

**Local 154**  
**AFSCME, DC 37**  
**PRESIDENT'S REPORT**  
**May 2018**

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Juan Fernandez – President Report

**\*\* Supreme Court Case Janus v. AFSCME.**

The appointment of Neil Gorsuch to the US Supreme Court reinforces the positions of conservative, anti-labor forces, in the judiciary whom are adamant about the Supreme Court deciding in favor of anti-union cases. Janus vs AFSCME is in the Supreme Court calendar and which oral arguments will be heard on March 2018. This law suit's purpose is to destroy the Unions by denying them dues collection, the financial backbone of Union Organizing. "A right-wing network of foundations and front groups has spent decades trying to destroy Labor Unions. One of those anti-union foundations is the Milwaukee-based Lynde and Harry Bradley Foundation. A few years ago, the foundation helped Wisconsin Gov. Scott Walker successfully attack public employees and withstand a union-led recall effort. Walker's chief targets were the teachers' union and the American Federation of State, County and Municipal Employees, DC 37's national union. Today, the "Wisconsin Model" — whose core goals are weakening collective bargaining, defunding unions, restricting workplace rights, promoting school vouchers, and backing right-to-work legislation — provides the blueprint for anti-labor and anti-government initiatives around the country. "We are up against a conservative network that is sinking millions and millions of dollars into destroying unions," DC 37 Executive Director Henry Garrido said. "Anti-labor right wingers are now establishing a beachhead in New York, where they are bringing their message directly to union households and attacking unions in the courts."” DC 37 Blog (Greg N. Heires).

**Dozens of organizations and Cities, including the City of New York and the US Conference of Catholic Bishop, have filed legal briefs in support of the Public Employee Unions. AFSCME President Lee Saunders held a conference call on February 28 to discuss the hearings.**

It worth noting that the Teachers' strike in West Virginia was a workers' action in a State where Unions do not have collective bargaining rights, and wage increases, together with medical care co-payments, are determined by the State Legislature. West Virginia ranks #48 in teacher's compensation. West Virginia is a so-called Right-to-work State where workers do not have rights. Janus v. AFSCME intends to make the USA a Right-to-Work country where workers won't have the right to collectively bargain for their rights.

In order to protect public employees' Union and collective bargaining from a likely negative impact from Janus, the New York State legislature passed a bill, signed by Governor Cuomo on April 12, 2018, which clarify that services/representation may be provided to members only; provides reasonable limits on when an employee may withdraw their commitment to the Unions; and affording union access to new hires.

**\*\* Contract Negotiations.**

**DC 37 held its second bargaining session with the City on January 8, 2018.**

During the caucus of January 8, the DC 37 bargaining committee members discussed the importance of paid Family Leave for our members. One of the items of discussion is the shape and the funding of this program. The NY State model socializes the funding by creating a paycheck contribution averaging \$1.40 per person; this model, which started on January 1, 2018, provides 8 to 12 weeks of paid family leave with payments ranging from 50% to 67% of the median NY state salary.

During the bargaining session, the City provided costing for some of ours demands. The Union's list of demands includes a fair wage increase, increase of the welfare fund rate,

additional moneys for education, creation of an annuity, and money to take care of Units' needs, among others. At this session, the City presented two demands, one to require electronic Direct Deposit of paychecks for all employees (currently only 66% of DC 37 members use direct deposit), and second, to strengthen Directive 12 compliance requirements for all welfare funds and annuity agreements. Our response stated that since DC 37 has been compliant of Directive 12 reporting and regulations requirements, and current language exist in the citywide agreement, we don't see a need to include additional language. If the City is concerned with the lack of reporting of other City Unions, then the City should take it to them. In regard to Direct Deposit, we stated that this is a very sensitive issue to our members and we rejected it on the basis it will be an added hardship to our members, many of whom do not have checking accounts. On the Union side, we asked the City to discuss a snow-day policy to be included in the Citywide agreement. In the first session the City raised concerns regarding increasing costs of health care coverage, saving its public hospitals, the need to create health care savings and keeping good levels of care, reigning on retirees' high health care costs, to look for creative ways to operate the several welfare funds, and also reminded the Union that NYC is probable the only City in the USA where employees pay very little or nothing for health care coverage.

