
New York State Public Employee Conference, Inc.



34th Annual Legislative Gathering

Tuesday, February 1, 2011
9:00 a.m.

Hart Lounge — The Egg
Empire State Plaza
Albany, New York

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Uniformed EMS Officers Union

MESSAGE TO OUR LEGISLATORS

Dear Legislators:

Welcome to the 34th Annual Gathering of the New York State Public Employee Conference in Albany. On behalf of my Co-Chairs, Officers, Trustees, and the Board of Directors, it is an honor and privilege to welcome you as our guests.

The Conference was formed in 1977 with 13 participating member unions; because of hard work and the tenacious representation of our members, we have grown significantly. We now boast 68 member unions!

As we look back on 2010, suffice it to say it was a difficult year in Albany. As we look at 2011, with the continuance of a daunting economy, it promises to be difficult as well, to say the least. More and greater challenges are sure to come, but we, as public employees, are ready to work with you to meet these challenges head on.

The controversy with respect to fiscal notes for New York City legislation, which commenced almost four years ago, still remains unresolved and must be addressed..

The work of the Governor's 9/11 Task Force is ongoing with many 9/11-related issues still unresolved.

Our Conference is also continuing to focus on the health benefits our active and retired members currently receive. We must ensure that they are not placed in jeopardy as a result of the fiscal problems facing the City and State. The benefits we have achieved for our members have been accomplished over the course of many years, through collective negotiations, and must not be jeopardized for political expediency. It is simply unacceptable to attempt to balance the budget on the backs of public employees who have always been committed to working hard to make the City and State run effectively and safely.

Workers' Compensation is an issue that our Conference is committed to reforming. The system as it is now structured does not meet the needs of the workforce. For example, the time frame promulgated in Section 71 of the Civil Service law should be increased to two years, among other changes.

The media is relentlessly touting public pension "reform" as the answer to all the fiscal woes of society. The fact of the matter is that the pension systems in the City and State of New York are in very good shape, and are not the cause of the financial difficulties we face. The real culprits are the waste and mismanagement that is rampant throughout government.

We appeal to all of you to carefully consider the impact of all

legislative proposals upon public employees, who continue to show their commitment to the people. At the very least, public employees and their families need to be assured that they will continue to receive the fair benefits they currently have.

The legislative proposals described in this booklet were developed and unanimously approved by all unions represented by the Public Employee Conference. Throughout the years, the Legislature has been supportive of our Conference's legislative goals, because what we have sought legislatively is, in essence, fairness. We believe this to be the case because we know that you recognize the need for fairness in the public sector workforce, which you are part of, and that you acknowledge the important work our members perform for the people of this great state. We hope this sentiment will continue and not be different this year. In the coming months, we will be seeking your support for our legislative program to ensure the continuance of and improvement upon the basic well being of our members and their families. We wish to continue our partnership with you in working together to accomplish mutual goals.

Rest assured that the New York State Public Employee Conference will continue to work in harmony with all elected officials to obtain positive results for our members.

Sincerely,

A handwritten signature in black ink that reads "Peter D. Meringolo". The signature is written in a cursive, flowing style.

Peter D. Meringolo
Chairman

ON-GOING INITIATIVES

Pension Systems Protection

The state, police, fire and local retirement systems were designed to provide security for public employees in retirement. Pension contributions are made by employers in lieu of salary and other negotiated benefits. The reserves in the pension systems belong to the public employees and should not be used for any purpose other than retiree benefits.

Early Retirement Without Reduction of Service

Periodically, state and local governments encourage employees to retire early. Incentives may be targeted to certain areas of the workforce or titles. However, eliminating positions from the public service can cause unacceptable cuts in services, and even burden the remaining workforce. Further elimination of titles must not negatively impact on the level of service provided.

Benefit Improvements for Survivors of Workers Killed in the Line of Duty

It is necessary to provide adequately for families of public employees who die in the line of duty. It should be the policy of the state to upgrade public employees who die in the line of duty to the top-step salary.

