment A), there remains little incentive to give up bargaining unit security and raises to accept a M/C position where increased responsibilities have been coupled with an artificially diminished pay schedule. It is repetitive but bears repeating-the system is broken....broken....broken.

The Report further states: The high average age (36) of new hires and salary compression issues in the M/C portion of the workforce could cause a shortage of future managers to fill state positions. We contend that a serious review of the salary inequities and action to fix those inequities is long overdue.

IPP-Income Protection Plan:

The M/C Income Protection Plan (IPP), begun in January of 1986 is mandated by the New York State Department of Civil Service to eligible management confidential-designated executive branch New York State employees working on at least a half time basis. This benefit program offers both short (< 6 months @ 50% of salary) and long term (> 6 months at 60% of salary) disability at no cost (actually the cost of 5 days of sick leave lost to the employee). This taxable coverage is underwritten through MetLife. M/C employees earn 8 days of sick leave per year rather than the 13 sick days of most State employees. The IPP is also the carrier of the M/C Family Leave coverage. We believe the State's investment in this program needs increased scrutiny and oversight. Most M/C employees never need the short/long term disability coverage & would like to be accruing 13 days of sick leave per year.

We have urged before and urge again that M/C's be allowed to "opt-out" of IPP coverage and be restored to full 13 days of annual sick leave. There are M/C's who feel the IPP works for them and those who want out. To be ill and trying to survive on the IPP income that comes late or not at all is NOT a promise kept. The IPP is not fulfilling the promise made to the M/C employees.

Several of the other issues of concern, e.g need for longevity steps for M/C employees' grade 18 and above, re-instituting a vacation buy back program and establishing a salary schedule that will address long standing salary inequities are outlined in attachment B.

Attachments:

A. 2019 NYS Workforce Management Report M/C Employees pages 9&11
B. OMCE Letter to DOB & GOER re: M/C Budget & Workforce Program Initiative
C. OMCE Fact Sheet

ATTACHMENT A

Managerial/Confidential (M/C) Employees

Managerial/Confidential (M/C) employees are not represented by a union and are found at all levels of the workforce—from Salary Grade 6 to M-8. Positions are designated Managerial if they: participate in the formulation of policy, participate in collective bargaining negotiations, or have a major role in the administration of negotiated agreements or personnel administration. Confidential designation applies only to those working in a confidential capacity to managerial individuals in personnel or labor relations, but not to those who formulate policy.

Key facts about the M/C workforce:

- 10,192 M/C employees represent 6.5% of the State workforce.

Of those in the retirement system (9,442):
- 55% are 50 or older;
- 36% are 55 or older;
- 14% are 61 (the average retirement age) or older, and
- 31% will be eligible to retire (with full benefits) in five years.

The Management Cohort:

The most crucial employees in the M/C cohort are the 4,161 senior career managers in State service who serve in Salary Grades M-1 through M-8. The average age of the State's managers at the M-1 through M-8 levels is 54, and these managers have, on average, 23 years of service. This group of employees is eight years older than the average State employee. In addition, the group behind them (SG 18-23), which would normally be expected to take their place, has an average age of 48.

While it is impossible to predict with certainty when a given employee will retire, when looking at the workforce as a whole, age and length of service are reliable predictors. At age 55 with 30 years of service, employees are eligible to retire without penalty. In addition, the average age at which employees retire is 61. Because the average length of service at retirement is less than 30 years, age alone can be a relatively accurate predictor of retirement.

The M-1 through M-8 group has 3,818 employees in the retirement system:

- 776 are managers who are already 55 or older with 30 or more years of service.
- 496 are managers who are between 50 and 54 with 25 or more years of service.
- 1,609 managers, or 42% of the M-1 through M-8 workforce, will be eligible to retire within the next five years.
- 587 of the managers are 61 years of age or older. They represent 15% of the M-1 through M-8 workforce in the retirement system.

