

bucket buoy



Dear Fellow Lifeguards:

July 29, 2007

This week, we received the results of the grievance on the "third try". Needless to say, it was not a surprise as to the decision, but I stand in awe at the chutzpa the State used in rendering it.

In its decision, the State came up with three reasons why the grievance was being denied. The first reason was that a similar grievance was denied a year ago and was not appealed. The fact that we were never notified of the hearing, that we never participated in the hearing, or were never notified of the decision within time to appeal (or for almost a year) means nothing in the State's concept of due process.

There is nothing like a secret hearing where the accused does not even know that the hearing is going on, to assure that the State will win on their facts. Then to make sure there is no timely appeal, all the State has to do is make sure no one was notified of the decision. Sounds fair!

The second reason we were given, was that the grievants had no standing because they are not currently working. The fact that they are not working **because they were denied the third try**, does not seem to figure into the State's logic.

The third reason the State gave was that they claimed to have never entered into any type of agreement to give a third try. Anyone who has seen the State's own meeting minute notes (as carried in prior editions of the *Bucket & Buoy*), knows that that is a blatant lie. However, the State feels confident that they can lie in such grievance hearings because we currently have no real representation to take them to task.

It is issues such as these that cause me great concern with our current crop of Shop Stewards. (In case you don't know who the current Shop Stewards are, they are as follows: EBHP - Bob Hirten, 1st Alt-Brain Rossi - EBHO -James Rooney, 1st Alt- P. Scala, 2nd Alt J. Martinich - CM - Ed Costigan, 1st Alt- B. Smith, 2nd Alt- B. Delsignore WBHO - M. Lindbom, 1st Alt- M. Munnich, 2nd Alt- R. Roaldson WBHP - Robert Curtin, 1st Alt-Jay O'Donnell, 2nd Alt- J. Frankel Zachs Bay -James Yodice, 1st Alt- Ryan Clark

Fld. 1- Matt Rogers, 1st Alt- M. Defina, 2nd Alt- Rob Cornacchia WEII - Bob Adler, 1st Alt- John Weber, 2nd Alt- Kevin Woods RM2 - James Schnaufer, 1st Alt- R. Kratochull, 2nd Alt- K. Mekeel RM3 - Stu Kaplan, 1st Alt-Scott Davern, 2nd Alt-Rich Malen RM4 - Tom Donovan, 1st Alt John Louden

RM5 - Mark Davy, 1st Alt- Chris Olsen Heckscher - Nick Athenas, 1st Alt- Ken Bohman

HH - James McFarlane, 1st Alt- M. Mayer, 2nd Alt J. Storoshenko Montauk Downs - Marc Hanson)

Unfortunately there seems to be little concern about the right of individual union members within this current crop. In fact, at a recent meeting the Shop Stewards would not allow a report on grievances or other matters concerning individual lifeguards. Their main concern was trying to push through, on a "take it or leave it" basis a new constitution that effectively renders the Executive Board powerless. (This same constitution also allows the Shop Stewards to change the by-laws without a vote of the membership and allows for impeachment of Executive Board members but not for Shop Stewards.)

Unfortunately in this "push for passage" so much is being forgotten. The truth is, this body of Shop Stewards have done very little towards what has to be done in the normal, day-to-day operations of a union. In fact, I have been informed that as of yesterday, only one person has signed up to be a plaintiff in our "Failure to Represent" case. The fact that the petitions we all voted for in the beginning of the season were never completed or presented to the State is very disturbing. The fact that the races were never addressed by the Shop Stewards, and the fact that most of the time at the Shop Stewards meetings is dedicated to issues that do not affect lifeguards as a whole, but rather serve to further the agendas of certain of the Shop Stewards, have been grave disappointments.

I watch as one unopposed new Executive Board member claims that he should be the one writing the Union newsletter when just a few months ago he was ardent in his advocacy that the Union newsletter should not be written by an Executive Board member. The term for that is "situational ethics."

I watch as there is only one contested election for a nine member Executive Board. Another major disappointment after listening to a year of criticism from these same Shop Stewards.

This is not to say there are not some very fine people who are currently Shop Stewards. However, unless they stand up their voices will stay drowned out by those that shout so loud.

I think it would benefit everyone to take a long, hard look at the direction we are currently heading as a group. The purpose of a union

is not only to negotiate benefits for the whole, but also to use the strength of the group to protect the individuals. When personal grudges and agendas get in the way of that, it isn't long before the group becomes impotent. The State can hardly wait for that to happen.



Great shot of an Air Show participant over JB (Taken off line)

PROPOSED CHANGES

to the JBLC Constitution & By-Laws - Summary & Explanation of
by the Constitution Committee: Mark Davy, Tom Donovan, Dennis Kane, Jim Rooney

The Constitutional Committee was established in January 2007 to provide a revised version of the July 1979 Constitution, formerly affiliated with AFSCME - Local 2744.