Ensure Safe Work Environment

Ensure that the public employee workforce has the tools needed to prevent occupational illness in any future, risky work environment. In spite of state, county and municipal budget constraints, public employers must continue to ensure a safe workplace. Every effort must be made to promote compliance with health and safety measures to ensure employer policies provide a safe working environment, and that all equipment meets the necessary standards.

Progressive Methods of Taxation

Public services are the foundation upon which commerce, industry and a civil society are built. Public employees at every level of government are citizens who provide these essential services. Public employees must be guaranteed compensation, benefits and pensions that will allow them to live with dignity in their communities, and help them sustain the state and local economy. Maintaining these public services is the responsibility of every citizen, business and institution. Those who benefit most from the prosperity that public services provide have a greater responsibility to sustain public services. Therefore, the New York State Public Employee Conference supports progressive methods of taxation that put the responsibility of paying taxes on citizens, businesses and institutions who benefit most from this prosperity and have a greater ability to pay.

Improvements to the 9/11 Presumptive Disability Legislation

While the passage and signing of the 9/11 Presumptive Disability laws was indeed laudable, we all are aware that the existing legislation is imperfect. The 9/11 Governor's Task Force is making recommendations for improving the existing legislation. We fully support efforts to obtain funding, federal or otherwise, to address any 9/11-related issues.

Extenders

Any temporary legislation that provides benefits to public employees should be passed.

ISSUES UNDER STUDY

- State Budget Implications
- Legislation That Will Provide Criminal Sanctions Against Anyone Who Assaults Public Employees During the Performance Of Their Duties
- Deferred Retirement Option Plans (DROP)
- Health Care Reforms
- Partial Lump Sum Option Plans (PLOP)

WE OPPOSE

- Any Reduction in Pension Benefits for Public Employees
- Constitutional Convention
Any diminution of benefits guaranteed by the NYS Constitution should not be considered. The existing 20-year recurrence period is sufficient to address issues of major concerns to the electorate. Conducting a Constitutional Convention earlier, simply to mollify those who contend that such a convention would fix all the state's problems, is unfair to all members of our citizenry, past, present and future.
- Any Legislative Attempt to Undermine Collective Bargaining and the Existing Binding Arbitration Process
- Residency Requirements and/or Credits for Public Employees
- Inappropriate Consolidation of Services
- Privatization
- Any Diminishment of Health Insurance Benefits for our Retirees
- Any Attempt to Re-Introduce a Residency Tax on Employees of the City of New York
- Any Commuter Tax on Employees of the City of New York, Including the "1127" Tax

Workers' Compensation Reform

The Workers' Compensation system does not meet the needs of the workforce. It is essential that diagnostic tests be performed in a timely basis so that treatment can result in a worker being restored to health and returned to the work force. The time frame promulgated in Section 71 of the Civil Service law needs to be increased to two years. We are supporting the following:

1. Any bill that changes the payment structure to injured workers from incremental payments to one lump sum payment. Historically, "Schedule Loss of Use" awards were in fact in one lump sum. However, the NYS Court of Appeals concluded that such payments contravened the specific language of the Workers' Compensation Law.
2. Support a bill to include those who are permanently and totally disabled and who are also eligible for Social Security Disability benefits. The purpose of this bill is to create a presumption of permanent total disability for those claimants who are subsequently also found eligible for Social Security Disability benefits. It should be noted that it is presently very common for injured workers to be found totally disabled by Social Security yet only partially disabled by the New York State Workers' Compensation Board.
3. Expansion of World Trade Center Rescue, Recovery and Cleanup Operations Benefits to those who "repaired, cleaned or rehabilitated vehicles or equipment, including emergency vehicle radio equipment owned by the City of New York, that were contaminated by debris in the World Trade Center site, regardless of whether the work was performed within the defined WTC site, provided such work was performed prior to completion of the decontamination of such vehicles or equipment. The purpose of this amendment is to afford coverage to those workers who are responsible for the cleanup and rehabilitation of vehicles from the WTC site and cleaned off premises. Numerous workers were exposed to contaminated debris and are not entitled to benefits. We believe that the failure to include these workers was an oversight.

