

Local 154
AFSCME, DC 37
PRESIDENT'S REPORT
June 20, 2023

June 20, 2023
Juan Fernandez – President Report

Executive Board Meeting

In This Report:

- **Payment of Bonus and Retroactive Increases.** Although there were no reported issues with the payment of the bonus on April 28, we received several reports regarding no payment of the retroactive on May 26. Members at the Law Department and DOHMH reported problems with payments. The City acknowledged problems due to calculations of overtime payments during these past two years. Other Mayoral agencies reported no problems with payments. The City informed the Union that the new salary rate will appear on the paycheck on June 23, 2023. H+H will report new dates as soon as possible.

Please notice that we posted the new salaries effective May 26, 2023 in the local 154 website.

Summary: The Contract with the City covers the period May 2021-November 2026. The deal includes:

- 5-year deal
- 3,000 Ratification Bonus, payable to people in payroll at the time of ratification.
- Increases for a total of 16.21% compounded:
 - 5/26/2021 3%,
 - 5/26/2022 3%,
 - 5/26/2023 3%,
 - 5/26/2024 3%,
 - 5/26/2025 3.25%

Tentative Payment dates:

Mayoral Agencies

April 28 – Ratification Bonus (prorated for part-time workers)

May 26 – 3% Increases and retroactive for 2021 and 2022

June 23 – 3% increase and new rate effective May 2023

**NYCHA – Bonus on May 4 / June 1st , (3%&3% retro for 2021 and 2022)
/ June 15 for 2023 increase**

H&H – Bonus on May 12 / May 26, 3% increase for 2021 / June 9, 3% increase for 2022 / June 23, 3% increase for May 2023

DOE – Bonus on 4/27/23 / May 26, 2023 (Increase to Gross and Retro pay for 5/2021 and 5/2022) / June 22, 2023 (Increase to Gross for 5/2023).

- **The Work Flexibility Committee** agreed to a Remote Work Policy which was announced by Mayor Adams and ED Henry Garrido at a press conference. Copy of the policy was distributed to Local 154 EBoard and Stewards via email. The City distributed a Telework Program Guidelines to every City agency and asked them to submit a remote work plan; so far, Small Business Services, Building Department, DSS, HRA and Fire Department have had their plan approved. The City is sharing the agencies' list with the Union once the plan is approved. The next step is develop policies for compress time, flex time and transit incentives.
- **Transparency Bill to order Hospitals to provide transparent information on bill amounts has been voted and approved by City Council. An addition to this bill will create an office to monitor compliance.** The City spends between 11-12 Billion dollars per year for Health Care for public employees. A handful of Hospitals exact exorbitant prices from City's coffers with rates at 300% & 400% above Medicare basic costs. Some hospitals are charging \$700-\$1000 dollars per covid test. Also, Unions asked NYS Attorney General to investigate Hospital's billing practices.
- **City workers get Juneteenth Holiday.** The Mayor and the Union agreed to the new holiday, and no givebacks. It is expected NYCHA, H+H, SCA will adopt the measure shortly. TA is adopting the measure for year 2022 only; DC37 Locals are asking TA to negotiate the inclusion of the Holiday for future years.
- **Civil Service Tests:** Associate Human Rights Specialist & Public Record Aide. On May 18, the Assoc. The Test Validation Board reviewed the HRS test and recommended to drop one question from the test.

Health Care Issues

City signed contract with Medicare Advantage Plan Aetna for retirees which is effective September 1st, 2023. This is a No-premium plan, with a cap on co-pays, limited pre-approval signed for 5 years with two 2-year extensions. On March 9, 2023, the MLC voted to approve

MAP Aetna as the plan for retirees. Details of the plan can be found at www.NYC.gov/OLR

There is no Senior Care available because Judge's Frank decision to preclude other plans and because of strong opposition by a group of retirees to modify administrative code which would have allowed for an alternative plan.

