

Local 154
AFSCME, DC 37
PRESIDENT'S REPORT
July 21, 2020

July 2020
Juan Fernandez – President Report

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We are sorry to inform you of the passing of our DC 37 Associate Director, Oliver Gray. DC37 will be holding a memorial service on September 4th, 2020; details will follow.

The ghastly murder of George Floyd by police officers in Minneapolis has put at the forefront the institutionalized racism of police forces protected by the law and racist structures of society. In these sad and grim moments, Local 154 restates its commitment to justice and to the fight against racism, inequality and police brutality. We are all inspired by the people marching for justice and a better society on the streets of this country. We believe that we can build a better society for each one of us.

Resolution on the Murder of George Floyd

On 5/25/2020 George Floyd, a 46 year old black man, was murdered by Minneapolis police officers, one of whom knelt on his neck for nearly nine minutes.

Police officers have a duty to serve and protect citizens, however, George Floyd's murder is part of a long history of police violence against people of color. Before Mr. Floyd, we saw the murders of Breonna Taylor, Stephon Clark, Eric Garner, Philando Castile and countless others.

Racism, police brutality and systemic oppression of people of color represent a national crisis and people are rising up together and demanding that these issues be addressed.

Labor must stand together with the "black lives matter" movement, condemn the racism, violence and oppression that exists in our culture and help create alternative approaches to policing. *AFSCME Local 154 Executive Board, June 16, 2020*

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

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).

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). Construction work has begun in the 125 Barclay as of June 2020; due to the restrictions under the pandemics the starting date was delayed. The Barclay location will be renewed and a new story will be added with office rental space. The City has waived the fines related to the sprinkler system. We expect to return to 125 Barclay in approximately 3+ years.

Dental Services: Some of you may have already received a post card announcing the new Delta Dental plan starting on September 2020. Delta Dental will be 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. During the month of August, you will receive a package with detailed information and plan participation ID cards.

The renovation of the dental services at the Chamber Street building which is also delayed due to restrictions during the pandemics, will continue and is expected to be operational

with expanded services by March 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.

DC37 Resolution on the Murder of George Floyd

On June 11, 2020 the DC 37 Executive Board voted in favor of a Resolution to support Black Lives Matter, Civil Rights, and to reject the death of George Floyd.

On the matter of police reform: DC37 endorsed the repeal of Law 50A.

DC37 Constitution Amendments: Several Amendments to the DC37 Constitution were introduced in April and May. DC 37 Constitutions and Laws Committee held hearing to hear Delegates' view on the issues. The amendments touched upon adding electronic minutes; adding Locals from 1707 to the board and the delegates body; propose per capita structure for the same locals; standardized per capita payment for all the other non-1707 locals; proposed changes to the elections of Vice-Presidents to DC37 Executive Board, and proposed new command channels for DC 37 divisions. I should add that DC37 has been completing the unification process with the new six locals covering over 21, 000 members coming from DC1707. The Constitutional Committee scheduled Hearings to discuss the amendments in June; Presidents Fernandez and Secretary Sheera Glass gave presentations which reflected previous consensus reached with other Local 154 Delegates, at the hearing. The Constitution and Laws Committee presented its DC37 Executive Board on June 10. The Board voted unanimously to support the Committee recommendations which rejected the inclusion of all 60 Presidents in the Exec Board and rejected the new channel of command for Division Directors, and approved the other proposed amendments. The Delegates body will have the chance to vote on the Amendments proposals likely in September.

Corona Virus emergency: Due to the pandemics, the City of New York has instituted tele work for 10% of the workforce plus staggered commute for another 10%, for a total of 70,000 workers. The City and the Authorities have issued guidance regarding the use of sick leave: workers asked to self-quarantine or under treatment for the virus will have their time excused. Any worker who feels that has been exposed to the virus should contact a medical provider.

Child Care Centers will be available to all essential workers required to report to a location.

Health Care Workers. There will be 11,000 hotel rooms available to front line Health Care Workers .

Personal Protective Equipment: At the end of March and April, there were massive reports of shortage of PPE; DC 37 and some individual locals agreed to purchase masks to be distributed among our members required to report to work in physical locations. DC 37 Executive Board agreed to buy 100,000 masks. The Union also received donations from individuals and the City Comptroller's office.

Local 154 did canvassing of workers in field locations and distributed masks to SODEXO workers at Queens and Elmhurst Hospitals, and HH Central Office. We are waiting for

new masks for other SODEXO locations. On May 15, masks were delivered to Sodexo members at Woodhull.

The City is drawing volunteers from different titles to be Social Distance Ambassadors. At the same time, the City is moving to hire thousands of Contact Tracers and Business Inspectors which will investigate contacts of people contracting the Corona Virus and store activities. The tracers are being hired under H+H, and the first intention was to make part of private company but an agreement was reached with City to make them City workers ascribed to DC 37. Since HRA needs personnel, some members are volunteering and others ordered to help in tele-responding to inquiries and filling out applications.