We haven't been back to the bargaining table with the City since the meeting on January 8. At this moment, DC 37 is discussing with the Municipal Labor Committee (MLC) for ways to produce savings to cover the health care costs concerns presented by the City and that could also help strengthen our Health and Security Fund. Some of the other Unions insist that the City should tap into the retirees' funds to cover increases and co-pays, which DC 37 opposes. Since PBA and City are going to Arbitration, their arbitration could determine the pattern of City bargaining for the near future; it is important to note that the City has put medical insurance co-pays as one of its demands for arbitration with PBA. However, we have lobbied the other union in the MLC asking them to agree on the use of Stabilization fund's money to cover for aggregated health care cost - including additional moneys for the health and benefits fund- and thus open the City to put the money for Contract increases. The expected vote of the MLC on May 2 didn't happen; instead, the MLC went over the saving projections by proposed Health Care saving plans which include tiering of hospital services and additional levels of copayments for hospital services. The intention is to re-direct usage from high-end-price hospitals to middle level priced hospitals; the vote on the use of the stabilization fund moneys will happen later in the month. If it passes, we will meet with the City shortly thereafter.

**\*\*Budget:** The Federal Budget's cuts of 8.8 billion for HUD, and its new rules for living in public housing are expected to produce a tremendous impact on NYC housing initiatives, specially NYCHA. Also, cuts to NY State's Affordable Care Act (ACA) reach nearly \$668 million, which is expected to have a profound impact on NYC Hospitals.

Mayor DeBlasio released its Executive Budget which freezes all managerial positions but does not cut the work force.

### **Contracts / Citywide Increase:**

**\*Transit Authority:** We settled this Unit contract with Transit Authority on February 26, 2018. The items which will be included in the Contract are: refund of Medicare Part B (effective March 2017), health coverage for survivors of retirees (eff. February 2018), parental leave (eff. February 2018), and creating a 10-year Recurrent Increment Payment (RIP) (eff.

March 2017) in the amount of \$128 per year, in addition to the existing \$295 for the same period of time. Our members will receive retro moneys soon.

**\*School Construction Authority and the Union agreed to use the .52% to create a 15-year service Longevity and to add \$20 to the 5-year longevity for a total of \$1,025; add another \$20 to the 10 years longevity (\$1,025) which will count for a grand total of \$2,820 after 15 years. In addition, employees who started after July 1, 2004 will be granted an additional floating holiday.**

**\*Real Estate Unit Contract. We reached a deal with the City on the use of the .52%. We will add between \$41 and \$42 to each existing RIP (year 6 to 20). The expected payment date is October 20, 2017.**

**\*Accounting /EDP Contract:** As requested, the City provided costing for items presented by the Locals in the bargaining Unit. A 6-Year RIP for Research Assistants will start at the value of \$389 per year, retroactive to March 3, 2017. The expected pay date was September 22.

**\*Clerical Contract.** On January 24, 2017, we agreed with City to include new titles in the RIPs schedule and also added additional money for those titles already receiving RIPs.

**MAYORAL, DOE, Comptrollers & NYCHA** have implemented payment of the .52% for our Clerical titles. Here is a summary of the distribution of the .52%:

1. New Recurring Increment Payment (RIP) for titles that did not previously receive RIP
2. Additional amount added to RIP for existing (RIP)

**\*SSRT Unit bargaining:** On May 4, we held a bargaining session with the City where we reached an agreement to 1) the create a \$500 RIP for employees with 10 or more years of service, and 2) add \$40 dollars to the existing annuity for a total of \$724, payable to all employees in the bargaining unit. DOH-MH paid our Special Consultants II after we filed a grievance. We are still waiting for payment at H & H.

### **Private Sector Units:**

**\*AFIS.** As per the new Contract, which was ratified on October 18, 2017. We conducted a labor management meeting with Empire Consulting on May 15.

**\*SODEXO Contract.** The contractual increase of 3.25% was scheduled to take place on December 15, 2017. It brought the hourly rate up to \$17.88. The current contract expires on December 2018. We will have a labor management meeting during the month of January 2018.

**\*NYLS Contract.** The current contract was agreed on December 8, 2015, after 4 months of intense negotiations; the last increase of 2% was effective July 1<sup>st</sup>, 2017. This contract will expire on June 30, 2018. We will have a bargaining preparation meeting with members on June 8.

### **Other Chapter Activity:**

**\*Comptrollers.** 1. Nepotism in the workplace policy has been reviewed by our legal department which recommends a labor management meeting to discuss recommendations when conflict arises. 2. Financial Disclosure for Claim Specialists. Our legal Department recommended our members to file appeals; in the same memo, our legal department considers against filing legal action since a precedent already exist in the 2008 COIB decision stating that our Claim Specialists are required to file financial disclosure.

**\*\* DORIS.** Congratulations to our new shop stewards elected at 31 Chambers on February 23, and to our two new shop stewards for DORIS Queens' Warehouse elected on March 6.