Arbitrator Decision:

Due to a disagreement between the City and Unions on the funding of healthcare plans for City Workers and Retirees, Arbitrator Martin Scheinman issued a decision on Dec 15, 2022, stating:

- 1. A Medicare Advantage Plan (Etna MA) should go forward to help alleviate the shortfall, and this plan will be Aetna MA.**
- 2. The City and MLC have 25 days to reach agreement with Aetna.**
- 3. This agreement with Aetna shall be put to a vote of the MLC. Failure to ratify this agreement shall result in finding another revenue source which, inevitably, will lead to premium contributions.**
- 4. Unless City Council amends the Administrative Code within 45 days of this award, to permit retirees to buy into Senior Care, then Senior Care shall not longer be offered. City Council decided not to vote on the bill modifying the Administrative Code on 1/19/23.**
- 5. The Aetna MA Plan will be available to retirees; the City and MLC may also agree to offer other plans so long as they are at no cost to the City.**

***SODEXO: Since Members are asking why they did not receive the NY State Bonus, we are reaching out to H&H and SODEXO to review the process. Our Research and Negotiations have been in contact with H&H on this matter.**

On the 2022 Contract, members were paid retroactive moneys and increases on the 36-month wage agreement ratified in September 2022 which included yearly increases of 5%, 5% & 3% for a total of 13.56% in pay hikes retroactive to December 2021; a bonus of \$600 dollars for Full-time workers and \$300 for part-time workers; secured the Juneteenth holiday previously negotiated into the contract; Full timers will get one (1) personal day, similar to part-timers. All members will make \$21.55/per hour come December 19, 2022. Kudos to our bargaining committee, and specially to Negotiator Mark Heron.

***NY State HEALTH CARE WORKER BONUS / February 2023 UPDATE: A second bonus for 40 Local 154's Special Consultant II performing patient care was distributed in February 2023. These bonuses are exempt from local and state taxes.**

DC 37 fought to create a fund for essential pay for members on the front line of the COVID-19 pandemic. The New York State Health Care and Mental Hygiene Worker Bonus covers the vesting period from Oct. 1, 2021 to Mar. 31, 2024. The program pays bonuses of up to \$3,000 to eligible full and part-time employees, temporary and contracted workers.

If you believe your work was involved in direct patient care and did not receive an attestation letter from your employer, please contact your HR department first, and then your union representative. The program continues until Mar. 31, 2024, with a maximum of two vesting periods per eligible employee.

Employers must submit an application on behalf of eligible employees. Bonuses will be paid in December 2022. For program details, contact the Health Care Worker Bonus (HWB) Call Center at 866-682-0077.

The state has indicated that the program will expand to Education sector employers in October.

DC 37 will continue fighting at the bargaining table for essential pay for all members who have continuously worked during the pandemic.

2024 AFSCME Convention will take place in Los Angeles, CA from August 12-16, 2024. Delegates will be elected by members.

Political action volunteers – DC 37 is asking for volunteers for the June 27 primary and the elections in November 2023. There will be a \$22 stipend. Members, and children of members are welcome.

DELTA DENTAL SERVICES

Dental Services: Our new Delta Dental plan started on September 2020. Delta Dental is the new dental network provider with 1800+ participating dentists in the New York City area and no added cost to DC37 members; DC 37's Health

and Security has invested 10 Million dollars to offer a panel with expanded services and increased fees for dental work. Members should have received a package with detailed information and plan participation ID cards in August. Visit : [Welcome DC 37 | Delta Dental \(deltadentalins.com\)](https://www.local154.org/Welcome-DC-37-Delta-Dental)

The newly renovated dental center at 115 Chambers Street was reopened starting November 15, 2022; for appointments call 212-766-4440.

Drug prescription costs continue to increase at astronomical speed and without end in sight. Recently MLC approved PICA to include two new drugs, one with a cost of \$1.8 Million and another with a cost of \$2.1 Million. In Congress we support passage of HR3 to help regulate drug prices.

VISIT DC37.NET and LOCAL154.ORG TO STAY INFORMED

Contracts / Citywide Increase:

Are you getting your Longevity, RIP, Service Increment or Annuity? Check your paycheck. Visit our website www.Local154.org for current amounts.

***Transit Authority:** Our Negotiator Lisa Riccio retired a couple of weeks ago. We wish Lisa a great retirement. Our new negotiator Pablo Torres will lead bargaining.

Bargaining: .20% Additional Compensation Fund (ACF), and .20% Equity Money with TA. The Union and TA agreed to have members opting for a metro north pass or a LIRR pass or an express bus pass. In addition, the 10 years RIP will increase by \$50.

The Union approached TA in regards to the application of the new economic term reached with City to our TA members (2021-2026).

*** Accounting EDP Unit Contract** which covers our Research Assistants was settled on January 30, 2023. We are waiting for payment dates.

Distribution of the .20% Additions to the Gross in City Agencies:

After the initial agreement for the SSRT and Clerical Units, the City of New York decided to stop all bargaining and payments of the .20% due to the Budget Deficit as consequence of the pandemic. In early December 2020, Executive Director Henry Garrido in talks with City Hall

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was able to negotiate the immediate reopening of this bargaining process and the release of contractual money being held due to the budget downfall.

