

Local 154
AFSCME, DC 37
PRESIDENT'S REPORT
October 18, 2022

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Juan Fernandez – President Report

Executive Board Meeting

In This Report:

- **Update on contract negotiations.** The first bargaining session with the City took place on Wednesday September 28, 2022.

DC 37 presented a list of demands that included: Retroactive Increases, Tele-Commuting, Essential worker's pay differential, elimination of reduced pay for new hires, money for welfare fund, and creation of a child care trust fund, among others. On the other hand, The City insists on the importance of health care costs, and the current budget deficit. DC37 is asking the City for a follow up meeting for early November.

DC37 kicked off contract demands with a very successful rally in Foley Square on June 15. It also collected a bargaining survey with ideas for demands which was answered by over 15,000 members.

Mayor Adams had stated that there will be no negotiations if issues connected to health care costs were not resolved in advance, but finally, in mid-September, the Mayor agreed to start bargaining. Also, the Mayor is willing to discuss Remote Work options. As you know, Remote Work and Telecommuting policy are NOT mandatory subjects of bargaining.

City budget: Mayor Adams announced a PEG of 3.0% during the current Fiscal year and 3.75% for next fiscal year. The City is expecting a \$10 Billion dollar deficit by year 2026. The Mayor is reporting loss of revenues throughout the City, including losses to the pension systems. The current PEG does not include layoffs but the Mayor expect City workers to do the same with less resources. Since 2021, 18,000 workers have left City service, mostly to retirement.

- High health care costs in NYC adds new pressures to contract negotiations. 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. Unions asks NYS

Attorney General to investigate Hospital's billing practices. In Addition, the DeBlasio's administration passed many of the cost of COVID Testing to the Stabilization Fund. Unions expect refund of over \$280 Million dollars (costs through March 2022).

- **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.**
- **Current Tests in DCAS Calendar: Associate Human Rights Specialist & Public Record Aide. The Assoc. HRS written portion has been postponed until December 2022. Local 154, in conjunction with DC37 Education Fund, set up training sessions. Many thanks to AHRs member Sulekha Prasad for leading these training sessions.**
- **Judge Frank rules that Medicare Advantage + can be implemented, and that the Senior Care plan should be offered to retirees free of charge - financed by the stabilization fund. The City is filing appeals, and not implementing Medicare Advantage + due to the impact of the ruling. Court Hearings will take place in October.**

Background and current status: 1. The stabilization fund, used by Unions to satisfy cost of premiums, has a two billion dollars deficit. The HIP/HMO formula that allowed the infusion of money in the stabilization fund is no longer viable. 2. In 2019, the City proposed new medical plans for retirees, out of which Medicare Advantage + was accepted by City and MLC as an alternative. This plan which would have provided the same or better quality of services with no premiums is withdrawn after Judge Frank orders the City to both, offer the Senior Care Plan and, at the same time, proceed with the Medicare Advantage + plan. The City decides to withdraw the Medicare Advantage + plan. 3. Due to the delays and the legal battles, the coalition offering the Medicare Advantage + plan decides to withdraw their proposal from the table.

- **Impact of Growing Deficit & Measures to Slow it Down: a) \$165 p/p contribution to Health and Security funds is halted b) Ditto with same contribution to City c) There is no money to cover**

PICA plan (psychotropic, injectable, cancer, asthma medications) which is being offered free of charge to members.

Proposals to restore fundings:

- **Changing the Administrative Code in order to revive the stabilization fund by adding new benchmarks for funding. City would guarantee no premiums.**
- **Asking for new RFP which will start a new plan in 2024.**
- **Create a 340B program and start a cooperative purchasing of highly used drugs in each Union at a better discount rate.**

If the Administrative code does not allow for new benchmarks then: The City a) will eliminate plan choices and offer one single plan for everybody b)The matter could be referred to an arbitrator c) Premium could be required from workforce.

Previous posting on the Health Care Issue: The City and Municipal Labor Committee (MLC) evaluated proposals to reduce health care cost in the City. For the MLC is crucial to save the stabilization fund from the impact of high hospital costs and drugs costs by adopting a new PICA plan and alternative Medical plans that could generate high savings and in turn help extend the life of the stabilization fund. The plans under considerations were Medicare Advantage, and Etna. The unions voted for Medicare Advantage which will generate less savings overall but allows retirees to keep current benefits and create less service disruption. OLR sent information packages to all retirees on September 2021 and a Judge ordered the extension of the enrollment deadline until March 15, 2022 after hearing concerns on the limited education and outreach performed by the Blue-Cross/Emblem Alliance.

***SODEXO: Members ratified a 36-month wage agreement with 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.**

***HEALTH CARE WORKER BONUS UPDATE: A total of 45 Local 154's Special Consultant II performing patient care were included in the bonus list. Checks are going out this week.**

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. Read more about the bonus program [HERE](#).

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.

