

Local 154
AFSCME, DC 37
PRESIDENT'S REPORT
September 29, 2021

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Juan Fernandez – President Report

See This Report For:

***Returning to the Office / Union filing law suits against the City (Pages 2-4)**

**• New Tests in DCAS Calendar:
Associate Human Rights Specialist & Public Record Aide (Page 12)**

***Updated .20% RIP, Annuity and Longevity payments (Pages 7-8)**

Bargaining with School Construction Authority (SCA) (page 7)

Move: Effective January 21st 2020 all DC 37 services are located at 55 Water Street, floors 22nd (H&S) and 23rd (DC 37 Union representation). Renovations continue at 125 Barclay; we expect to return to our building in approximately by October 2023.

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 renovation of the dental services at Chamber Street continues and the building is expected to be operational with expanded services by November 2021; in the meanwhile, its operations and its dentist chairs will be relocated to Joralemon Street in Brooklyn.

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. **The City and Municipal Labor Committee (MLC) are looking for alternatives 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 Medicare 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 but allows retirees to keep current benefits and create less service disruption. Retirees enrolled in HIPVIP will be able to stay enrolled in this program past January 2022; a letter with information will be sent to participants.

Work Site Inspections & Walkthrough:
We encourage all members to get vaccinated.
You could get reasonable accommodations.

Unions suing the City

The Current situation:

We deplore the confusion and lack of proper information from the City regarding the return to the office mandate. The Mayor established September 13 as the return to work date but many City agencies were provided with disjointed information for the return. The Delta variant is imposing additional demands for all workers' safety but the City is not producing functional instructions to deal with the day-to-day demands on the workplace. The City is calling for vaccination, which we believe is extremely important and members should abide by, but it is known that we need other measures, including an extended mask protocols, ventilation and social distancing at the work place (DCAS removed social distance from its regulations), as well.

- The Unions are extremely concerned with these City policies which do not provide a safe work place for our members. We are asking for bargaining with the City on protecting both our members' safety and health, and our members' labor rights. **The Unions have filed Law Suits in Court and Improper Practice (IP) with the Office of Collective Bargaining (OCB).** We will continue our fight with all the mechanism at our disposal.

The current City policies call for:

1. **H+H** – The Governor ordered mandatory vaccination for all at HH. Some workers have already received warning notices that they will be sent home if they don't present proof of vaccination. As of September 27, H+H was redeploying staff to address possible shortage of workers in hospitals due to lack of vaccine compliance.
2. **DOE** - Mandatory vaccination for all workers at DOE. The City is announcing deployment of substitute teachers to cover for staff

removed due to non-compliance. After an initial refusal to consider reasonable accommodations, DOE reacted to the Unions' law suits by allowing medical or religious reasonable accommodations, and by extending the vaccination date to October 1st. On Sept. 28, the State Court sided with the City on requiring vaccination to employees.

3. **City Agencies** started returning to their office locations on September 13th. Workers should vaccinate or get tested once a week. Some agencies postponed return to October 2021.
4. **TA** is calling people back for September 7th. Workers should be vaccinated or tested once a week. TA has stated that beneficiaries of unvaccinated workers will not be awarded a supplemental \$500,000 death benefit.
5. **SCA** – some workers will be required to get vaccinated others will get vaccinated or get tested once a week. After the Union met with SCA, this agency is accepting Reasonable Accommodation requests. The Union filed an IP with OCB.
6. **NYCHA** is ordering workers to get vaccinated. We will meet next week to discuss possible remote work.
7. **Cultural Institutions** – workers and patrons should get vaccinated. Approximately twelve workers were terminated due to non-compliance.

Mask are mandatory at all times in City agencies.

SINCE

- The Mayor has refused to negotiate over the impact of these important policies, and
- The Mayor has refused to discuss remote work or telecommuting.

The Unions have taken the following legal steps on behalf of the members:

- * The MLC filed an Art.78 lawsuit with the State Supreme Court against the vaccine mandate at DOE. The Union wants labor

protection and reasonable accommodations when necessary. NYS Supreme Court granted a Temporary Restraining Order (TRO) in response to this Law Suit. The TRO was lifted after a few days, and on 9/28 the NYS State Supreme Court supported the City's vaccination mandate. The City is allowing reasonable accommodations for Medical or Religious reasons, which it originally rejected.