**\*\* Consumer Affairs.** Congratulations to our two new shop stewards at 42 Broadway.

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**\* The Equal Rights Compliance Specialist title was being added to Local 154. We had an orientation meeting with the members at DOE on Thursday October 19, followed by a meeting with presentations regarding bargaining demands for the Title, and benefits under Health and Pension, and MELS. Members signed green cards and H&S enrollment forms. Thanks to Research and Negotiations for their tireless advocacy!**

### **\*\* Organizing new titles.**

For the past two years, DC 37 has been requesting representation of workers in several hundred City titles. Last week, a Judge's decision stated that employees in one of those titles at Transit Authority are by definition TA's employees -which TA has been denying by calling them "consultants"- and therefore able to join a Union. TA will be appealing this decision.

### **\* Defending our Benefits.**

As part of DC 37 strategy to defend our welfare fund, the Health and Benefits fund has joined a number of 18 separate lawsuits against pharmaceuticals including: Generic Price Fixing Lawsuit; against Provigil Manufacturer ("Pay Not to Play") which pays other companies not to bring less expensive generics in the market; against RESTATIS (eyedrops) which continuously sues generic to stop them from entering the market & opioid Drugs.

**\* NYC Pension systems trustees have agreed to start diverting from fossil fuel companies.**

**\* The New York State legislature passed a bill which entitles employees of the City of New York to take up to 4 hours of excused absence to undertake cancer screening. It includes all types of cancer.**

**\* Vision, Podiatric and Dental Services: As part of the effort to balance the Health and Security budget, which has been under intense pressure due to the extraordinary increases of prescription drugs, the DC 37 Health Centers will no longer provide Vision (Manhattan) and Podiatry (Manhattan and Brooklyn) services effective July 1, 2017. Member who need glasses could call 212-815-1234 and request a voucher. Podiatric services are provided through regular medical providers. At the same time, additional dentists will be added to the Chambers Center.**

**For Vision Services please contact the DC 37 Health and Security Plan's Inquiry Unit at 212-815-1234 to request a basic optical voucher with a list of participating panel providers. The list of vision panel providers is also available on DC37's website at DC37.net**

**For Podiatric Services please contact your Medical Health Insurance Carrier for a list of participating Podiatrists covered by your Medical Health Insurance (e.g. GHI or HIP).**

**For additional information, visit DC37.net/benefits or call 212-815-1234.**

**\*The recently passed NYS enhanced state tax deduction will increase the number of union members eligible to deduct their union dues beginning with their 2018 state tax return filed in 2019. The state budget agreement removes deduction limitations at the state level. This new benefit will put money back in the pockets of union members. This bill was sponsored by Senator Diana Savino.**

### **\* AFSCME Convention.**

The 43rd AFSCME Convention will take place from July 16-20, 2018 in Boston, MA. The membership meeting on April 25 elected the following Delegates: Juliet White, Sheera Glass, Tom Orawiec, James Whooley and Edna Mark Jones as first alternate. The Local is

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entitled to 5 full delegates, including the President who is an automatic delegate as per Local 154's Constitution.

### **\*Provisionals' Qualifying in Place Examination (QIE):**

On Monday, November 28<sup>th</sup> Governor Cuomo signed into law DC37's Legislative Priority A.10445 Abbate/ S.7944 Golden. This bill was a product of extensive negotiations between the Union and the City with the intention of reducing the number of provisional appointments, by authorizing a one-time Qualified Incumbent Exam (QIE). Successful incumbents, with at least 2 years in title, will be made permanent, competitive employees in those same titles. This plan will reduce the numbers by 4,700 provisional employees – including 1,100 District Council 37 members. Workers should be serving for at least two years as provisional workers in the title. The examination shall be given *“exclusively to current employees who, at the time of application to take such examination, have served provisionally in such title for two or more years. Provided that the employee taking such examination shall meet the minimum educational and other specified requirements set forth in the notice of examination for the title in which he or she currently serves...”*.

Process: \* Over the next few months, DCAS will prepare “QIE” exams.

- On January 18, 2017, the QIE filing period will begin for the first group of covered provisional employees. Check DCAS's website to consult the revised exam schedule for FY 2017 which includes QIE exams. There will be a two-week notice period for filing. An exam fee will be applied depending on the title.

\* Once list is investigated, published, established, and certified, employees will be appointed in place. Lists are expected to be established two to three months after the close of the filing period. DCAS will centrally appoint candidates. People must file the applications in order to be appointed.

\* There will be a minimum three-month probationary period. Up to nine months of time served in a provisional title will be counted toward the probationary time.

