



## Public Employee Unions Chart Course for 2012

For decades, public employees have cautiously planned for the future, foregoing the pay raises received by private employees to secure benefits that would protect them and their families in the future.

It is outrageous irony that the very people who were thoughtful and conservative in their approach to financial planning have been blamed for the economic distress caused by greedy private entities and government mismanagement. For four years, the opponents of public employees have tried to use the economic crisis to smear labor and destroy the protections paid for by generations of middle-class workers.

Thankfully, the public has begun to recognize the fallacy behind these attacks. This is true in New York State and beyond. In Wisconsin, where the Governor and extremist anti-labor forces stripped rights from unions, the pendulum is swinging back. More than one million people have signed petitions seeking a special recall election of the Governor in the spring. In Ohio, the overwhelming defeat of "Issue 2" in the November elections stopped efforts to bust public employee unions.

But the fight is far from over. In New York State, we face a continued effort to cast blame for shortfalls on public employees, and to balance budgets by undermining the protections for which public employees have sacrificed.

In 1977, 13 member unions formed the New York State Public Employee Conference to represent the interests of public employees through a single and powerful voice. Through the efforts of its board and trustees, NYSPEC has grown significantly to its current size of 69 member unions, which continue to advance the rights of public employees.

The battle over fiscal notes for New York City legislation, a fight that has been going on since May 2008, remains unresolved. However, we continue to press our agenda on this issue, as we do through the Governor's 9/11 Worker Protection Task Force. Health benefits for both active and retired members are always a top priority, and we cannot allow the economic crisis to erode benefits paid for by many decades of worker sacrifices.

Pension system reserves belong to public employees, and should not be used for any other purpose than retiree benefits. We must secure benefit improvements for survivors of workers killed in the line of duty, and we must ensure a safe work environment for the entire public employee workforce. As state and local governments encourage early retirement, we must ensure that eliminating positions does not impact the level of service, or create an unfair burden on the remaining workforce.

A debt of service is owed to public employees who have dedicated their careers to our communities, which are better places to live because of the commitment of these employees, and NYSPEC is committed to protecting the rights they have earned.



NYSPEC Legislative Director Lou Matarazzo, Assemblyman Peter J. Abbate, Jr., Chair of the Governmental Employees Committee, and NYSPEC Legislative Chairman Bing Markee joined labor leaders and elected officials in 2011 to discuss the many issues facing public employees in New York State.

### LEADERS GATHER IN ALBANY FOR 2012 LEGISLATIVE BREAKFAST

Leaders of New York State's public employee unions met with elected officials in Albany on Tuesday, February 7, for the 35th Annual Public Employee Conference to address important legislative items.

Elected officials who spoke included New York State Comptroller Thomas P. DiNapoli, Assembly Speaker Sheldon Silver, Assembly Members Ronald Canestrari, Peter Abbate, Jr. and Brian M. Kolb, and Senators Martin Golden and Diane J. Savino.

The conference focused on Tier VI and the so-called "pension reform," a misleading phrase that diverts attention from waste in government by targeting the pension systems of New York City and New York State, whose condition is strong.

The leaders of New York's public employee unions have a crafted a thoughtful and aggressive agenda to protect their members' rights. More information on the Legislative Breakfast will follow.

## 9/11 TASK FORCE FIGHTS FOR THOSE AFFECTED BY TERRORIST ATTACKS

### Seeks to Re-Open Certification Period, Protect Those Vested Out of Job

As we have passed the 10-year anniversary of 9/11, the efforts of the 9/11 Worker Protection Task Force has become even more important. The task force, which was created by Governor George Pataki to address unforeseen issues that might arise in the future, including potential oversights in the original legislation, has achieved significant success during the past decade, correcting numerous inequities.

NYSPEC Legislative Director Lou Matarazzo serves as Co-Chair of the task force, which is comprised of appointees from the governor's office, the Senate and the Assembly, and which includes four physicians. The task force is currently working to address emerging illnesses and to once again reopen the certification period so that those who were affected by 9/11, but who are not registered, may register to receive treatment for illnesses.

In addition, the task force is fighting for legislation to protect New York City workers who have vested out, but who remain uncovered at this point. State workers are protected during the period between leaving public employment and the start date of their pensions and benefits, but many city workers remain uncovered during this period.

The upcoming year will hold critically important battles as municipalities continue their attempt to reduce costs by cutting benefits of public workers. The task force will fight to protect the rights of those who were exposed to harmful toxins as a result of the terrorist attacks.