The revised document is based on the original Constitution and By-Laws of the AFSCME - Local 2744 agreement, as well as tradition, past practice, and a wish to create a document that reflects the needs of the members of the Jones Beach Lifeguard Corps (JBLC).

This revised document attempts to balance the power between the Executive Board and the Beach Representative Assembly. It also provides clear, easy-to-follow methods for elections and amendments. It creates a structured organization that provides transparency and accountability. It also provides a democratic method for the lifeguards of the JBLC to have their interests fairly represented.

Highlights: Much of the original document and its intent are retained. For example, we have not changed the method of amendments. - Portions of the original document were condensed, and the language updated. The original constitution was not easily implemented.

The new constitution provides methods that are more easily implemented. - Greater accountability is defined and mandated. - Reporting in a timely manner is now mandatory. Election periods are expanded, and the process simplified. - A year round monthly meeting schedule for the Beach Representative Assembly (formally known as Shop Steward meetings) is now in place. - Election of Beach Representatives is now formalized. - Voting rights of all members of the Beach Representative Assembly are retained. - Wildwood and Orient Point are united into one voting unit.



When Harv and Levy put their heads together ... Photo by Clerici

EXECUTIVE BOARD BIOS

Uncontested Position - President: Tom Donovan - ; I am a Lifeguard II at RM4/5. I am running for the position of President of the Jones Beach Lifeguard Corps (JBLC). I have been very involved in our Lifeguard Corps for many years. Here is a brief outline of my history with the JBLC: - 1967-69 RM4, 1970-75 WBHO, 1976-78 Central

Mall (Boatswain), 1979-1983 West End 2 (Boatswain), 1984-1996 West End 2, 1997-2007, RM4/5

JBLC Executive Board (Trustee-at-Large 1976-1980), JBLC Shop Steward (1980's - 2007), Directory Committee, Constitutional Committee, Negotiating Committee, Junior Lifeguard Instructor, USLA member and race participant at local, regional & national competitions, Cobra Strike Kayak competition participant, Wingstand sitter.

Uncontested Position – 1st Vice President: Bruce Meirowitz – No Bio Submitted

Uncontested Position – 2nd Vice President: Dennis Kane - 1970 was my first year at the beach, and I was an active participant in the 1971 strike. In 1973, I started the official union newsletter, which we called The Bucket and Buoy, and served as its Editor for several years.

After many years in California I returned to care for my sister who has Alzheimer's. I immediately became involved in union activities, primarily as RM2 Shop Steward. I am part of the Constitutional Committee that put together the revised Constitution on this year's ballot.

The new Constitution retasks the Second VP position to oversee the union newsletter. Since I started it, there is no one better to run it. I will be responsible, accurate, relevant, and present without bias all the news that is fit to print.

Uncontested Position – Secretary: Donnie Campbell – No Bio submitted

Contested Position – Trustee Jones Beach: Cary Epstein started his lifeguarding career at the age of 16 as a pool lifeguard. In 1997 he worked as an ocean lifeguard at the Sands Beach Club in Atlantic Beach. In 1998 he took the Jones Beach test and worked his rookie year at the EBHO. In 1999 Cary was moved to the Central Mall which has been his home for the past 9 years. Cary resides in Hewlett, and teaches 10th grade Health at Hewlett High School where he also coaches the Girls and Boys Varsity swim teams. As if that isn't enough, on the weekends you can find Cary working in Queens and the Bronx as an EMT for the NYC 911 system. - **Lifeguard Corps History:** Over the last few years Cary has become actively involved in the Lifeguard Corps. In 2004, he was appointed public safety liaison to the Executive Board where he had worked to improve such conditions as lifeguard communications and defibrillators on the beach front. He was responsible for our new backboards with head blocks and the new radios, and the lifeguard AEDs. For 7 years, Cary has served as the Jones Beach Chapter President of the United States Lifesaving Association (USLA). He has also been a Jr. lifeguard instructor since the start of the program and has been one of the leading coaches of the Junior Lifeguard Competition Team. Cary has also brought us into the 21st century as he saw the need and created our very own lifeguard website www.jblifeguard.org. You may also recognize Cary as he has been a rookie trainer and is a familiar face at the CPR refresher classes where he is a CPR/AED instructor. **Lifeguard Corps Philosophy:** "Over the past 10 summers that I have been so fortunate to spend at Jones Beach, I have witnessed many decisions made. As I felt 2 years ago, I wish to not sit back and watch, but to be a core member of the decision making process. I feel that with my personal, educational as well as working experience and strong desire, I could help to make Jones Beach a better place. We are in a very important time right now for this union and by being a member on this board I plan to better all aspects of lifeguarding, including many things such as improving our working conditions and providing better services to all of our members while ensuring equal opportunity to all. I am ready to not only speak out, but more importantly to listen to new ideas from you, so we can improve together as a team. I hope I will have your vote for the election of JB Trustee of the Jones Beach Lifeguard Corps."

Matt Lindbom, the other candidate did not submit a bio.