ATTACHMENT A

The Manager Pipeline

The average age and length of service of the managerial cohort are slightly higher than those of the State workforce in general. This is not unexpected because it takes time and experience to ascend through the management ranks. Typically, there is a "second" employee working behind those in the managerial levels preparing to move up the career ladder. However, as the baby boomer generation continues to exit the workforce, this is no longer the case in New York State government.

MC Employees by Salary Grade
Average Age and Length of Service (LOS)
as of January 2019

SG	Number of Employees	Average Age	Average Length of Service
06	13	47.75	17.25
09	31	46.46	12.69
10	1	32.40	13.58
11	184	49.47	17.25
12	4	45.15	10.88
13	54	50.88	17.29
14	102	49.32	16.74
15	462	52.85	23.61
16	14	53.49	18.94
17	19	52.42	24.11
18	887	42.78	11.74
20	21	51.80	15.40
21	47	50.22	22.70
22	9	46.80	10.67
23	785	49.68	20.18
61	1,110	50.72	20.30
62	668	50.80	21.22
63	845	52.94	23.63
64	795	53.48	23.85
65	323	54.74	25.07
66	198	55.14	25.19
67	36	54.83	21.66
68	186	58.27	19.66
NS	3,217	47.63	11.74
OS	181	59.04	16.17
Total	**10,192**	**49.94**	**17.63**

*Non-Statutory (NS): Counts of employees in NS Trainee positions are reported in the salary grade of the associated journey level title.

** Other Statutory (OS): Most of the reported OS positions are in the Unclassified Service or are Superintendents of Correctional Facilities.

Lower level staff in titles allocated to Grade 18-23, designated M/C or Professional Scientific & Technical (represented by the Public Employees Federation), constitute the largest pool of candidates for the M-1 through M-8 positions. While not all employees are eligible for promotion to a given position because of specific minimum qualifications, this is the main candidate pool from which vacant managerial positions will be filled. Even assuming a decrease in the total number of managers classified in each agency, there is still a very real shortage of candidates for management positions within New York State government.

The average age of those in M/C grades 18 to 23 is 48. Accordingly, the average age of those who would be expected to move up into managerial positions is very close to the age of those they would succeed. Given that employees usually advance one M grade at a time, it would seem that those not yet in the M grades may not have time to advance beyond the lower M grades before they too are retirement eligible.

In addition, there may not be enough employees in the lower management levels to take over for those leaving at the higher levels. For example, 845 workers are at the M-3 level with an average age of 53. Similarly, 668 employees are at the M-2 level, with an average age of 51.

The high average age (36) of new hires and M/C employees could cause a shortage of future managers to fill State positions.

ATTACHMENT B

NYS OMCE

THE ORGANIZATION OF NYS
MANAGEMENT CONFIDENTIAL EMPLOYEES

An Affiliate of OPEIU Local 153, AFL-CIO

5 PINE WEST PLAZA • SUITE 513 • ALBANY, NEW YORK 12205-5587
TELEPHONE: (518) 456-5241 ~ 1-800-828-OMCE ~ Fax: (518) 456-3838

September 26, 2019

Mr. Michael Volforte
Director
Governor's Office of Employee Relations
Building 2, Empire State Plaza
Albany, New York 12223

Mr. Robert Mujica
Director
Division of the Budget
State Capital Building
Albany, New York 12210

Gentlemen:

As you prepare the agency call letter for the 2020-2021 Executive Budget, we wish to share those issues pertinent to the State's MC employees that we feel need to be addressed in the upcoming Executive Budget submission.

1. Retiree Parity Payments
   We are pleased that working together we were able to restore the 2009 and 2010 withheld 7% general salary increases to most eligible MC employees. Yet there are still MCs now retired who did not receive any or minimal restoration of that pay.

   We had legislation introduced in 2018 and again in 2019 that provides a minimum restitution of $70 per each month the retiree worked without receipt of the 2009-2010 withheld 7% with a maximum payment of $5,000. In each year the Senate passed the bill, the Assembly has not yet. Attached is S4079/A2462 which we urge the Governor to adopt into his budget to finally end this chapter of employee/retiree financial disparity.

