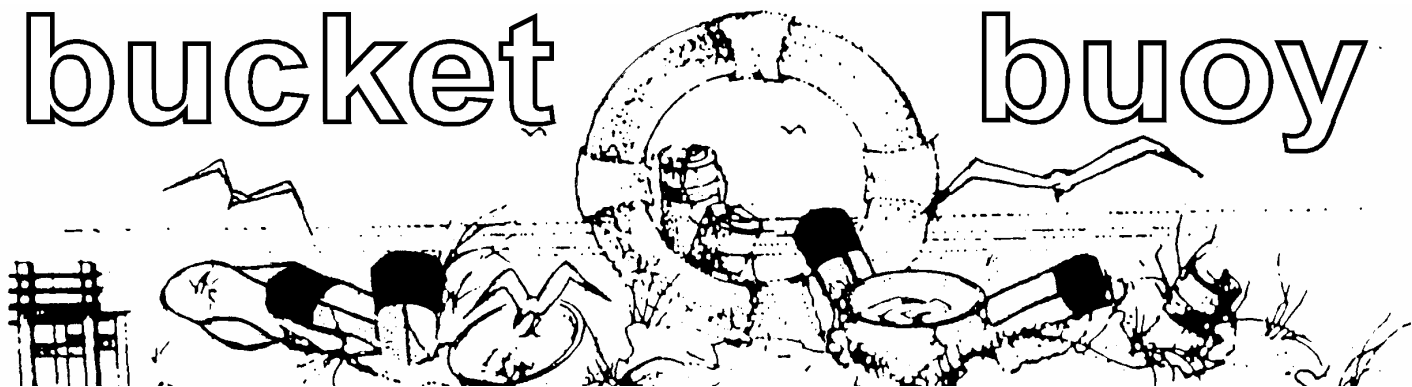


bucket buoy



Dear Fellow Lifeguards:

June 04, 2006

We cannot, by total reliance on law, escape the duty to judge right and wrong.... There are good laws and there are occasionally bad laws, and it conforms to the highest traditions of a free society to offer resistance to bad laws, and to disobey them. ~Alexander Bickel

It is rare that I start my opinion part of the *Bucket and Buoy* with a quote but I felt that in this situation there are others that have said it better than I ever could. One might ask, why talk about civil disobedience in the context of a lifeguard job. Isn't our job, by nature, one where everything is just hunky-dory?

For those not aware of recent developments, last Sunday an edict came down from management that now prohibits private surfboards in the water or in the shacks and basically prohibits surfing in general. Forget the fact that surfing is probably the best exercise that a lifeguard can get, probably the best thing to help him learn about the ocean, probably the safest exercise that lifeguards do while still protecting the public and forget about the fact that more rescues have been done by lifeguards out surfing than any other lifeguard exercise activity.

Let's also forget about the fact that lifeguards surfing on the bar in front, with a leash have virtually no chance of hurting anyone and let's also forget about the fact that surfing has been going on for over 50 years down here. What is important is **that this was a topic of negotiation and the State said that they were going to leave things as they were** and then, after coming to an agreement with the Union, got a hair up their butt during the air show and unilaterally decided to change things they had negotiated without even consulting the Union.

I am amazed at the disdain Chip Gorman and his staff has recently shown towards lifeguards. This was not the only incident this week that shows their animosity. Two of our long time members failed the test at Nassau, one the swim and one the run. It was negotiated that those that fail the swim test at Nassau can take another test in an indoor pool. This right is now arbitrarily being refused that member. (Funny how it always seems to happen to the older guys.)

It was also negotiated that if someone fails the run they can retake it without taking the swim over. That too is being refused. It seems that Chip Gorman's motto is promise them anything but once they need it conveniently forget that you promised it **even if it is in writing** (and of course don't return numerous phone calls.)

Finally, as if it that wasn't insult enough, on Friday we received phone calls from Elaine Bartley, Parks attorney in Albany (who has been the most helpful in this whole issue) to tell us that several more of the 17 had been cleared to take the test (although not to be rehired until their paperwork is checked). This fact was backed up by calls from Kate McKee in Albany and Joanne Wright in Babylon. Since the calls came in late Friday afternoon, lifeguards scrambled to get to Babylon to pickup their rehire packages. However, when they showed up on Saturday morning to take the test the Coordinators refused to let them take it and Steve A. told us that Chip Gorman had told him that the lifeguards were not to take the test.