Cost of Living Adjustment (COLA)

The New York State Public Employee Conference is very appreciative and applauds the efforts of both Houses of the Legislature and the Governor in providing a permanent Cost of Living Adjustment for our retirees. However, we submit that further legislation is needed to make improvements. We seek legislation to grant a “Catch-up” for all those individuals who retired prior to 1966. Spouses of deceased retirees currently receive 50%. That should be increased to 100%. The cap should also be increased from \$18,000 to \$25,000, and eligibility should be changed from age 62 and retired for five years, to age 55 and retired for five years.

Pension Re-Openers

Remedial action is needed, since many public servants have been wrongfully denied their rightful retirement benefits. Such denial causes unreasonable hardships as retirees progress further into their retirement years. NYSPEC seeks legislation that will revive the cause of action for those members who took the necessary steps to qualify for retroactive membership, but were denied, and failed to bring action within the time allowed by law, or whose case was dismissed without prejudice or not decided upon the merits.

Ensuring Safe Nurse Staffing

Enactment of legislation is urgently needed to ensure that patients receive quality health care services. Numerous research studies and consumer satisfaction polls clearly show a strong relationship between RN staffing and quality of care. New York’s workforce is entitled to the best health care services, and that must include an optimal nurse-to-patient ratio. Minimum safe staffing levels must be regulated to protect the public from harm. Requiring safe staffing would prohibit employers from using mandatory overtime as a nurse staffing solution other than in defined emergencies.

Retiree Health Benefits Guarantee

Subject to the provisions of any general, specific, or local law, charter, code, ordinance, resolution, rule, regulation or contractual agreement, and to the extent not inconsistent

therewith, any legislation that will guarantee health benefits for Public Employees who retire and that guarantees the continuation of existing benefits for those who have already retired.

Military Buyback for Veterans _____

The Veteran's Service Credit Law of 2000 permits active public employees who served in the military during specific military conflicts to purchase up to three years of service credit toward retirement. This is the first opportunity veterans have had to purchase their military service time since 1976. Many veterans did not qualify for that 1976 buyback law. Some of them were just entering public service and in the ensuing 30 years, many of them provided years of dedicated public service and retired without the ability to add military credit to their retirement. Current employees now have that ability. It is unfair to ignore the service that was provided by veterans to our state and country. Legislation is needed to overcome and remedy this injustice by providing these retired veterans with a comparable supplemental military allowance. Further, the requirement for expeditionary medals should be eliminated for those members who served during the required conflict periods.

Competitive Exams for Appointments and Promotions _____

For more than a century, the public's confidence in our democratic form of government has been reinforced when only the most qualified candidates having an equal opportunity to compete are appointed and promoted objectively to the public service. New York State's Constitution Article V, Section 6 requires that appointments and promotions to the public service be made in accordance with merit and fitness and: "as far as practicable, by examination which, as practicable, shall be competitive;..."

History has shown and we strongly believe that competitive examinations are practicable. Therefore, The New York State Public Employee Conference supports the enforcement of this enduring constitutional provision as the cornerstone for the selection of qualified individuals in the public service. Furthermore, we oppose any attempts to circumvent, diminish, or undermine the full enforcement of Civil Service Law.

Independent Hearing Officer

Under Section 75 of the current Civil Service Law, a public employee facing disciplinary action appears before a hearing officer selected by the employer. With the employer then imposing possible sanctions, the employer has undue influence over all phases of the hearing. The current procedure has clear imbalances favoring the employer and is in contrast to basic American jurisprudence.

The Public Employee Conference has drafted legislation to require the appointment of an independent hearing officer for those cases where an employee faces dismissal. The hearing officer would render a binding decision.