2. Creation of Longevity Steps for MC Employees grade 18 and above
   Every year the Civil Service Workforce Report clearly demonstrates the salary compression between the MC employees and their subordinates. Short of a complete restructuring of the salary grade structure, one way to relieve some of the salary compression pressure would be to allow longevity increases for MCs grade 18 and above when they have reached 5, 10 or 15 years at the top step for their graded or NS equated to grade position. As the Civil Service reports indicate there is little financial advantage for someone to leave their union represented position to become an MC employee.

   We acknowledge the one positive step this year in response to our previous letter, in providing for a 15-year longevity payment for grade 17 and below eligibles to be implemented effective April 1, 2020. However, the larger issue of MC employees at grade 18 and above is yet to be addressed.

   We again propose that a $1500 longevity payment be implemented at the 5, 10 (total $3000) and 15 (total $4500) year thresholds after one has achieved job rate for all MCs at grade 18 and above including M grades.

3. Reestablish Vacation Exchange Program
One of the state's most successful programs offered in prior years has been the Vacation Exchange Program. We propose that the program be reinstituted allowing MC employees the opportunity to cash in up to 10 days of accumulated annual leave. Participation would be limited to those employees that have at least 30 vacation days accrued at the time of application.

We believe this could be considered a productivity bonus as well. Since yielding these vacation days the MC workforce would be on the job for those additional days. It is well-known that some/many employees upon separating from state service "burn" their time prior to separation. This is counterproductive for both productivity and morale since not all are given that opportunity.

4. Succession Planning
We propose a Succession Planning Initiative similar to that used by the federal government the last five years. Attached is the document that we have shared in the past that explains how we think a program of planning and mentorship can benefit both the state and the retirees. We believe a succession planning initiative such as this will drive a new era in planning for future needs. We also are supporting the legislation to increase the retiree earnings cap from $30,000 to $35,000 as we believe these retirees who return to state service can play an integral role in effective succession planning.

5. Creating an "Opt Out" for the Income Protection Plan (IPP)
The Income Protection Plan (IPP) works for some MCs but for others it has little value. It takes an IPP participant almost 40% longer to accrue sick leave to be used when they are ill and as part of the formula for retiree health insurance benefits. In some cases this results in ill employees forcing themselves to go to work when they shouldn't. Creating an option where individuals get the opportunity to opt out would be fair to both the state and the employees. Employees would be able to sooner maximize their sick time for use in computing their own and the state's cost for their retiree health insurance. On the other side there should be no financial increase in state costs since the state's share of retiree health insurance being paid sooner is offset by not paying salary, retirement and other salary-based expenses as one hangs on to maximize accruals. A thorough review of this program is in order.

6. General Salary Increase
We know there is a planned 2% general salary increase scheduled for April 1, 2020 for MCs and other state employees. An annual 2% across the board increase will keep the Management Confidential workforce at a level avoiding worse salary compression with those they supervise than currently exists but does not address long existing salary inequities. We are looking beyond 2020 in the hopes that all M/Cs will receive salary increases that will once again recognize and reflect their leadership roles in NYS government. However, if the 2% remains the standard; longevity payments, vacation buyback and other benefits must be considered enhancements.

Thank you for your attention to these issues and we look forward to discussing them with you.

Sincerely,

Barbara Zaron
Barbara Zaron
President

Raymond LaMarco
Raymond LaMarco
Executive Director

BZ:bz

ATTACHMENT C

NYS OMCE NEWS NETWORK

Facts for Filing

July 2016

OMCE, OMCE, WHAT IS AN OMCE?

What is an OMCE? That is a question that is still frequently asked by Managerial/Confidential (M/C) and other State employees. The answer is at the same time both simple and complex.