"We face a dangerous session in Albany, and public employees have to be heard," Matarazzo said. "We need to fight harder than ever to push back the attacks on our members and to secure the rights they have earned."

NYSPEC members who serve on the task force include Peter D. Meringolo and David J. Rosenszweig, Assembly appointments; Lou Matarazzo, Gregory Floyd and Alexander Hagan, Senate appointments, and Stephen J. Cassidy, Governor's appointment.



State Senator Martin Golden, second from left — pictured here with (L to R) John Dunne, Ed Boles and James McGowan, Jr. — worked with Assemblyman Peter J. Abbate, Jr., to introduce critical amendments to 9/11 legislation.

### Chairman's Message

Public employees continue to face a hostile legislative and administrative environment. But, if the past year was any indication, public employee unions are united and focused.



In 2011, NYSPEC had unprecedented participation by its members, who helped to develop and fight for our legislative agenda. We have had wide-ranging discussions on the issues affecting our members, and we have designed a powerful strategy to address these issues in Albany, and in New York City. I must personally thank the NYSPEC officers, co-chairs, trustees and board of directors for their efforts. It has been an honor to watch NYSPEC grow from 13 to 69 unions during the past 10 years.

During this period, we have demonstrated how public employees are critical to the success of our state, and we have made significant progress in our fight to protect health benefits, pension items and safety assurances that have been fairly negotiated, or achieved through legislation. We have formulated an aggressive legislative agenda for 2012, and we have mapped out a course to achieve it.

Public employees in New York have faced stiff headwinds in the past several years. Thankfully, we are not alone. We have been consistently supported by a host of city and state elected officials who understand how hard public employees have worked, and who refuse to accept the outrageous blame game that is being played at our expense.

It has been a privilege to serve as Chairman of NYSPEC during a decade of growing membership and influence. With the support of all member organizations, we will continue to make our voice heard in Albany, and New York City.

Sincerely,  
Peter D. Meringolo



"As we continue to fight through the Great Recession, our economy faces challenges from all sides. But our system is sustainable and we have to protect the jobs, the pensions and the benefits that sustain the families of this state."

— NYS Comptroller  
Thomas DiNapoli



"Our public workforce is the finest in the nation and I can assure you that I and my colleagues understand and appreciate the difficult conditions you are asked to endure ... we will demand shared sacrifice so that our fiscal problems are not solved on the backs of the working men and women of this state."

— NYS Assembly Speaker  
Sheldon Silver

## Tier VI

By Joseph Mannion

As you know, there are eight pension plans for public employees in New York: three covering state and local employees, and five covering those in the City of New York. Governor Andrew Cuomo has proposed a new pension tier, Tier VI, which would apply to all members of the eight systems who enter service on, or after, April 1, 2012.

In my view, he is doing this strictly for political purposes. He is well aware that any significant savings purported to result from the establishment of new tiers will occur far into the future, and that the proposal would have no substantive impact on the current budget. He is simply seeking to place the blame for the nation's economic woes on the salaries and benefits of public employees.

The Governor's approach also could be described as using a cannon ball to kill a fly. Any large system has instances of abuse, but in the case of the pension system the abuses that have occurred are largely due to mismanagement.

Is there room for improvement? Of course. However, the appropriate way to improve the system, and to ensure fair and equitable benefits going forward, would be to form a commission of qualified individuals to conduct a study that produces viable, well-reasoned recommendations. This approach, which has been used successfully to assess the pension system in the past, involved input and participation by both management and labor.

The Governor knew Tier VI legislation was a non-starter when he put it in near the close of session last year. So, rather than taking steps then to form a meaningful pension commission, he wasted, in essence, a full year. He now has proposed an even more onerous form of Tier VI that is rolled into his overall budget proposal. He knows he has the power to use a gimmick popularized by his predecessor — the emergency appropriations bills (commonly referred to as "budget extenders") — to attempt to force feed the legislature.

Most components of the proposed Tier VI are well-known. But examining the defined contributions plan option shows how it fails to achieve the Governor's stated goal: reducing the burden on the taxpayer.

Both the Comptroller of the State of New York and the Comptroller of the City of New York have panned this option. Comptroller Thomas DiNapoli said that the current pension payments are, in fact, sustainable, and that defined contribution plans were never intended to replace pensions, saying: "they've certainly proven to be inadequate to providing retirement security..." Comptroller John Liu defended our existing plans, saying: "...research has shown that the defined benefit plans actually save government employers money."

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## New NYSPEC Members and Presidents

NYSPEC welcomes the following new members and the new presidents of existing member organizations.