It makes us miss John Norbeck, who retired this week from Parks, all the more. He was a man of integrity who had no problem sticking to his word.

This brings us full circle to the opening quote. We are under attack and laws are being made that not only hurt us but hurt the public. What is safer for the public; lifeguards in the water or lifeguards somewhere else? The question is, is surfing worth getting in trouble for? Is the protection of the public worth disobeying an asinine rule? **Most importantly; what would happen if we all decided to surf?**

And finally for those that cringe at the very thought of not obeying a rule, remember what Martin Luther King wrote in his 1963 "Letter from a Birmingham Jail". He wrote: "*We should never forget that everything Adolf Hitler did in Germany was 'legal' and everything the Hungarian freedom fighters did in Hungary was 'illegal.'*"



"See Vickie" say Peter, "kids are easy to control. All you need is a shovel and a deep enough hole in the sand."

SHOEGATE 2006

By Steve Levy

Last Sunday (May 28, 2006) was one of the busiest days ever at Jones Beach – a record attendance of 271,000 people came to the beach and spread themselves along the parkways and shores. The distance from east of Field Six to west of Field One – a distance of 4.5 miles, was so thickly compressed with people that at times it resembled the inside of a sardine can.

Early in the afternoon, members of the Executive Board had learned that all Lieutenants and Captains along Jones Beach had called the Park Manager's office asking for more lifeguards. Field One, for instance, was unstaffed by lifeguards yet was thickly packed with beachgoers in the ocean at a time when the ocean was pulling (rip currents in the vernacular).

Despite the fact that the forecast was for a stunningly beautiful day – one in which the State aggressively used radio and print time to implore people to come down to the beach – there was no advanced planning for additional lifeguard staffing in case of very large crowds. Further, during recent negotiations, the State agreed to provide the field Captains with lists of lifeguards to call in case additional wingstands needed to be opened and staffed (the Captains were the ones we agreed would be the ones to call; in fact, we had proposed a wave solution that would have significantly improved the effectiveness of staffing on short notice). In other words, the State and the Coordinators had not only failed to plan for the large crowds and were putting the public in danger but had failed on the commitments agreed to during negotiations.

Bob Adler and I were asked by Roy Lester to run down to the Central Mall – a distance of 1,000 yards (Field 6, East Bathhouse Ocean, Central Mall) – to survey the ocean coverage provided by our lifeguards. What we discovered was a dangerous situation at the first field we passed– East Bathhouse Ocean. The wingstand on the east side was approximately 120 yards from the EBHO mainstand – typically, wingstands are 50 yards apart. This was done to provide the best coverage available to a packed field; it wasn't by the book but the Lieutenant believed that until more lifeguards could be provided, it was the best way to look out for people's safety (and this stand was staffed by a single lifeguard). The west side of the EBHO through to the east side of the CM was as packed as ever with hundreds of bathers in unprotected areas replete with rip currents.

Upon reaching the Central Mall, it was clear that the conditions were the same as far west as the eye could see. The Central Mall lifeguards made it crystal clear that they were stretched beyond their means. Something had to be done.

(over)

Adler and I ran from the ocean front at the CM up to the Administration Building – I even picked up a shirt along the way to wear when speaking with Chip Gorman and Sue Guliani. We asked for them and were told to wait. After approximately 15 minutes we were told that they would not be able to meet with us. At this point we asked to go up and leave a message with Sue’s assistant, Peggy. Peg was kind enough to accommodate us and up we went.

To reach the Park Manager’s office, one must pass the Coordinator’s Office. As we passed the open door, Coordinator Agostinacchio yelled out “Hey guys”. As we began to tell Peg about the unsafe conditions on the beachfront and how the Coordinator’s office was negligent in providing additional lifeguards, Coordinator Agostinacchio brusquely interrupted the conversation, aggressively ordering Peg - three times - to “Call the Park Police” because we, and I swear I am telling the truth now, **were not wearing shoes!** Peg, of course, responded by refusing to call the police.