- * DC37 also filed an Art. 78 lawsuit for DOE
- * DC37 filed an Improper Practice with the Office of Collective Bargaining (OCB) on the grounds that the City of NY's policy is endangering members' safety and health with the removal of social distancing, sending our members into buildings with poor ventilation and, therefore, violating ventilation requirements, etc.
- DC37 filed an Improper Practice suit against SCA with OCB.
- * An injunctive relief request on health and safety grounds was filed with OCB.
- * Other Unions, members of MLC, have filed Arbitrations, and others lawsuits as well.

COVID-19 Return To Work Background:

During the first half of 2021, as more than 50,000 DC37 members were scheduled to return to work, Local 154 together with DC37 Safety and Health, and Council Representatives inspected dozens of work locations such as DORIS, Law Department offices, DOT, Comptroller's, Human Rights, and others. Many Local 154 shop stewards, members and officers participated in the inspections and office walkthroughs: Johana Bonny, Amalca Alexander, Sonia Belgrave, Stacey Starke, Janice Prestano, Francisca Leopold, Diana Thillet, James Whooley, and VP Juliet White, among many others. The Union is looking forward to a safe and equitable return, therefore we wanted to make sure protocols were followed.

We encourage all members to get vaccinated. We encourage people who may need medical or religious accommodations to contact their EEO's officers.

If you have child care needs or you are a care giver, check DCAS special policy on this regard.

Local 154 is asking all members to report unsafe working conditions. Workers' safety, including buildings' inspection as well as

vaccination of employees are critical before any reopening of facilities. The Union declares worker’s safety first.

Demanding a Safe Work Environment for All Workers

COVID19 VACCINE: [COVID-19: Vaccine Eligibility - NYC Health](#)

Early in 2021 and after a continuous lobbying from the Municipal Labor Committee (MLC), NY State is expanding eligibility criteria for the inclusion of the City workers. The Union is helping DC37 members with the vaccination appointment process. The NYC Health website is announcing vaccination of “public-facing government and public employees” which started on March 17, 2021. DC37 held a vaccination day at Citi Field on March 27, 2021.

Visit [SOMOS Vaccinations](#) (www.somosvaccinations.com) for appointments.

- The City opened one Hub per borough dedicated to City employees (NY State eligibility guidelines will be followed). For Appointments: visit the website [SOMOS Vaccinations](#) (www.somosvaccinations.com)
For general information on COVID19 and other vaccination sites visit www1.nyc.gov
- In order to encourage City employees to receive the vaccine, the City has issued PSB 600-4 instructing all City agencies to allow employees 2 hours of excused time for each injection and to credit 3 hours of Comp Time once the inoculation is completed (credit is given after presenting proof of complete vaccination).
- Effective January 12, 2021 the City has issued an Updated Guidance on Leave Policy for City Agencies – Please see it in Local154.org website.
- The Union strongly support the vaccination of the City workforce and inspection of all facilities before returning to any physical locations.
- On March 15, 2021 Governor Cuomo signed an order granting public and private sector employees up to 4 hours of excused time per injection toward the COVID19 vaccine.

Return to the Office Inspections and Plans Review: On May 3, The City of New York started calling workers back to their office. In March 2021, DCAS updated its guidelines for the reopening of City Agencies “Managing the Return to the Office in the Age of COVID-19”. Every City Agency was required to formulate and implement reopening plans by April 4, 2021. These plans were reviewed and approved by City Hall’s reopening Task Force. ▪ [Managing the Return to Office in the Age of COVID-19](#)

Scheduled RTO/ Reopening Meetings (Local 154 Representation):

April 2, 2021 The Union met with OLR and DCAS to discuss reopening.

April 12, meeting with DORIS (President, Stewards Glowinski, O’Toole, Hobgood)

April 13, meeting with FDNY (President, Hobgood)

April 15, meeting with DOT, CCHR, NYCHA (President, VP, Whooley, Leopold, Lewis)

April 16, meeting with Consumer Affairs (Presid. Whooley, Bonny) cancelled after a few minutes.

April 19, meeting with DOH-MH, DCAS (President, Alam, Lewis)

April 20, meeting with OLR (President)

April 21, meeting with Law Dept (President, Thillet, Whooley)

April 22, meeting with CAWP, DORIS (President, Whooley, Glowinski, O’Toole, Bonny)

April 28, meeting with DOE (President)

May 6 meeting with Comptroller’s (V.Lues, J.White, President)

At the RTO meetings, each agency has presented its plans to return to the office with details on floor plans, numbers of people returning & number of days per week, safety and social distance protocols, access to building, reasonable accommodations, child care leave, field activity protocols, protocol for reporting possible COVID 19 infections, use of cars, etc.