### Joseph Barrett

NYS Police Investigators Assn.

### Steve Cammer

Port Washington PBA

### Robert Caralyus

Affiliated Police Associations  
of Westchester County

### Glenn Ciccone

Nassau County Detectives' Assn.

### John Clancy

Court Officers Benevolent Assn.  
of Nassau County

### James Huntley

CWA Local 1182

### John Jaronczyk

Nassau County Sheriff  
Officers' Assn.

### Wayne Joseph

Bridge & Tunnel Officers'  
Benevolent Assn.

### Christopher Manning

Suffolk County Court Employees Assn.

### Israel Miranda

Uniformed EMTs & Paramedics  
Local 2507

### John Samuelson

TWU Local 100

### Anthony Prudenti

Suffolk County Deputy  
Sheriffs PBA

### Joseph Walsh

NYS Court Clerks Assn.

### Anthony Wells

SSEU Local 371

### Mico Zackschewski

DC 9 Civil Service Employees L-1969



“Our state and nation have endured an economic version of the perfect storm, but we will not allow public employees to become the scapegoat for problems whose roots lie in the global financial system. Unity among the unions will help us to protect the benefits public employees have earned so that we can help the state grow and prosper.”

— New York State Senator  
Martin Golden (December 2011)



“The economy is still struggling, and public employees face an assault from many different sides. Public employees are the foundation of our middle class, and provide the backbone of this state, and we will push back on the attacks against them.”

— New York State Assemblyman  
Peter J. Abbate, Jr.



“As we all know, the demise of the labor movement has been greatly exaggerated. The opponents of labor always use a bad economy to bash working people, but the residents of New York know that public employees are the engine that runs this state, and we will ensure that this message is heard in Albany.”

— New York State Senator  
Diane Savino

## NYSPEC Resolution on Proposed Constitutional Convention

Alexander Hagan, President of the Uniformed Fire Officers Association, submitted a proposed resolution to articulate NYSPEC’s opposition to a Constitutional Convention. The resolution was adopted at the 2011 annual meeting of NYSPEC.

**WHEREAS**, The member unions of the New York State Public Employee Conference are facing unrelenting attacks on their pensions and collective bargaining rights, including layoffs, hiring freezes and salary and benefits freezes, and

**WHEREAS**, Business interests and so-called Good Government groups have combined with the mainstream media to demonize public employees, blaming the unions for a steep recession caused by their own failures, and

**WHEREAS**, Union busters have been agitating for an early Constitutional Convention that they hope will destroy more than 75 years of progress in labor relations between public employees and New York State and its localities, and

**WHEREAS**, Significant segments of the mainstream media have repeatedly demonstrated an anti-union bias that knows no bounds, and

**WHEREAS**, Public employee unions must band together to confront the union busters and defeat them,

**NOW THEREFORE BE IT RESOLVED**: That the New York State Public Employee Conference strongly opposes any legislation that would provide for an early Constitutional Convention.

## Vigilance In An Era of Attacks on Labor

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### Paterson, Ciccone Report in From Nassau County

Pete Paterson, First Vice President of the Nassau County PBA, and Glenn Ciccone, President of the Nassau County Detectives Association, recently provided members of NYSPEC with a lesson on legislative watchfulness in a time of economic crisis and anti-labor sentiment.

Paterson and Ciccone highlighted a serious attack on labor in Nassau County that could have implications for the entire state. They felt their experiences would be extremely helpful to other labor groups suffering attacks from media and elected officials.

Earlier this year, the Nassau County Executive submitted a budget that sought to reduce benefits and arbitrarily change certain health and safety rules contained in the contract. This was an immediate cause of concern for Paterson and Ciccone. Equally concerning was the way in which the Nassau County Executive sought to accomplish his goals.

His proposed legislation would have unilaterally broken labor contracts, allowing him to re-open and re-write contracts without input from labor. This outrageous effort, if allowed to advance, would have set a dangerous precedent for labor in New York State.

“New Jersey Governor Chris Christie along with Wisconsin Governor Scott Walker have been waging a public war on labor, which is bad enough,” Paterson said. “We all know about changes to bargaining rights and benefits that have hurt organized labor groups in those states. In Nassau County, the administration is trying to go down the same road for political purposes.”

By working with other elected officials, labor was able to push back on the attack. But the fact that the effort to strip labor of its rights was launched in the first place is cause for concern in all counties of the state.