Uncontested Position – Trustee Robert Moses: James Dirico - I've been a lifeguard for a number of years. I started at JB and I'm now assigned to RM. I worked one summer at SM due to a promotion. While working at SM, I instituted a number of positive changes for the crew and improved the operations of the beach. Presently at RM, I follow up on the working conditions for the lifeguards and try to represent them accordingly.

I attend all union meetings and travel the state for union business. My philosophy is decisions should be based on past practices unless the membership votes for a change! I have been called, Entrepreneur [Hida-Huggie], Surfer [shorebreak rider at Main], Volleyball player [ranked 5 at RM2], and Company Man [management's go to guy].

Position – Trustee East End: Name: Nicholas H. Athenas - **Born:** March 4, 1980 - **Home Town:** East Islip - **Sports:** Soccer, Track, Lacrosse, Martial Arts, Gymnastics, Surfing - **Graduate High School:** East Islip High School, Regents Diploma, 1998 - **Graduate with Associates:** Suffolk Community College 2004, Science - **Finishing Bachelors:** Major in Biology, 2008 - **Future Doctorate Degree:** Naturopathic Medical School at U Bridgeport **Joined JBLC:** 1998 - **Current Ranking:** Boatswain, Heckscher State Park, 2007 - Shop Steward Representative for Heckscher **Future Goals for the Corps:** Help create solutions involving the de-certification from NYSCOBA, and help finalize the deal with NYSUT. Increase effective communication with all the beaches and the Exec., set-up a new Public Relations Committee (fund-raising) for positive publicity during the races and at work.



This is what we call the beach flag jumping Juniors

PRESIDENTIAL THOUGHTS

By Steve Levy

The proposed "take-it-or-leave" Constitution that is on the ballot for next week's election, although the product of hard work, should not be passed. If done so, it would be an exceptionally bad precedent for the Union for several reasons including the facts that:

(a) it takes away the rights of the Executive Board to make high-level decisions for the short and long term future of the Corps (that is what YOU elect them to do) by requiring every planned and unplanned meeting and every move to be "examined" and "ratified" by the Shop Stewards;

(b) the new responsibilities of for some of the Executive Board positions ensure only that someone who is interested in one of the secondary responsibilities (for example, newsletter oversight) will be representing you rather than someone who possesses specific legal, financial, human resources, first responder, and water safety equipment expertise (a better solution would be to have the best "business" people elected then parse out secondary responsibilities to the most appropriate person);

(c) while there are new methods for easily "impeaching" Executive Board members (which is directly related to the proposed changes of requiring the Board to let the Shop Stewards know of every planned and unplanned Board meeting) there are no methods for removing "bad" Shop Stewards – can you imagine what would happen if a Shop Steward with a relationship with Management were to communicate to them Union strategy and tactics? Where are the procedures for impeaching these rotten apples? There are none and there should be.

And I can go on and on (if your beach wants a line-by-line analysis, feel free to contact me at Field 6 and I'll find a way to come out and analyze current versus proposed Constitution for you and crew).

The reality is that what we have always done as a Union is to put proposed individual rule changes – like Seniority Rules – to a vote, change by change, not take-it-all or leave-it-all. A take-it-all or leave-it-all vote rather than a line-item vote is a very dangerous precedent because it ensures that many voters will not read both current and proposed documents (a reality of voting) and will vote based upon some position other than true understanding.

Wherever our Union stop will be – NYSUT, Council 82, or somewhere else - we will end up writing a new Constitution that fits into the Constitutional schema of our new Union. The Constitution Committee worked very hard but I believe needs to place all the work aside until the PERB decision. In the interim, I believe the new and old Executive Boards and the Constitution Committee need to visit each beach and explain their lines of reasoning. They need take in new ideas and thoughts from all lifeguards to be used when we are in a new Union, when a new Constitution becomes a necessity, and when its development is driven by a positive consequences and not personal agendas.

THE COMICS

Legal PC language requirement - For those blondes out there please substitute the word "brunette" wherever the word "blonde" appears.

A young blonde was on vacation in the depths of Louisiana. She wanted a pair of genuine alligator shoes in the worst way, but was very reluctant to pay the high prices the local vendors were asking. After becoming very frustrated with the "no haggle" attitude of one of the shopkeepers, the blonde shouted, "Maybe I'll just go out and catch my own alligator so I can get a pair of shoes at a reasonable price!"

The shopkeeper said, "By all means, be my guest. Maybe you'll luck out and catch yourself a big one!"

Determined, the blonde turned and headed for the swamps, set on catching herself an alligator.

Later in the day, the shopkeeper is driving home, when he spots the young woman standing waist deep in the water, shotgun in hand. Just then, he sees a huge 9 foot alligator swimming quickly toward her. She takes aim, kills the creature and with a great deal of effort hauls it on to the swamp bank.

Laying nearby were several more of the dead creatures. The shopkeeper watches in amazement. Just then the blonde flips the alligator on it's back, and frustrated, shouts out, "Dang it, this one isn't wearing any shoes either!"