Also, we will be doing walkthrough and inspection of facilities with special attention to airflow, filters, signage, use of elevators, etc. Recently some locations had had to test still water for legionnaire contamination.

VISIT DC37.NET and LOCAL154.ORG TO STAY INFORMED

All workers and visitors of City facilities should expect to follow sanitary protocols before and during their stay in the facilities. All workers should receive PPE (masks, cleaners, gloves) provided by employers; visitors should be prepared to wear masks at all time. Any worker who feels that has been exposed to the virus should contact a medical provider, inform supervision and quarantine accordingly.

The City has issued updated protocols for Sick Leave and Annual Leave and on the use of masks in the workplace. – Visit our website for review. On June 29, 2021, DCAS issued its latest update on masks usage: ▪ [Commissioner’s Directive No. 2020-1 Concerning the Safety Practices of Personnel During the COVID-19 Crisis](#)

DC 37 will continue to review with the City reopening plans and specific working conditions at every City agency. The Union has ongoing discussions with the City regarding the new working conditions across the City, including staggered schedules, telecommuting, sanitary conditions and operations.

***Visit our Website www.Local154.org to review City’s updated Time and Leave Policy (as of Jan 12, 2021) during the pandemic (review it in our website Local154.org)**

Benefits for members’ families – 200+ DC 37 members have died as consequence of COVID19, including two active members of Local 154 and one of our retirees.

The City agreed to provide a 45-day extension of health benefits to dependents of workers who had passed because of COVID19.

On May 19, The City agreed to support three quarter line-of-duty disability pension to the families of workers who have passed away as consequence of COVID 19, which was passed in Albany at the end of May.

MTA had previously extended a \$500,000 death benefit and three years of health benefits to Transit employees who had passed as consequence of COVID19.

The UNION has lobbied to introduce a bill to have Accidental Death Benefits for the families of public workers who died as consequence of COVID19; we are supporting bill A3988 in the Assembly.

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 be offered shortly - visit DC37.net !!

Local 154 Membership. After two years and 214 members signing Union Members Cards, we can announce that we have 99% membership. Only two or three opted for a free ride on the back of dedicated paying members but everybody else did the right thing to protect contracts, benefits and the collective bargaining. Many thanks to our Rep. Lewis Hobgood, the quintessential man, Vice President Juliet White and all officers who helped in this organizing drive.

City & State Budget

The current FY2022 City budget includes headcount increases for several departments, including DOE, Health, and DOT among others. Parks sees increases for seasonal workers but is short on the funding for park rangers. The current new allocations take advantage of the federal relief funds.

In March 2021, President Biden's COVID19 Relief plan, signed into law in the same month, bringing 12.5 Billion to the State and approximately 6 Billion to the City of New York, providing a much necessary needed assistance to families, businesses and local and state governments. Mayor DeBlasio asserted that this assistance will avert layoffs during his term.

City Had Proposed 22,000 layoffs.

In June 2020, Mayor De Blasio announced that if Federal aid was not coming or the early retirement or borrowing authority was not in place, then the City will be forced to proceed with furloughs and layoffs. The Unions made new savings proposals to the Mayor and also asked him to delay the 22,000 layoffs announced for October 2020. Also, the Unions have been working with the State Legislature to pass the Early Retirement Bill and to provide the Mayor with borrowing authority (bond authority) in order to finance the Retirement Incentive and to cover the deficit. The Early Retirement Incentive will help to create savings for the City. **In addition, the Mayor agreed to remove layoffs from the table in FY21-22 if the federal relief is above \$5 Billion for New York City.**

Reaching a No Lay-Offs Agreement

On October 16, 2020, DC37 proposed the City to defer layoffs based on the delay of contractual welfare fund payments to the Unions. A few days later, the City and DC37 reached an agreement of NO-LAYOFFS for the current fiscal year ending on June 30, 2021. The agreement will allow the City to put on hold Benefits Funds payments due to DC37's Welfare Fund in exchange for No Lay Offs for the remaining of the Fiscal Year. These payments do not affect your salary, wages or any of your current benefits. The DC37 Benefits Funds have sufficient cash to continue operations until the moneys are restored in September and November of Year 2021.