***Updated .20% RIP, Annuity and Longevity payments (Pages 5-6)**

***Union requested DCAS to include the following tests for Local 154 Titles, in the 2022-23 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.**

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.deltadentalins.com)

The newly renovated dental center at 115 Chambers Street will be reopened starting November 15 at a ribbon-cutting ceremony; 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

DC 37 Reward Programs: DC 37 is offering a discount and rebate program for Union members at dc37rewards.com, they include shopping discounts at large stores, hotels, travel, food, restaurants, etc. Also, a computer application to help Union members deal with Students Debt will we offered shortly - visit DC37.net !!

Contracts / Citywide Increase:

***Transit Authority:** We will reinitiate bargaining over .20% Additional Compensation Fund (ACF), and .20% Equity Money with TA. Since TA had announced that non-represented workers will be allowed to work one day per week remotely, the Union wants to make sure our members are included in such policies. The Union demanded bargaining on these issues.

On March 14, 2022 the Union met with TA to discuss the content of Sick Leave forms which requires members to discuss personal medical information. Union wants the form changed.

The Union will be sending Transit demands for the application of the .20% addition to the gross, and the .20% Additional Compensation Fund (ACF); Local

154 will support the issuance of a LIRR- MetroNorth pass to members, with ACF funding.

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 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 our brothers and sisters in two new titles. Many thanks to the bargaining committee members VP J.White, Chapters Chairs E.Greene, D.Thillet, V.Tirado, V.Julien, Rep. L.Hobgood, and negotiator M.Dolan. Thanks to Local 371 and Local 768.

Payment Dates: Mayoral agencies and NYCHA will see the .20 ACF on the May 28th paycheck. H&H will receive it in June 11th for the rate and retro effective 7/26/19 and on June 25th for the rate and retro effective 10/26/19

- which it is an additional \$82 on the RIP, after 10 years of City Service. Therefore the retro will be about \$150 before taxes. The new bi-weekly amount will be \$23.82. There will also be additional \$70 contribution to the Annuity Funds, retroactive to 7/26/19.
- Employees in the Adm Claim Examiner titles who were newly added will see the full retro if they have the 10 years.

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:

<u>Year</u>	<u>Current RIP</u>	<u>New RIP</u>	<u>Year</u>	<u>Current RIP</u>	<u>New RIP</u>
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
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.** In November 2021, NYLS negotiated a new premium with a medical vendor which NYLS and DC37 agreed that it won't be added to the current premium paid by our members.

Other Chapter Activity:

DOH-MH Special Consultant Chapter.

. *City will deploy 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. On Feb. 14, the Unions met with DOH-MH to review and discuss deployment plans. Another meeting was held on March 14 and June 15 to hear DOHMH's responses to additional Union's concerns after members activities in the subway. The Union filed a group grievance.

***Transit Authority:** Juneteenth Holiday, TA announced that the Holiday will be recognized for all TA workers in 2022 but there are no assurances for following years. Immediately, the Union sent a request to negotiate.

MTA President sent proposal to include a 500K benefit for beneficiaries of Transit workers who have died due to Corona Virus while in active service. MTA Board will vote on it on Wednesday April 22, 2020. Many thanks to Negotiator Lisa Riccio and many thanks to Veronica Julien for stepping forward to help us with the proposal. In January 2021, Transit announced the consolidation of several departments under MTA. The Union have reached out to TA to discuss the measure.

LawSuits

* The Union filed an Improper Practice suit in that DCAS installed and is using real time GPS to monitor and discipline members who use city cars, a change of terms and conditions of employment. Although the incidents occurred at Parks and DOT, this lawsuit has broader implications for many workers using City Cars while at work.

***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: Union filed an Improper Practice suit against DOE based on information that DOE was changing the title of the "Equal Rights Compliance Specialists" to "Equal Opportunity Complaint Investigator". During a hearing at PERB on Feb 13, DOE gave information that they have classified these Specialists as Confidential Employees which is being challenged by the Union. The next hearing will take place at the end of September 2020.

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 Family leave during year 2022, there will a 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:

Local 154 has requested the inclusion of several civil service examinations for the upcoming calendar period. 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.

New Tests in the Calendar:

- **Associate Human Rights Specialist Examination.** After an extensive dialogue, DCAS informed the Union that an Open Competitive, and a Promotional Associate Human Rights Specialist test is scheduled for registration on June 2022; the written portion will take place starting December 29. The DC 37 Education Department helped in the organizing of preparation workshops. Many thanks to member Sulekah Prasad Frank for leading these workshops. Also, the Union has stated its deep concern over the several selective certifications which will consider experience and license in duties outside the scope of the AHRs title.
- **DCAS has added a Public Record Aide examination** to its 2021-2022 examination calendar.

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

*** Local 154 had asked DCAS to include the following tests in the 2022-23 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. All legal actions (lawsuits) on the matter of Civil Service tests are precluded at this time under the NY State Plan for the Reduction of Provisional.**

If you are provisional and there is no test available for your title, we suggest that you take another available test where you can hold a permanent position (contact your Union Representative if you have any questions).

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

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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.

Please notice that our Contracts and the 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.