- **SSRT Contract.** The SSRT Unit, pending Local 371 ratification, have reached a preliminary agreement with the City on the use of the .20% effective July 26, 2019. Although the amount of money available was really small, this distribution accomplishes two things, first we were able to add money to existing RIP and Annuity amounts, and second we were able to include Equal Employment Opportunity Specialists at DOE and Adm. Claims Examiner in the distribution of annuity and RIP money.

- 1) Amount added to current Annuity for Claim Spec., HRS, & Spec. Cons. II (old amount \$724) \$804
- 2) Amount added to 10-year RIP** for Claim Spec. HRS, & Spec. Cons. II (old amount \$521) \$601
- 3) Annuity* created for Equal Rights Compliance Spec. and Administrative Claims Examiners \$600 new
- 4) 10-year RIP** created for Equal Rights Compliance Spec. and Administrative Claims Examiners \$450 new

- **Clerical Unit Contract.** This Unit covers the following Local 154 Titles: Public Records Aide, Public Records Officer, Associate Public Record Officer, Department Librarian, Department Senior Librarian, Department Supervising Librarian and Department Principal Librarian. We have reached an agreement on the use of the .20% which will be retroactive to July 26, 2019 and was applied to the RIP (Recurrent Increment Payment) in the following fashion: The RIP schedule after the application of the 3% increase effective 10/26/2019 is as follows:

| Years of City Service | RIP | Total |
|-----------------------|---------|----------|
| 6 | \$ 966 | \$ 966 |
| 9 | \$ 889 | \$ 1,855 |
| 12 | \$ 900 | \$ 2,755 |
| 15 | \$ 516 | \$ 3,271 |
| 18 | \$1,080 | \$ 4,351 |

- **Real Estate Unit Contract.** This Unit covers the following Local 154 titles: Title Examiners, Senior Title Examiners and Principal Title Examiners. The preliminary agreement on the use of the .20%, retroactive to July 26, 2019, is to add \$216 to each of the RIPs for the 6 through the 20th year of service; this will result in the following schedule:

| Year | Current RIP | New RIP | Year | Current RIP | New RIP |
|------|-------------|---------|------|-------------|---------|
| 6 | \$ 272 | \$ 416 | 14 | \$2,453 | \$2,669 |
| 7 | \$ 543 | \$ 759 | 15 | \$2,733 | \$2,949 |
| 8 | \$ 814 | \$1,030 | 16 | \$3,003 | \$3,219 |
| 9 | \$1,087 | \$1,303 | 17 | \$3,278 | \$3,494 |
| 10 | \$1,363 | \$1,579 | 18 | \$3,489 | \$3,705 |
| 11 | \$1,635 | \$1,851 | 19 | \$3,601 | \$3,817 |

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|----|---------|---------|----|---------|---------|
| 12 | \$1,908 | \$2,124 | 20 | \$3,712 | \$3,928 |
| 13 | \$2,183 | \$2,399 | | | |

- We are restarting bargaining on the distribution of the .20% for the Accounting/EDP and Transit Authority Units. These Units include Research Assistants and Claims Specialists at Transit.

Other Private Sector Units:

*New York Law School. Negotiator Michelle Trester is taking medical leave, we wish Michelle a speedy recovery. Ben Toutushek will take the lead in negotiations.

Other Chapter Activity:

Law Department. The Union held a labor management meeting with the Law Department to discuss the health and safety situation after several shootings occurred on the street around the Law Department building on 161st Street in the Bronx. One of the bullets crashed through one of the staff windows in the Law Department.

DOH-MH Special Consultant Chapter.

. *Since City deployed outreach teams, including Local 154 members, to help remove homeless population from subway system.

Special Consultants in the CR and HEAT teams are being asked to work with NYPD and Homeless Services to outreach homeless population in subway system. After several meetings between Union and DOHMH, the Union filed a group grievance. Currently, there is only one Special Consultant performing the Subway Outreach work.

LawSuits

*Transit Authority: In 2018 the Union filed an Improper Practice suit against Transit for the hiring of people in the title of Staff Analyst to fill jobs performed by Claim Specialists. The PERB hearings scheduled for April 2020 were re-scheduled for October 26, Nov 2, 2020, and for February 2021. The October 26 and November 2 hearings included testimony from Local 154's Stewards and DC37 Research and Negotiations.