This agreement allows enough time for the voting on the new **Early Retirement Incentive bill** (see www.Local154.org for copy of the bill) and the discussion on providing borrowing authority to Mayor DeBlasio. **In addition, the Mayor agreed to remove layoffs from the table in FY21-22 if the federal relief is above \$5 Billion for New York City.**

“This past year, we’ve been in the fight of our lives, pushing back on threats of layoffs. Last fall, after hard fought negotiations, we struck a deal with Mayor de Blasio that delayed layoffs through June 2021, and a commitment that if the federal government provided at least \$5 billion in local aid, the delay would extend until at least June 2022. Last week, in passing the American Rescue Act, our home state senator and Senate Majority Leader, Senator Chuck Schumer, delivered for all of us. His leadership led to \$6 billion in vital aid to New York City and last night, Mayor de Blasio confirmed that as a result, good union jobs have been protected and layoffs are off the table for at least another year.” Henry Garrido, DC 37 Executive Director

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Contracts / Citywide Increase:

School Construction Authority is the only Unit which has not received the 2017 Contract increases. Units A & C had ended their bargaining in 2020. In July 2021 we started Unit B bargaining. The agreement is being drafted for presentation to members.

***Transit Authority:** After a walkthrough of 130 Livingstone, Local 154 held a labor-management to go over the issues raised by members regarding the reopening. MTA approved a 500K benefit for beneficiaries of Transit workers who have died due to Corona Virus while in active service.

We are sending Transit Unions’ demands for the application of the .20% addition to the gross.

NYCHA. A Coalition of seven Unions, including Local 154, sent letter to NYCHA President asking for a meeting to discuss reopening plans. Copy of this letter was forwarded to City Council’s City reopening hearings.

Distribution of the .20% Additions

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,

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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:

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

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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.

Private Sector Units:

On March 15, 2021 Governor Cuomo signed an order granting public and private sector employees up to 4 hours of excused time per injection toward the COVID19 vaccine.

*New York Law School. On June 16, 2020 NYLS Informed the Union of its budget modifications due to revenue losses because of decreased student enrollments, cessation of public events, gala and fewer donations. These changes include one layoff and changes in health care premiums at NYLS. The recently contractually agreed health premium increase cap of 15% covering Local 154 members will be respected and salary increases will not be affected. A separation agreement was finally offered and accepted by a member at the school.

Members had approved a new agreement with NYLS on February 2020. After a disagreement on the language of the MOA which delayed the execution of the Contract, on April 17, NYLS agreed to the language proposed by the Union and the bargaining committee signed off on it. Retroactive payments and rate increases were included in the May 28 paycheck. Thanks to Pres. Fernandez, Cheryl Shields, Louis Monbourn, Lewis Hobgood and Michelle Trester for their hard work.

In November 2020, 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.

*SODEXO. Sodexo members are covered by the mandate to vaccinate issued by the Governor to all public health facilities in New York State.

During the months of March and April 2020, the Union distributed masks and gloves to members at Queens, Elmhurst, Woodhull and other hospitals. The City declared a shortage of PPE and DC37 reached to obtain PPE in order to make sure our members had the essential equipment for the important, front-line work, they perform.

Other Chapter Activity:

Lobbying Albany Legislators

On 3/2/21 AFSCME and DC37 held a lobbying session with NY State legislators. The Union presented some of our bills and concerns for the upcoming session, namely raising revenues for the State, protecting health care programs, fair and equitable distribution of

vaccines, passing early retirement bill (S4170), protecting City workers (vaccines and, safety and health, waiver for Social Services), extending Accidental Death Benefits to City workers victim of COVID19 (A03988). A number of Senators and Assembly Members spoke to show their support for these and other initiatives, Senator Liu and Senator Ramos among others.

Remote Union Meetings

Since we have the proper technical support, we have been organizing remote membership meetings. We had meetings with Law Department, NYCHA, HHC members on July 9 and Comptroller, CCHR, DORIS, DDC on July 23. All other chapters were invited for an August 6 meeting. We also held virtual membership meetings in September and December.

Research Assistant/Title Examiners Chapter

In November 2020, Local 154 responded to DCAS's stated intentions to eliminate the title of Title Examiner because it was not being used. Local 154 gathered information showing that the duties of the title were being contracted out to vendors who, to add insult to injury, were not performing the job correctly with the consequent loss of City revenues. The Local was able to provide documentation on some of the lawsuits initiated by the City against vendors who were not up to task. Naturally, the people correcting the undoing of private contractors were City workers in the Senior and Principal Title Examiners titles. Can anybody say the City is throwing money away twice or thrice? Finally, in December DCAS informed the Union that they were desisting in removing the Title.

Many thanks to our diligent members led by Chapter Chair James Whooley in the gathering of documents on this issue. Many Thanks to Moira Dolan in DC37 Research and Negotiations Department.