Soon, Betsy W., Park Manager at Robert Moses intervened, and I relayed the same story as before: Adler and I observed a very dangerous public safety situation, the Coordinator’s had failed to maintain their end of negotiated agreement, and we were there to apprise Park management of the facts. She acknowledged that the Coordinator’s had agreed to provide the Captains with lists to call and they had failed to do so. We apologized to Peggy and Betsy for causing such a “commotion” but public safety, something we hold dear, was compromised by the unprofessional behavior of the Coordinators.

As we were leaving, the Coordinators attempted to provoke us into a confrontation. We ignored them and returned to Field 6. The next day we were told that we were being brought up in insubordination charges. Shoes over safety; go figure.



Trying to sign up to take the rehire swim at WPHP

THE DRAFT & SICK LEAVE

Next week’s Draft will start at 6:30 pm for all positions. The procedure (as I understand it to be) is as follows:
 1st: Medical Leave moves (see procedure below). 2nd: Captain and Lieutenant openings moves are made (at 6:30 pm – NOT 4 pm as erroneously stated.) 3rd: Lifeguards with more than five (5) years wishing to change status (full/part time or part/full time) within a complex can change if an opening exists. If no openings exist they are expected to seek a position at another facility within the draft as below (see 6th). 4th: Current Boat-swains can move to any open Boatswain positions. 5th: New Boatswain positions are filled, only LG II’s will be considered at this time. 6th: Any change of status, full time to part time and part time to full time on any open positions throughout the region. 7th: All LG II’s move according to seniority. 8th: 1 year Outback lifeguards with more than eight (8) years can fill any open positions. 9th: LG I’s move according to seniority. 10th: Outback lifeguards with less than eight (8) years can fill any open positions.

The relevant part of the medical leave is as follows: **Applications for sick leave will be granted in order of experience in grade. These leaves are for one year only, and the lifeguard’s slot on their beach will be protected for that year.**

Other than the procedure in the last paragraph, in the event a leave is granted to an officer, the next highest officer or lifeguard from that field will be offered a temporary position for that year. In order to minimize the effect on the entire lifeguard corps, promotions should only occur at that particular field. All movements thereafter should only be within that field. Finally a lifeguard will be hired to fill the lowest vacancy that has occurred. These promotions are for one year only and the lifeguards will receive compensation for those new positions. The promoted lifeguards will not receive any rating of experience at these new positions. They will receive rating of experience for their original position prior to the temporary promotion. If a lifeguard II is granted a leave their position may be filled by another lifeguard.

Administration will review all promotions and have the final say on said position, but can only deny for cause (negative data). Finally, if a lifeguard already within that rank, who is in line for the vacancy, and is not from that field, wishes that position, the following takes place: The lifeguard is granted that temporary position over anyone else (based on experience), however they forfeit their position on their own beach and can come back the following year in the highest open position they were formally eligible for. Irrespective of the foregoing, if the on leave lifeguard does not come back the following year, the position is not temporary and the temporarily promoted lifeguard from the outside field will then receive a regular promotion to that position.



Part of the Field Six crew at Nassau Pool rehire

TO ELECT & REPLACE

Last year, when Ed Peters resigned as 1st Vice President he was replaced by Bob Adler by way of appointment by the Executive Board. However, the way our Constitution reads, (By-laws – Article III – Section 6(a)) this summer we have to have an election for the position. At this point we would like to get together an election committee to conduct not only that election but also one on possible seniority rule changes.

There also have been questions about a member of the Executive Board that is on medical leave. Our constitution reads that in order to be an Executive Board member you only need to be a “member” who can either be “active” or “inactive.” “Inactive” members are those that have been employed within the last 365 days. (See Constitution - Article III – Section 2) Since someone on “medical leave” would have to fit that criterion, an Executive Board member on “medical leave” does not have to resign their position.

If you are willing to volunteer for the election committee, please contact Roy Lester at Field 6.



Can you believe it - another Nassau rehire photo

THE COMICS

A devoted wife had spent her lifetime taking care of her husband. Now he had been slipping in and out of a coma for several months, yet she stayed by his bedside every single day. When he came to his senses, he motioned for her to come near him.

As she sat by him, he said, "You know what? You have been with me all through the bad times. When I got fired, you were there to support me. When my business failed, you were there. When I got shot, you were by my side. When we lost the house, you gave me support. When my health started failing, you were still by my side. You know what?"

"What, my dear?" she asked gently.

"I think you bring me bad luck."