OMCE, the Organization of New York State Management/Confidential Employees, Inc., is the only organization that represents, and advocates for the managerial and confidential employees of the State of New York. While technically not a union, it is the closest organization to a union that M/C employees can belong to without violating the Taylor Law. The Taylor Law, which is actually incorporated in the State Civil Service Law, prohibits managerial and confidential employees from organizing for collective bargaining purposes. In 1999, to strengthen its voice and collective action, OMCE affiliated with OPEIU Local 153 (Office and Professional Employees International Union, AFL-CIO).

OMCE was organized in 1976 by a group of competitive class M/C employees who challenged Governor Carey's promulgation of Executive Order 10.1 which required filing financial disclosure forms. OMCE won this lawsuit, known as Rapp v. Carey, when the Court of Appeals issued its decision that the Governor had exceeded his authority by requiring competitive class civil service employees to file financial disclosure forms. Legislation was subsequently passed requiring such financial disclosure.

The aims and purposes for which OMCE was organized years ago remain relevant and important today. These purposes include:

- Fostering a sense of identity and unity of purpose;
- Serving as an advocate for the needs, interests and ideals of the membership;
- Promoting effective, responsible management of State government;
- Serving as a conduit for information of value to the membership;
- Promoting professional development and career mobility for M/C employees;
- Providing a forum for consideration of issues of concern to the membership;
- Establishing lines of communication with all other organizations whose interests and goals are consonant with those of OMCE.

That sounds good, but what does OMCE actually do? OMCE, on behalf of its members and other M/C employees, does the following:

1. Develops and advocates changes in legislation, such as the M/C pay bill, changes in Civil Service Law, and retirement and pension benefits;

2. Represents members at agency and IG interrogations and investigations

3. Represents and defends members at disciplinary hearings conducted in accordance with Civil Service Law Section 75;

4. Enforces employees' rights in the courts when adverse personnel actions occur, e.g. arbitrary transfers, disciplinary action, job abolitions, salary withholdings, (e.g. 2006 $25.3M award, Gilligan v. Stone, 7% pay parity payments).
5. Represents members before the Grievance Appeals Board in accordance with Executive Order 42 which outlines the M/C grievance process;
6. Strengthens and supports the constitutionality mandated merit system through appearances before Civil Service Commission;
7. Obtains and provides information in response to individual inquiries or that is applicable to all M/C employees;
8. Develops and advocates changes in existing programs;
9. Advocates for the needs and rights of M/C employees with the Governor's office, Office of Employees Relations, Division of the Budget, other State agencies, the Legislature and other organizations;
10. Supports and enhances legislative activity through political action committee contributions; and,
11. Provides an extensive array of member-only benefits.

These services are provided by our staff, law firm, members and officers of the organization, and, where appropriate, through our affiliation with OPEIU Local 153. While OMCE represents the interests of the approximately 9,500 M/C employees in the Executive Branch and some employees in the Judicial Branch, the specific services outlined above are available primarily for OMCE members. All M/C employees at any level of government in New York State are eligible to join OMCE. An M/C employee is not automatically an OMCE member by virtue of being classified M/C, but must take positive action to join the organization.

OMCE represents M/C employees in a broad spectrum of jobs including secretarial; personnel, budget and fiscal operations, program, bureau and division directors; Chiefs of Service, Treatment Team Leaders, Directors of Rehabilitation, Physical and Occupational Therapy; staffing services and testing staff, just to name a few. About 56% of State M/C employees are in competitive class civil service positions, 13% in non-competitive and about 30% in exempt class positions.

Although prohibited by law from collective bargaining, OMCE communicates frequently with the Governor's office, Governor's Office of Employee Relations, Division of the Budget, the Civil Service Department and Commission, various State agencies, and the Legislature. Issues such as the budget and its implications for the state workforce, especially M/C's, e.g., additional layoffs, reduction in benefits, increased costs for health insurance, raids on the pension system, program and service cuts which destroy our ability to meet the need of the State's citizens, will continue to challenge us in the coming years. OMCE works to protect our members' rights and benefits and to ensure fair and equitable treatment for all M/C employees.