Economic Impact of the Pandemics: Although most details are not accessible due to the current emergency and limited research data, there are indications of a huge reshuffle of income with a trend to a higher concentration of wealth. Resources are being re-distributed with large quantities of money being directed to corporations, private sector schools, and religious schools, etc. The labor movement needs to redefine its own agenda for the next 25 years and must obtain a commitment from the Democratic Party and its candidates to re-define an agenda intended to re-distribute income, resources to public education, increase minimum wage, re-think health care, retirement benefits, etc.

Reopening New York City. The Governor has ordered a staggered reopening of different regions of NY State as required metrics are met. New York City started the first phase of reopening on June 6, 2020 in the north region and at the time of the writing of this report was entering stage 4. Although some City workers have been called back to prepare for the new stages of reopening, the Union is emphasizing preparation and planning. We are also offering training on COVID19 safety.

On June 16, 2020, DCAS issued guidelines for the reopening of City Agencies “Managing the Return to the Office in the Age of COVID-19”. Each City Agency is expected to “formulate and implement re-opening plans, which should include telework and alternative schedules.”

DC 37 has continued to negotiate with the City regarding reopening and specific working conditions at agencies that continue to be partially in operations. The Union has ongoing discussions with the City regarding the new working conditions across the City, including staggered schedules, telecommuting, sanitary conditions and operations. We are expecting to proceed with inspections before work sites open and to provide safety training to Union officers and stewards. We expect to review each agency’s re-opening plans and to conduct on-site inspections of work spaces. We ask members to communicate with your Union steward if you received instructions to report back to your office.

A bill regarding telecommuting was not considered in Albany. The City stated that any teleworking should be considered at the Agency level. However, at the begging of July, DC37 and MTA signed a plan for telecommuting at that agency.

Benefits for members’ families – 150 DC 37 members have died as consequence of COVID19.

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.

COVID-19 Health and Safety Training

As talk of reopening the City get louder, some of you continue to do telework and others never stop working in your physical worksites, but all of us wonder about the challenges of the new work environment. Now is the time to get the most updated information on Health and Safety for our work place. To answer these new challenges, DC37 has set up 3-hour training sessions for DC37 members with NYCOSH, the first of which took place on June 24, 2020. The second session will take place on July 23. A number of members and activists responded that they wanted to attend this training. The training is very important as it will give you the tools to identify issues pertaining to workplace safety related to COVID-19 and how to involve the Union safety protocols.

Suspension of Time and Evaluation Contract Provisions

On June 10, the City's OLR signed a letter to DC37 stating that during this period (March-June 30):

1. Annual leave over the accumulation cap will not be converted to sick leave. Under the Contract, the City converts Annual Leave to Sick leave after the accumulation goes over 2 years of vacation time. This clause is being suspended since we all have restrictions and we cannot use our vacations time. So, people will keep their Annual Leave without the risk of having it converted to SL.
2. Earned Compensatory Time shall not be required to be used within 4 months. Contract allows the City to convert earned Comp Time to sick leave after 4 months in the bank. This is being suspended and people will be allowed to hold on to their Comp Time without the risk of losing it.
3. Evaluations for workers in probationary period (competitive, non-competitive, labor class) are suspended. (This was further clarified on June 22 with the Office of Labor Relations). Agencies are allowed to appoint people to permanent positions but in cases were a negative probationary evaluation may take place, those will be put on hold. Probationary evaluations are done for people picked up from Civil Service examination lists to fill permanent competitive positions.

Local 154 Elections: The nominations meeting and elections scheduled for March 25 were cancelled due to the public health crisis. Also, on March 16 the American Arbitration Association had informed me that due to the health crisis, they wouldn't be able to meet election processing. Therefore, Local 154 officers will remain in their posts until elections are completed. As per AFSCME request, I drafted letter to the Northeast Region AFSCME representative, John English, explaining the suspension of the elections due to the pandemics and to NYS regulations. We will continue to re-evaluate at the next Exec. Board meetings.

AFSCME International Convention is scheduled to be a Tele-Conference Convention on August 13-14, 2020, although AFSCME elections may have to take place during a third day of Convention to be determined. In regards to Local elections, AFSCME's General Counsel stated that Locals had three options to participate in the Convention:

1. Local Executive Board authorizes only the automatic delegate to participate (and avoid election process).
2. Local Executive Board gives Proxy to another Local.
3. Local decides to have Delegates Elections which could be done with a virtual Nominations and Mail Ballots. Such process should have an Election Committee, give access to all members, and ensure fair process and secrecy of ballots, and shall not be held more than 120 days previous to the opening of the Convention, which is approximately last week of April.

During its April meeting, the Local 154 Executive Board agreed to send only the Automatic Delegate to the Convention, in this case the President as per Local Constitution.

