

# Long Island Chapter

Labor and Employment Relations Association

*Newsletter*

## **ADVANCING WORKPLACE RELATIONS**



Fall 2018

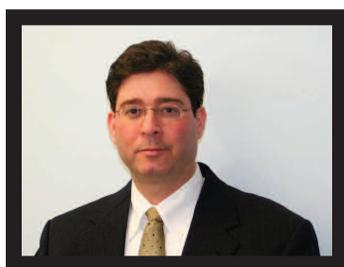
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### **PRESIDENT'S PERSPECTIVE:**

**Jeffrey Naness, President**



In this byline I will offer my thanks for the opportunity to serve the Long Island LERA and, hopefully, the larger labor and employment community at large. My gratitude extends to the LI LERA Officers and Directors, all of our speakers at various events, and our membership and guests.

I would like to include a special "thank you" to Gerald Grayson, the former editor of this Newsletter, who has recently retired from the Long Island LERA. We had the opportunity to spend a lot of time together traveling to the National LERA meetings in Anaheim, California and, more recently, in Baltimore, Maryland.

Additional thanks is extended to Thomas Lilly, Tom Wassel, Stacey Baez, Carol Hoffman, Gary Fishberg, Maura Celentano (in charge of our meeting notices) and to all others who I neglect to list here (my apologies).

The labor employment terrain continues to shift under our feet. Employers are continually challenged by new laws, including, most recently New York's Paid Family Leave Law and the aggressive extension of employer obligations concerning sexual harassment training.

### **Upcoming 2018-2019 Meetings**

**Wed., December 12, 2018,  
Davenport Press  
Mineola**

**Wed., March 13, 2019,  
Spuntino, Dix Hills**

**Annual Spring Conference  
Friday, May 3, 2019  
Tam O' Shanter Country Club  
Old Brookville**

**Wed., June 13, 2019,  
Davenport Press  
Mineola**

On the labor front, the U.S. Supreme Court's decision in Janus constitutes an attempt to push public sector unions to the periphery while the country's President has expressed a similar interest in the private sector, by expanding right-to-work laws throughout the country.

These changes make groups like the LI LERA even more essential. I hope I have been some assistance in supporting its mission.

## IN MEMORIAM: RICHARD DIBBLE

Richard E. “Dick” Dibble had muscular dystrophy from age 18 until he died October 13 at age 71. But his widow, friends and colleagues said he never let his disability stop him from travelling, canoeing, camping, volunteering for nonprofits, and directing the Center for Human Resource Studies at New York Institute of Technology.

Dr. Dibble was well known to members of the Long Island Chapter of LERA, having served as President, and was a long-time active member of the Executive Board. He was a regular attendee and participant at our Spring Conference and regular meetings.

Professor Dibble served on the board of the Bethpage based Adults and Children with Learning and Developmental Disabilities, Inc. Ellen Spiegel, who served on the board with him, said that, “He never let the challenges he had stop him. He always tried to make life better for others.”

Dr. Dibble was born Dec. 20, 1946 in upstate Elmira and grew up on a farm in the Montour Falls area as the oldest of four children. He earned a master’s degree from the State University of New York at Albany, another master’s degree from NYIT and a PhD from SUNY Albany.

Within a few years of joining NYIT in Old Westbury in 1980, he created the institution’s graduate program in human resource management and labor relations, and he was a professor at the institution, said William Ninehan, who worked for Dibble as director of human resource program development. He served in that role with distinction until his retirement in 2010.

Dr. Dibble understood how policies that human resource departments help oversee and implement — such as training, compensation and promotions, and how employees are motivated, deployed and “coached” — have a major impact on the businesses they work for and on the lives of employees, Ninehan said.



Dick had a love for travel and was fortunate to visit several countries including: Venezuela, New Zealand, Australia, Tahiti, England, Netherlands, and Ireland. He never let his use of a wheelchair stop him from doing what he dreamed of which included camping trips with canoeing and portages, sailing through Holland, visiting the Great Barrier Reef, and visiting the Prime Meridian and Buckingham Palace in England.

Dr. Dibble was part-time director at the Center for Human Resource Studies until he died, Ninehan said. He had been a full-time director and professor until 2010. A contribution can be made to a scholarship fund in Dibble’s name at NYIT by going to <https://apps2.nyit.edu/giving/donate/> and choosing “Dr. Dibble Scholarship” under “fund designation.”

