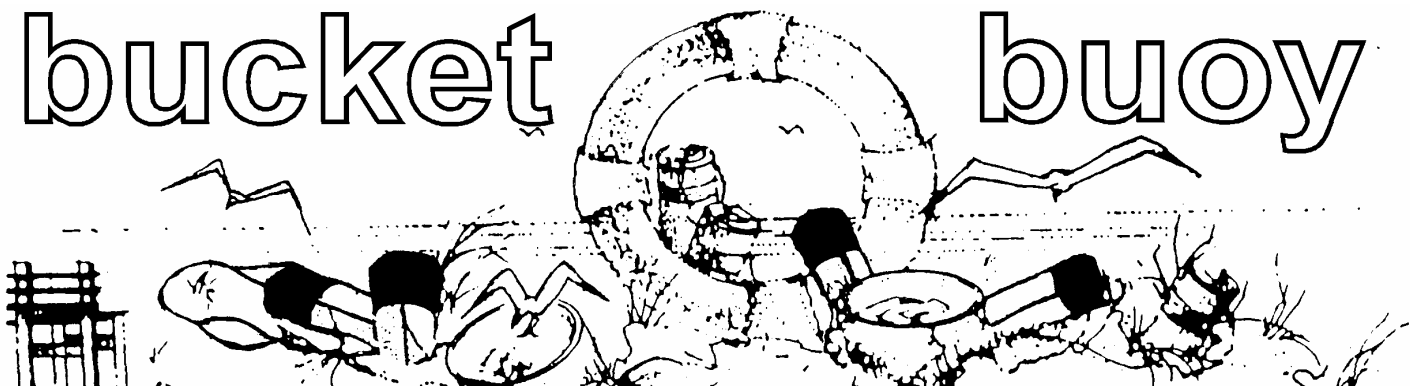


# bucket buoy



Dear Fellow Lifeguards:

June 11, 2006

This Thursday, Chip Gorman received a letter from Keith Zulko, the Vice President of Law Enforcement of NYSCOPBA that told him in the future he is forbidden to deal with any Lifeguard Executive Board member on any Lifeguard issue. He basically was saying that he was totally in charge of all lifeguard issues and that anything we have to say is meaningless.

The letter read as follows: *Mr. Gorman, - After our meeting yesterday at your office in NYS Parks & Recreation Long Island Region I started to receive telephone calls from the Lifeguards at Jones Beach. I need to clarify what was said at this meeting by myself,*

*I stated that the **lifeguards at Jones Beach are not elected NYSCOPBA union officials** at this time and that if you were to meet with them it would have to be on the basis of you meeting with an employee of your agency and not that of as a L/M meeting. You have the right to meet with any of your employees and your employees have right to request to meet with you as long as the meeting is not that of an official union (NYSCOPBA) capacity, but as the employee [sic] having concerns for there [sic] own issues such as safety. At this time none of the lifeguards weather [sic] it be at Jones Beach or at any other State Park are union elected sector stewards. When NYSCOPBA receives the official hired employee list from NYS Parks & Recreation and the lifeguards fill out there [sic] union membership cards, NYSCOPBA will start the election process so that you and the officially elected sector stewards from the Lifeguards at Jones Beach can sit down with you to negotiate Terms & Conditions of our contract.*

*If you should have any further questions please feel free to contact me. - Respectfully, Keith D. Zulko, VP-LE*

What Keith failed to tell Chip in his letter was that even if they in fact receive the "official hired employee list from NYS Parks & Recreation" (which they never seem to have until October) the NYSCOPBA Constitution says that in order to "be eligible to run for and hold office as a sector steward, one must be an active member in continuous good standing for no less than six (6) consecutive months."

Well guess what – on Long Island, which only has Lifeguards during the summer months, that means that there is not one person working on LI that is eligible to be a Steward. Ha, Ha – Thanks for the dues – Fooled you suckers again.

Well, basically that means that we are expected to disband our Executive Board and our Shop Stewards. When you have a problem now you are expected to call NYSCOPBA and they will rush down to help you. Just don't hold your breath.