## TENTATIVE DATES: Legislative Directors Meetings

Tuesday, March 13, 2012

Wednesday, April 18, 2012

Tuesday, May 22, 2012

Email confirmations will be sent prior to each Legislative Director Meeting. All meetings will be held at the University Club, 141 Washington Avenue in Albany. Lunch will be served at 12 p.m., with the meeting immediately following.

## 9/11 and Workers' Comp

Jordan Ziegler, Esq., Senior Partner of the law firm of Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP recently addressed NYSPEC regarding the WTC attack and how claims have been handled by the NYS Workers' Compensation Board (NYSWCB) and insurance carriers.

He cited several reports, two of which were written since Sept. 11, 2011, that help summarize the current state of affairs in the NYSWCB with regards to 9/11 and covered workers, which *excludes* NYC uniformed service workers including uniformed members of the New York City Police and Fire Departments, City Sanitation workers, and Teachers.

The NYSWCB reported in Sept. 2011 that insurance carriers disputed claims by workers claiming illnesses or injuries from the Sept. 11, 2001, attack **at twice** the rate they disputed claims not related to 9/11.

Mr. Ziegler reasoned that many of the cases “controverted,” or fought, by the insurance companies, were for a failure to properly prosecute them or to provide proper medical documentation. That is most likely because workers without attorneys are not familiar with the workers' comp process and many do not think that the benefits warrant hiring an attorney. To his point, the NYSWCB report cites that of the approximately 11,600 WTC comp cases filed, 5,220 were never actually pursued.

This lack of follow-up may also exist because workers may have thought that the filing of the WTC-12 form was all that was needed. However, that form is not a “claim,” merely just a “notice” of exposure and attendance at the WTC. In order to secure benefits, a valid claim form must still be filed.

Additionally, carriers seem to be controverting claims for those involved in the clean-up process as opposed to victims of the attacks. While only 12% of claims for direct victims of the attacks were controverted, 76% of the rescue, clean-up and recovery cases were. Again, the reason for this is likely that it's much harder to prove that injuries resulting from participation in the clean-up effort are causally related. Of all the insurance carriers, the State Insurance Fund has the highest rate of controverted 9/11 cases at 60.3%.

Insurance carriers will controvert 9/11 claims just as they would any other comp claims. So any claimant who does not meet the burden of proving a causally related medical disability to the attacks and/or clean-up effort will be denied benefits. Controverted claims usually take three times as long to establish, thus dragging out potential benefits and treatment for many years.

Mr. Ziegler recommended that the filing period for WTC-12 notice be reopened. He also suggested adding to the comp law presumptions of medical causality for WTC injured workers to mirror those of the respective retirement systems.

# NYSPEC LEGISLATIVE AGENDA

## NYSPEC Opposes:

- 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

## NYSPEC Supports:

### 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 workforce. 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 were 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.

### Heart Bill Clarification

This measure 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.

### 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. NYSPEC 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 longstanding 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

- **Tier III Line of Duty Disability Benefits**

Line of Duty Benefits should be equal to that of Tier II for police and fire members.

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.

### 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 501 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.

### Ensure Adequate Supervisory Staffing for Emergency Services

Enactment of legislation is urgently needed to ensure that all cities, counties, and municipalities provide adequate staffing levels of supervision for emergency services such as police, fire, and EMS for the purpose of maintaining span of control during emergencies and the daily operations of emergency services.



**New York State Legislative Session Calendar  
January — June 2012**

The New York State Legislative Session Calendar establishes a schedule for the 2012 Legislative Session and provides dates important to the legislative process. The Session Calendar is intended to afford Members flexibility in conducting legislative business in Albany and planning activities within their home districts. The Session Calendar will foster orderly and timely consideration of legislation. Unforeseen events may require modification of the Session Calendar.



Dean G. Skelos  
Majority Leader and  
Temporary President  
of the Senate

Sheldon Silver  
Speaker of  
the Assembly

**JANUARY**

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**FEBRUARY**

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**MAY**

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**JUNE**

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**January 4** 2012 Legislative Session convenes with Governor's State-of-the-State Address  
**January 9** Start of sessions  
**January 16** Martin Luther King, Jr. Day  
**January 17** Final Day for Submission of Executive Budget

**February 1** Joint Legislative Budget Hearing  
**February 8** Joint Legislative Budget Hearing  
**February 20** Presidents' Day  
**February 28** Joint Legislative Budget Hearing  
**April 1** Beginning of new Fiscal Year  
**May 28** Memorial Day observed

■ Indicates session day

▨ Indicates legislative activity/budget hearing



**THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY**

SHELDON SILVER  
Speaker of the Assembly

To the Public Employee Conference:

I would like to extend my greetings to you and ask that you please accept my warmest wishes for your annual convention and for the coming year. I want to give my special thanks to Chairman Peter Meringolo for his outstanding leadership of this critically important organization. I would also like to thank our Chairman of the Committee on Government Employees, Assemblyman Peter Abbate, for his excellent work.