Every public employee should have the right to a fair, neutral hearing when his/her career is threatened. This long-standing inequity should be corrected in 2009.

Retirement for State University Police Officers

This legislation would allow State University Police Officers to transfer into the Police and Fire Retirement System.

Tier Equity

There are several proposals before the Legislature that would provide some type of tier equity for many of our members.

Tier III and IV Additional Retirement Benefits

Legislation that would provide credit upon retirement to Tier III or Tier IV members who had contributed beyond 10 years of service.

Allow Inclusion of Credit for Accumulated Vacation Time

Legislation to allow all members of Tier I and Tier II to include up to 30 days of unused, accumulated vacation time in the calculation of final average salary. (Already included for Tier III and Tier IV).

Elimination of Caps or Limitations

Any cap or limitation on earning of service credit affecting any public employee should be eliminated.

It is our intention to review all proposals and to support the appropriate measures.

Permanent Heart Bill

Several decades ago the “heart bill” was passed as a temporary law to provide police officers and firefighters assistance in the event their employment was disrupted as a result of heart disease. Physical evidence clearly indicates that not only police officers and firefighters, but other public employees, because of the pressure and stress of their jobs, suffer heart disease at a higher rate than the general public, and the Legislature has acknowledged this with the addition of correction officers, EMTs, sanitation workers and court officers to the heart bill. The time has come to make the heart bill permanent, and to include other classifications that are similarly situated.

Heart Bill Clarification

Clarifies presumptions pertaining to heart-related disabilities or deaths suffered by members of the New York State and Local Police and Fire Retirement System, and the New York State and Local Employees’ Retirement System. Maintains that a presumption exists that the injury was incurred in the performance of the victim’s duties and was the natural and proximate result of an accident.

Revision of the Taylor Law

The underlying tenet of the Taylor Law is that all parties are to negotiate in good faith. Dragging out contract negotiations, sometimes for many years after the expiration of a contract, is financially harmful to public employees and their families. It also can cause severely low morale. Currently the law is weighted heavily in favor of the employer, providing a no-strike clause with severe financial penalties and loss of dues check off. Revisions need to be made to level the playing field.

Statewide Variable Supplements Fund

We seek to introduce and promote legislation that will provide all members who are employed by state and local governments, and who are members of a public retirement system who retire for service, with a benefit that is comparable to the so-called “Variable Supplements Fund” that

is received by certain uniformed forces of the City of New York.

Pensions Guarantee

Pensions for public employees must be guaranteed.

- No future diminution of sufficient funding and no “raids” on pension systems’ funds for any reasons should be allowed. The current climate of elimination or diminishment of pensions in the private sector is deplorable, and can be blamed solely on the insufficient funding and poor management of those private pension plans. NYSPEC needs the help of the Legislature in monitoring and ensuring these guarantees, and supports efforts to expand Martin Act protections to public employee systems. This bill “Authorizes a public retirement system, as defined in Section 50I of the Retirement and Social Security Law, mutual fund, or other institutional investor to bring actions for damages sustained due to the commission of certain prohibited and criminal acts in violation of the Martin Act (Fraudulent Practice in Respect to Stocks, Bonds and Other Securities).”
- Once a public employee has vested rights in a pension system, that pension must be guaranteed.

“211” Waivers

Waivers for continuing employment of public employees in the public sector should be treated in a fashion that addresses the needs of the specific employment situation, and does not inhibit advancement from within.

Fiscal Notes

The ability to obtain fiscal notes with respect to pension legislation affecting NYC employees must be addressed.

COBRA

All public employees’ survivors should be permitted to purchase COBRA at the same rates as the survivors of Uniformed Services’ employees.

Upholding PERB Decisions

Employers must be required to abide by PERB decisions regardless of their claim of ability to pay.

Limitation on Disciplinary Suspension of Public Employees

All public employees should be protected by Section 75 of the Civil Service Law, which limits disciplinary suspensions to 30 days.

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