Of course when we needed them last week when management would not allow some of our members to take the test wasn't NYSCOPBA down here? **Nope, too busy.** How about when management refused our member a third test that we had already negotiated years ago? **Sorry, not available.** How about when four of "The 17" were refused the rehire in time for the draft? **Sorry, don't have the time.** How about when a member was told he had to take the entire test over again even though we negotiated years ago that if you fail the run after passing the swim all you had to do is take the run again? **Hey, Albany's a long way to drive.** How about in last night's draft when the State arbitrarily denied promotional opportunities to member after member citing one petty reason after another? **Hey, the draft is late at night.** How about when the State gave the last rehire before the draft and didn't give it in an indoor pool even though our written agreement calls for an indoor pool if the water temperature is below 68 degrees? **Hey, the rehire is early in the morning.** How about when the State decides to ban the very surfing we have spent years doing and the very surfing we addressed in our negotiations? **Surfing? What is surfing? Isn't that just a California thing?** But how about taking hundreds of thousands of dollars, from lifeguards for "representation"? **Hey, no problem, just call us anytime.**

I think you get the point. The Lifeguard operation is a living breathing dynamic organization. It can't be run by an upstate Safety Officer with no knowledge of Lifeguarding or the ocean. But that is exactly what is proposed. And, of course, the State loves the idea. After all, who would you rather deal with? An upstate Safety Officer who is never around or an Executive Board consisting of professionals with hundreds of years of lifeguarding experience?

Thus the question remains, what are we going to do about this? The good news (in an otherwise bleak week) is that over the years we, down here, have been operating as an association under our own constitution. The name of the association? "**The Jones Beach Lifeguard Corps**"!

Yesterday afternoon the Executive Board and the Shop Stewards met for what NYSCOPBA and the State hoped would be the last meeting of our Union. We voted unanimously to continue our fight for representation and to protect our members' rights in the name of **The Jones Beach Lifeguard Corps.**

Although it was brought up that this may mean we can't meet on the clock, no one was deterred. This is not the first group that tried to destroy the Lifeguard Corps and I am sure it won't be the last. **And here we are, four decades into our organization and still standing!**

What does all of the above mean to the average lifeguard? It means that, for maybe the first time in your lifeguarding career, you will have to stand up and be counted. It means that you will have to be prepared to put forth a united front with your fellow lifeguards to preserve our way of life (and lifeguarding). Ask yourselves, do you want an upstate Safety Officer negotiating when and how often you sit, what you do on your hour down (or half hour or quarter hour down, whatever they negotiate)? Ask yourselves, do you want an upstate Safety Officer negotiating what equipment you use, what safety procedures to follow, who gets promoted and when, who gets disciplined and when etc.?

Standing up and being counted may involve sacrifice. It may involve financial contribution. It may involve spending time working for and lobbying to certain politicians. It may involve being part of lawsuits to protect your rights. And it may involve taking risks that most of you have never been asked to take before.

As one of the Executive Board members put it yesterday at our "last" meeting: "*Most of you have come into this organization without the sweat and sacrifice it took to build it. Most of you never had to fight for an hour up and hour down, wash up, the right to train, the right for some sort of discipline protection, the right of some sort of seniority and the rights that come with a responsive employee organization. Most of you never have had to walk a picket line to protect your jobs or miss out on a summer's pay to protect your brothers. You came here and it was handed to you. Now it is your turn.*"

As of yesterday, the Jones Beach Lifeguard Corps has met with some top labor attorneys to see what action we are going to initiate. Having lived through it, I know that although the State does not respond well to phone calls (I am still waiting for Chip Gorman to call me back from Memorial Day weekend) they respond very quickly to lawsuits and discovery. If they think that that is an easier path to take than dealing with us they have a lot to learn.

As to NYSCOPBA, as of this week we intend to initiate grievances for all of our members harmed by these management actions. NYSCOPBA can either respond or ignore. We are assuming they will take the position that they are the only ones that can initiate grievances. We will then have the opportunity to see what the courts say about that.

Stay tuned – Contrary to what the State and NYSCOPBA might think, the fight isn't over – it's just beginning!



*Matt and the Married Women after a chilly swim*

## THE CHILLY SWIM

Yesterday was the last rehire swim before the draft and a few dozen people showed up to take the test in the WBH Pool. WBH Pool, by nature, is a slower pool for most people and yesterday's howling 20 knot west wind didn't help any.

The first thing I do before any outdoor rehire test is to check the water temperature (Gee, where was NYSCOPBA to take care of that for us?) since our written agreement calls for the test to be moved indoors if the water temperature is less than 68 degrees.