He is survived by his wife of 45 years, Jo Estrada; his daughters, Cristina E. Stroup and Diana E. Becker; son-in-law, Randy Becker; five grandchildren, Thomas (19), Marc (17) Daisy (9), William (6), and Violet (2); his brother and sister-in-law, Robert and Dawn Dibble; and his sister, Susan A. Dibble.

## Irv Miljoner Speaks at LI LERA Fall Meeting

by Thomas Wassel, Esq.

Irv Miljoner, District Director for the U.S. Department of Labor’s Wage and Hour Division Office for Long Island since 1996, was the speaker at our Fall meeting, which was held on September 12, 2018, at Spuntino’s in Dix Hills. Mr. Miljoner, who has worked for the DOL in various capacities since 1974, spoke at length about the processes of the Department and its investigative priorities.

Supervising a staff of 25 employees, Mr. Miljoner’s office has responsibility for enforcing numerous federal statutes, including the Fair Labor Standards Act, the Family and Medical Leave Act, and various Federal prevailing wage laws. Perhaps surprisingly, he stated that DOL processes more calls concerning the FMLA than the FLSA.

In the FLSA sphere, Mr. Miljoner noted that the Federal minimum wage of \$7.25 has been superseded by New York State’s higher minimum wage, which differs in geographic areas of the State and which is slated to reach \$15.00 per hour within a few years in the entire downstate region (including Long Island). He pointed out that when the DOL resolves a case with an employer, it precludes private litigants from seeking to bring claims for the same period of time.

Mr. Miljoner advised that roughly half of the DOL’s cases arise from employee complaints, while the remainder stem from investigations started by the Department itself. The number of employee complaints has dropped slightly in recent years. Most of the investigations take place in traditionally low-wage industries, such as restaurants, car washes, and retail establishments. The Department tends to focus on cases with more egregious violations.

### ANNOUNCEMENTS, NOTICES

If you have an announcement or job posting that you would like to have published in our newsletter, send it for consideration to the editor at:

<[twassel@cullenanddykman.com](mailto:twassel@cullenanddykman.com)>.



Irv Miljoner making his presentation at the September 12, 2018 chapter meeting.

Often, there is a reluctance on the part of undocumented workers to report violations, or to cooperate in investigations. However, Mr. Miljoner emphasized that immigration status plays no role in DOL investigations: all employees are entitled to the same legal protections, regardless of immigration status.

Mr. Miljoner noted some trends he called “disturbing”. DOL is finding an increase in “off the books” payrolls, as well as the perpetual issue of misclassification of employees as independent contractors. He also noted that there was a rise in child labor complaints as well, particularly in the construction and gardening industries.

Mr. Miljoner described a number of legislative matters on the horizon. There are proposals to weaken the rules defining “joint employers” to avoid aggregation. There are suggestions about changing the definitions of “employee” vs. “independent contractor”.

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A hotly contested facet of restaurant work, “tip pools”, may also be addressed to allow for more distribution of tips to non-tipped employees. He also discussed the proposed rule to increase the minimum salary for the “white collar” FLSA exemptions, which was enjoined by a court in 2016. The current administration chose not to appeal that decision. However, the Department is considering a new increase in the future.

Finally, Mr. Miljoner noted that while the DOL has an initiative known as PAID (Payroll Audit Independent Determination), which would allow an employer to self-report potential payroll violations without penalty (paying only what was owed), not a single employer has signed up for this.

## Changes at LI LERA!

After fifteen years, Jerry Grayson has stepped down as Newsletter Editor. All of us at LI LERA thank him for his years of tireless service.

Starting with this issue, Thomas Wassel is the new Newsletter Editor. We are always looking for articles, announcements, or interesting topics. Please contact Tom at [twassel@cullenanddykman.com](mailto:twassel@cullenanddykman.com) to provide your knowledge and insight (and gain a little bit of exposure to other members!)

Since Tom has taken on the duties of Newsletter Editor, he has stepped down as Membership Chair. Dr. Ronald Friedman has graciously stepped up to assume that role. All dues payments and membership inquiries should now be sent to Ron at [ronaldfriedman2@gmail.com](mailto:ronaldfriedman2@gmail.com).

***You can write. I can edit and publish. Let's get together. Have you had a case or incident in your practice that would provide insight to other practitioners? Have you read a book or an article in a professional journal that you believe others might learn from and enjoy reading? Let's get together.***

***Send me your manuscript via email to: [twassel@cullenanddykman.com](mailto:twassel@cullenanddykman.com).***

**The Long Island LERA Newsletter** is a quarterly publication of the Long Island chapter of the Labor and Employment Relations Association.

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