DOE: In 2021, Local 154 filed a law suite against DOE for the change of title of Equal Employment Opportunity Specialists and the classification of these members as confidential employees. On June 12, 2023, PERB issued a decision stating that DOE was wrong in changing these members' title. In addition, changing the title's classification to confidential is a PERB's prerogative and only applies to individuals not to whole titles.

Member's Benefits.

*Paid Family Leave: It became effective January 7, 2019. The City released PSB detailing the benefits and application for it. Due to stabilization on the use of Paid

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Family leave during year 2022, there will be a small reduction in the 2023 deduction. This rate is determined by the insurance company and New York State. Effective January 2023, the new payroll deduction will be reduced by approximately 10%. Siblings will be a new added category in 2023.

The Paid Family Leave benefit is 12 weeks. The maximum weekly paid benefit is \$971.61, or \$1,943 bi-weekly. This union negotiated New York State benefit is available to all DC 37 members, including those in the six nonprofit and private sector locals. PFL provides a salary and job security while you bond with your newborn or adopted child, care for a sick parent, and more.

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.

Civil Service:

Civil Service Examinations:

***Union requested DCAS to include the following tests for Local 154 Titles, in the 2023-24 Exam Calendar: Public Records Aide TC 60215; Public Records Officer TC 60216; Associate Public Records Officer TC 60217; Special Consultant TC 51001; Administrative Claim Examiner TC 10044.**

In January 2023, a new Public Records Aide was made public.

If you are employed in a provisional position, I encourage you to take a civil service test. The life of all existing lists has been extended for one year. Please visit DCAS's website <https://www1.nyc.gov/site/dcas/employment/how-can-you-find-upcoming-exams.page> for more details. Share this information with your colleagues and co-workers.

Tests:

We are waiting for the posting of the Associate Human Rights Specialist list. The Test Validation Board reviewed the test on May 18, 2023.

Active Lists: * Claim Specialists. On May 22, 2019 DCAS released the Claim Specialist test list #9023 with 669 names on it; during the second week of August, DCAS released copy of the Special Consultant Exam 8048 List. This list with 716 eligible includes a total of 506 people with score of 100 or better. DCAS's information line can be reached at (212) 669-1357. The Law Department started calling people from the Claim Specialist list starting on April

2021, some people were appointed as other were bumped due to their low standing in the list.

Ask for 2022-2023 Exam Calendar

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.
- Ranking. Successful candidates are placed on an eligible list in order of their respective final examination ratings, including seniority and veterans' credits. The rule provides that if two or more eligible receive the same final rating, they shall be placed in the list, for administrative purposes only, by the position derived of their last five digits of their social security number. All eligible with the same final score are equally reachable for appointment.
- 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.

* 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”.**

• **Supreme Court Case Janus v. AFSCME.**
----- Unions under attack ---

On June 26, 2018 the Supreme Court voted 5 to 4 in favor of the anti-union case Janus vs AFSCME. The majority's opinion followed the political discourse of Corporations and big Capital in their attempt to destroy the labor movement by denying Public Sector Unions the right to 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).

The effects of destroying Unions can be seen in places like West Virginia where Unions do not have collective bargaining rights (no contracts and no protections for working conditions!!), no wage increases, and they must pay health care co-payments determined by management. 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.

Janus is not the end of the attacks against Labor Unions: Currently there are 51 lawsuits pending across the country, which could be classified in three groups: refund of dues retroactive to 3 years (17 cases), so far the 7th District ruled against this; challenge of state's language designed to maintain dues in place (20 cases); and cases designed to challenge Unions' rights to exclusive representation (14 Cases, 2 of which have been rejected by Supreme Court).

However, the victory of Biden-Harris in the November 2020 elections, brings the promise of having labor at the center of the economic recovery process. Already the COVID19 Relief package signed by President Biden in February 2021, extends help to working people, small businesses and local and state governments, all of which have been economically devastated by the pandemic. President Biden is supporting better paying jobs, Unionization and collective bargaining rights (Protecting the Right to Organize - PRO Act) and by restructuring NLRB. We are looking forward to these and other changes. The COVID19 Relief will bring 12.5 Billion to the State and approximately 6 Billion to the City of New York.

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Please notice that our Contracts, Job Description, Salaries and President’s reports are available in our website www.Local154.org . If you have topics or questions about any labor issues for Local 154 website, please send them to Secretary Sheera Glass, President Juan Fernandez or Exec Board Member James Whooley at L154AFSCME@aol.com.

Labor Day Parade on Saturday September 9, 2023 – Save the Date!!