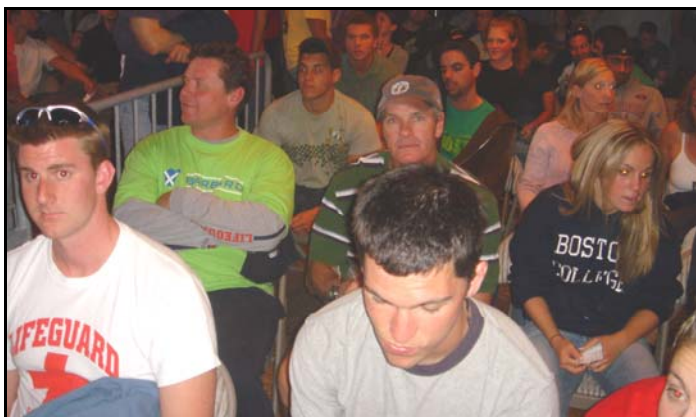
Since we all could see steaming hot water being pumped into the pool it was a "no brainer" to guess that the water temperature was probably colder than what was called. However, when I started inquiring about the temperature the education I got was amazing. Even though the pool has a thermometer that can be dipped into the pool, the way they measure the water temperature of this pool of hundreds of thousands of gallons of water is by taking a cup of water from the pool and bringing to a sink to then put the thermometer into it.

When I asked about this most peculiar way of measuring pool water, I was told that this is "the way they do it." I then asked what their reading was showing them and was told that the water temperature was 68 degrees. Curious, I looked at the thermometer they were using for this measurement and noted that it said 66 degrees. When questioned about this blatant inconsistency, I was told that they have a digital thermometer that reads two degrees higher so they add two degrees on to what the thermometer says. As I walked away scratching my head I ran into Sue, the Park manager. She said that she would get the pool boss to check the temperature again.

I then watched as they checked the pool temperature "their way." The pool manager went over to the area **where the hot water was being pumped in** and dipped the cup in. He then took it back to the pump room and put in the "digital" thermometer. Surprise, surprise – that too read 66 degrees even though it was taken near the hot water flow. I can only imagine what the real temperature was in the rest of the pool.

Much to her credit, Sue didn't give me any doublespeak or other excuses. She admitted the water was cold and the one swimming failure we had will be allowed to take it over. Although I am quick to criticize, I have to note when the right thing is done. Sue did the right thing without any excuses. I have to admit it was very refreshing.

Unfortunately the cold water had an adverse effect on one of our other lifeguards, who because of the cold could not get his legs loose and failed the run by 2 seconds. Grievance to follow.



*Waiting for the ocean openings at last night's draft*



*The applicants and Cary- Still smiling after the ocean swim*

## TAKE NOTICE OF

**Junior Lifeguard Tryouts:** Last tryouts will be this coming Saturday June 17<sup>th</sup> at the WBHP between 8:00 and 10:00 a.m.

**CPR Recertification:** The First CPR Class for those lifeguards whose CPR cards are going to expire shortly is going to be on Tuesday June 13<sup>th</sup> from 7-10 at the West Bathhouse Meeting Room. You MUST bring your \$15 Cash with you to take this!!

**Condolences:** We are sorry to announce the passing of Reggie Jones' wife, Elizabeth and of the passing of Paul Butler's mother, Jane. It is difficult when our friends have to endure the pain of the passing of a loved one. Our sympathy and prayers are with them.

**New Hire:** Today over ninety five lifeguard wannabe's took the new hire test. To you 66 survivors and hirees - Congratulations



*The applicants getting ready for the run in today's New Hire*

## THE COMICS

**Some of Life's One-liners:**

When the chips are down, the buffalo is empty.

Those who live by the sword get shot by those who don't.

Atheism is a non-prophet organization.

He who laughs last, thinks slowest.

Eagles may soar, but weasels don't get sucked into jet engines.

I almost had a psychic girlfriend but she left me before we met

I drive way too fast to worry about cholesterol

I intend to live forever - so far, so good

If Barbie is so popular, why do you have to buy her friends?

Quantum Mechanics: The dreams stuff is made of

Support bacteria - they're the only culture some people have

The only substitute for good manners is fast reflexes.



*Britt and John showing what shades can do for a picture*