On behalf of the New York State Assembly, Assemblyman Abbate and Committee on Labor Chairman Assemblyman Keith Wright, I want to express our gratitude for the enormously important work that you do for the people of New York State each and every day. You are the face of this government, its heart and soul, its muscle and its know-how. It is your dedication, professionalism and hard work that keep our citizens safe and sound.

I have spent my entire career in public service fighting for the rights of working men and women in this state. Our public workforce is the finest in our nation and I can assure you that I and my colleagues understand and appreciate the difficult conditions you are asked to endure. Even as we face an extremely challenging economic environment, we will demand shared sacrifice so that our fiscal problems are not solved on the backs of the working men and women of this state.

Once again, my best wishes for a productive convention and for a happy and healthy holiday season and New Year.

Sincerely,

SHELDON SILVER  
Speaker

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**Tier VI, continued from page 3...**

Even E. J. McMahon, an extremely vocal proponent of anti-public employee initiatives, inadvertently bolsters the argument against 401(k)-style plans with the following statement he used when attacking Tom DiNapoli: "After all, if government follows the private sector into the defined-contribution world, the comptroller's main source of clout—that \$150 billion pension fund—will eventually be diminished."

Let's extrapolate from McMahon's statement: Instead of employers making payments to the pension systems, they'll make payments to individual accounts, which may be gone tomorrow. So, in effect, this will cause a diminishment of the funds in the pension systems, making them weaker!

Another piece of the Tier VI proposal is the elimination of overtime in the calculations of pensions. This scheme might work in a private sector office environment, for example, where employees work a 40-hour week and are home every evening with their loved ones. However, in reality, much of the overtime worked by public employees is mandatory. The snow must be plowed when it falls; criminals must be booked when they're caught; fires must be fought when they occur, etc. Exigent circumstances such as these cannot be planned for, and we all know that management purposely chooses to pay overtime rather than staff up. If public employees knew they could go home after eight hours, they would get second jobs in the private sector (with 401(k)s!) and they wouldn't constantly have to fight for a decent pension to provide for their families.

One of my retired members is Assemblyman Mike DenDekker from Queens, and he is a great friend of public employees. He has had conversations with the Governor and the Governor's budget staff about this issue to ensure that our message is getting across. Mike has drafted legislation to maintain the inclusion of overtime in pension calculations in the future.

We have a tough fight ahead of us on Tier VI. It seems that each year it becomes more difficult for public employees to preserve hard-fought rights and hard-won benefits. A quote from Ben Franklin sums up the situation: "We must all hang together, or we'll all hang separately."

**For Updates and Additional Information  
on NYSPEC Issues**

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January 18, 2012

The Honorable Sheldon Silver  
Speaker of the Assembly, State of New York  
LOB 932  
Albany, NY 12248

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William P. Lacey, Civil Service Coalition of  
Buildings, Trades & Municipal Unions*

**Re: Fiscal Notes for NYC Legislation**

Dear Mr. Speaker:

As you are aware, halfway through the legislative session in 2008, the issue of who prepares fiscal notes for legislation that affects the City of New York remains unresolved.

You have worked with us in attempting to find a resolution to this problem which would be acceptable to the legislature, to us, and to the City; unfortunately, we remain at impasse on the issue, and therefore propose the following concept to be formalized into legislation:

An entity proposing legislation shall be responsible to furnish a fiscal note for any such legislation. Such fiscal note must be dated within 60 days of the initiation of the legislation (in the first chamber in which the bill is printed) and must be authored and signed by an actuary who is a Member of the American Academy of Actuaries.

We look forward to working with you and your conference.

Very truly yours,

*Peter D. Meringolo*  
Peter D. Meringolo  
Chairman

cc: L. Ciccone, P. Abbate

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**Ruling States Investor Lawsuits Not Precluded by Martin Act**

Patricia Stryker, Recording Secretary and Director of Political Action and Legislation of City Employees Union Local 237, International Brotherhood of Teamsters, led a seminar on the Martin Act for NYSPEC members. Stryker recently hailed a Dec. 2011 decision by the New York State of Appeals that rules investor's lawsuits against securities professionals are not precluded by the Martin Act. The decision "will significantly help institutional and individual investors, who have been enormously harmed by wrongdoing in the financial markets," Stryker said.