DOH-MH. Labor Management

On December 22, 2020 Local 154 held a meeting with DOH-MH to discuss and clarify a number of issues reported by members in the HEAT unit, including a new time a leave policy with incorrect information distributed to members and other items. During the meeting we:

1) Clarified that there are 3 sick days available for an ill family member as well as Paid Family Leave.

2) Clarified that a person may call out sick for one day and not provide a doctor's note. However, five times in a six-month period will lead to a written warning, in accordance with long standing absence control policy. In the past there have been absence control issues with this program due to the nature of the weekend and late-night shifts.

We requested a copy of the policy that is distributed to the HEAT team members.

3) Exposure to COVID rules - clarified questions about what happens when a worker is notified about a workplace exposure. Staff that are clearly contact traced to have been in close contact with another worker will be sent home for the required period. Not everyone in the team needs to be sent home. They are following test and trace.

4) Time in the field - currently the schedule is set up so that all HEAT members are in the field 3 days of the week, rather than five.

5) Health and Safety walk throughs will be scheduled as necessary.

In July 2020, some Special Consultants II were assigned to monitor a Manhattan Hotel with elders from nursing homes and people affected with COVID19 as they are discharged from hospitals. The assignment was preceded by Labor Management meetings where details and nature of assignments were discussed. Workers had access to child care centers. Pres. Fernandez and Chapter Chair Elliot Greene represented Local 154. Thanks Elliot!!

***Transit Authority:** 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.

Law Suits

* 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.

* **Victory!!** On a second case against TA filed three years ago to obtain representation of **Hearing Officers**, PERB ruled that these workers should be considered employees (Transit claimed they were merely Contractors) and therefore eligible to be represented by a Union; a hearing to discuss community of interest was scheduled by PERB to take place on **October 24, 2019**. This hearing did not take place since TA and Union agreed to review and count the Union cards signed by workers, the Judge determined that the majority of workers have signed to join the Union therefore adjudicating the work unit to DC37. We thank DC 37 General Counsel's Office, Atty. Dena Klein, Organizer Julien DeJesus, our Transit Chapter Chair Veronica Julien, and Shop Steward Greg Petrus for their work and commitment to this organizing fight. DC37 sent a report to AFSCME asking it to assign the new unit to Local 154. AFSCME has the power to make this determination.

* **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. Previously, the Union sent out email explaining it to the members. Due to high use of Paid Family leave during year 2020, there was an increased deduction in year 2021. This rate is determined by the insurance company and New York State. Effective January 2021, the new deduction will be equal to .511% of the wages which equals to \$9.75 bi-weekly deduction for a \$50,000 yearly salary.

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 details please read the DC 37 PFL blog: <http://bit.ly/2KegChJ>. To access the 2021 PFL calculator, visit: <http://on.ny.gov/2LskIQ8>

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:

State Salary Survey:

AT the end of July, we asked OLR to include Local 154 titles in the upcoming NYS Pay Equity Study of State and City Titles pursuant to Chapter 403 of 2018. The study intends to measure pay inequities among public employers. OLR has informed us that the following Local 154 titles will be included in the study:

Claim Specialist, Research Assistant, Public Records Aide
Human Rights Specialist & Public Records Officer

If you are serving in one of these titles, you will receive a link to the survey from your City Agency. Please answer the survey to the best of your knowledge.

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 are scheduled for June 2022. The Union will help with preparation workshops as soon as test details are available.
- **DCAS has added a Public Record Aide examination to its 2021-2022 examination calendar.**
- **Issues of Concern:** DCAS has presented a proposal to administer Education & Experience exams to 32 promotional titles. DCAS explained that it will be a one-time E&E and it will allow people to acquire Civil Service Status. The Union is concerned and opposed to this move because E&E tend be used for patronage and offer promotions without merit and fitness. Also, the Union has said that other alternatives such as modified tests exists.

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.

*** Local 154 had asked DCAS to include the following tests in the 2021-22 Exam Calendar: Public Records Aide TC 60215; Public Records Officer TC 60216; Associate Public Records Officer TC 60217; Administrative Claim Examiner TC 10044 & Associate Human Rights Specialist TC 55038. 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.**

On March 15, 2021 DCAS announced Qualifying in Place Examinations (QIE – only for provisionals serving at least 2 years in the title) for the titles of Associate Public Records Officer and Administrative Claims Examiner. Local

154 informed members in the title and set up workshops. Congratulations to members who passed the test.

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 people, small businesses and local and state governments, all of which have been economically devastated by the pandemic. President Biden is supporting better paying

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September 29, 2021

AFSCME, DC 37

Juan Fernandez – President Report

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.