**The following Local 154 Titles were covered under the QIE plan:** Special Consultants (2/7/2018 for QIE & 6/6/2018 for Open Competitive), Associate Human Rights Specialist (3/7/2018), Associate Public Record Officer (6/1/17), Principal Title Examiner (1/3/2018), Public Record Officer (1/3/2018), Senior Title Examiner (2/8/17), and Title Examiner (3/1/17). Congratulations to the more than 45 Local 154 members who benefited from the QIE and are in the road to obtaining permanent competitive civil service status.

**\*A request for a new QIE plan is being prepared, we have asked to include the Claims Specialist test in the bill going to the Legislature.**

**Open Competitive in DCAS's Calendar: Research Assistant (5/2/18) & Special Consultants (6/6/2018).**

**A List has been established for the open competitive Research Assistant test #5044.**

**Local 154 requested DCAS to schedule Civil Service examinations for the titles of competitive Human Rights Specialist, Associate Human Rights Specialist, Public Records Aide, Title Examiner and Claim Specialist. The January-March 2018 Provisionals' report shows the following number of provisional workers in these titles:**

**Public Record Aide 11            Title Examiner 0**

**Assoc. HRS 16                    HRS 0**

**Claim Specialists 63**

**Civil Service Tests – The Process - Please Read carefully**

**What happens after the test? :**

- You will receive a score notice card. If you did not receive it, please contact DCAS. If you did receive it, then give a copy to your personal or human resource department and let them know that you are in the list.
- If you received a disqualification notice or you are dissatisfied with your score, you are entitled to an appeal. The appeal must be filed within 30 days to DCAS's Committee on Manifest Errors. If the Committee denies your appeal, then you can file an appeal with the Civil Service Commission. For the appeal with the Civil Service Commission, please let us know; the Union could help you with this process.
- After the agencies request certifications of the list, the same agencies will send “canvass letters” to enough high scoring eligible to fill their job lines. If you received a canvass letter, do not leave your current job. A canvass letter is not an offer of appointment. Please answer these canvass letters and attend the interviews. Let your agency know that you have been invited to an interview. Your agency may agree to help you stay in your agency.
- If you are a top scorer you **might be** considered for the job but having a high score does not guarantee that you will be hired. An appointment from the list must be made by selecting one of the three highest ranking eligible willing to accept the appointment.
- If you are removed from the list or you became ineligible for appointment because you failed to reply to a canvass letter or because you declined an appointment, you may request restoration to the list.
- The Civil Service Law provides that the duration of an eligible list shall be not less than one year nor more than four years.
- People who are appointed to Civil Service positions are expected to serve a one-year **probationary period**. Credit is given to those who were serving in the same city title previous to the appointment.
  - **Outreach to members:** *Since September 2016, we have held members' meetings at Human Rights, DEP, DOH-MH (SC, PRA, RA and librarians), DDC, Transit, Corp Counsel, Comptroller's, SODEXO (several hospitals), AFIS, TA, SCA, DOT, DORIS and outreach at all hospitals.*
  - **\*State and City Paid Family Leave.** The State adopted family leave benefits that will cover all private sector workers. Public sector employees can opt-in through collective bargaining or at employer discretion for non-union employees. The system will be phased in with an initial 8 weeks of leave in 2018 at 50% of salary to 12 weeks at 67% in 2021 and will be funded by the employees through a social funding program, separated from, but parallel to, the Temporary Disability Insurance Program. **In New York City**, Mayor DeBlasio created by Executive Order 6-weeks of paid Parental Leave for City Managers and non-unionized workers. In exchange for the benefit, Managers and non-unionized City workers lost the 25<sup>th</sup> and 26<sup>th</sup> day of Annual Leave and the scheduled .47% increase due in 2017. DC 37 thinks the cost requested by the Mayor is too high compared to the benefit obtained. We are negotiating options for Union members under our current contract talks with the City.
  - **\* AFSCME and DC 37 are helping members with students' debt to obtain information on the alternative payment process. The next workshop has been scheduled at 5:30 PM in DC 37 on May 10, 2018.**

**\* Workplace Violence Program:**

The 2009 Labor Department’s regulations require all public employers to develop and implement a Workplace Violence Prevention Plan. The Union is making sure that such plans are developed with Union participation. Several Unions, including Local 154, filed complaints with the State Department of Labor and PESH for lack of a proper WVPP at several agencies including DOH-MH, DOT, Fire Department and others. **What is Workplace Violence? NYCRR Part 800.6 defines workplace violence as “Any physical assault or acts of aggressive behavior occurring where the public employee performs any work-related duty in the course of his or her employment”.**

**Please notice that our Contracts and the President’s reports are available in our website** Local154.org . If you have topics or questions about any labor issues for Local 154 website, please send them to Secretary Sheera Glass or President Juan Fernandez at L154AFSCME@aol.com. A new website has been set up under a new AFSCME platform.