DC37 Delegates: It is expected to be on June 23, 2020. If you had had problems connecting to the tele-conference please contact Juan Manzano at 646 596 4398 or jmanzano@dc37.net

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 100% 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

As you may be aware, the City Council and the Mayor announced a budget agreement for fiscal year 20. The budget included significant cuts in public services, as a result of a \$9 billion revenue loss from the effects of COVID 19. The budget also included a place holder of a billion dollars in cuts for services if the unions do not agree on productivity savings of a billion dollars beginning starting on October 1, 2020. The \$88.1 billion budget is \$5 billion less than the City approved budget from fiscal 2020. It included action to defund NYC's Police Department by over a billion dollars and a 14% across the board cut for New York City's Parks Department. Fortunately, we have been able to avoid massive layoffs thus far, but we need to collectively pressure the US Congress to fund the front line for public services. Needless to say, we have tremendous challenges ahead of us, but I have no doubt that together we will weather the storm. (From DC37 Exec. Director's Report).

The City's \$9 Billion dollars deficit is due to low personal income tax, tourism and hotel tax, lower real estate tax sales, and high costs associated to containing the pandemic, among others. In addition, the City is dealing with a loss of 3 Billion dollar for Medicaid and Schools from NY State, which is also dealing with a 13.5 Billion dollars deficit. The

Although the City’s Preliminary budget, had included a PEG (plan to eliminate gap) with reduction or elimination of Summer Pools, Summer Youth Program, delays in reduced transit program, hiring freeze (except for health care workers), no overtime. Due to cuts and shifting of money from NYPD’s budget by 1.173 Billion, new money and new programs were transferred to HRA, Homeless, Youth, DOE and HH.

Also, the City has been lobbying for the new package of federal assistance to Cities being discussed in Congress. The House passed the New Heroes Relief but the Senate encounters opposition from Mitch McConnell and 10 Republican Senators. The vote may happen in late July. The expectation is that the City will get some moneys for first responders, essential workers and health care but we don’t know if this will be enough. Mayor De Blasio has suggested that if Federal aid is not coming, then the City will have to look into furloughs and layoffs.

To balance the City Budget the Mayor has reached out to reserve moneys (labor, health care), and has delayed capital budget expenses.

Also, Mayor DeBlasio asked the Municipal Labor Committee for health care concessions in the form of savings such as re-shaping hospital networks and extending in 6 months the time of new workers in HIP. The MLC me at the end of June to discuss these and other options.

In the meanwhile, Governor Cuomo’s budget cuts money for Medicaid, which goes to pay hospital costs and forces budget cuts for CUNY, but refuses to draw on reserves or to raise taxes for millionaires; also, the Governors postpones scheduled 2% increase for State Workers (2 DC 37 Local are affected). DC37 will sue Governor if the increase is not applied retroactively or if it is cancelled.

Early Retirement Bill

On June 5, an Early Retirement Incentive Bill (A10595) was introduced in the NYS Assembly and the Senate introduced bill S8586. These bills include no-penalties for certain early retirement, service credit and other incentives for people who opt-in.

Here is an update on early retirement incentives from DC 37 Exec. Dir’s Report: There are currently two bills in Albany for Early Retirement Incentives; the descriptions are below:

This are the bills only for the state employees:

A 10477-A Rules (Abinanti) Same as S 8151-A MARTINEZ Retirement TITLE....Relates to establishing a temporary retirement incentive for certain public employees who are above age fifty-five and with twenty-five years of service 05/22/20referred to governmental employees 06/17/20amend and recommit to governmental employees 06/17/20print number 10477a

S8151-A MARTINEZ Same as A 10477-A Rules (Abinanti) ON FILE: 06/16/20 Retirement TITLE....Relates to establishing a temporary retirement incentive for certain public employees who are above age fifty-five and with twenty-five years of service 04/08/20 REFERRED TO CIVIL SERVICE AND PENSIONS 06/16/20 AMEND AND RECOMMIT TO CIVIL SERVICE AND PENSIONS 06/16/20 PRINT NUMBER 8151A

This are the bills affecting all of the funds except for the Police Pension Fund and the Fire Department Pension Fund:

A 10595 Rules (Abinanti) Same as S
8599 MARTINEZ
Retirement
TITLE....Provides a temporary retirement
incentive for certain public employees (Part
A); and provides an age 55/25 years
temporary retirement incentive for certain
public employees (Part B)
06/05/20referred to governmental
employees

S8599 MARTINEZ Same as A 10595 Rules
(Abinanti)
ON FILE: 06/17/20 Retirement
TITLE....Provides a temporary retirement incentive
for certain public employees (Part A); and provides
an age 55/25 years temporary retirement incentive
for certain public employees (Part B)
06/17/20 REFERRED TO RULES

Contracts / Citywide Increase:

The City and the Union have agreed to do remote hearings for grievances and disciplinaries. We will provide training to stewards and grievance representatives.

School Construction Authority is the only Unit which has not received the 2017 Contract increases. Units A & C ended their bargaining and we are ready to begin with Unit B bargaining. We are waiting for costing and a date from SCA.

***Transit Authority: We will hold a meeting with MTA regarding the reopening. All six DC37 Locals with members at TA will participate. MTA approved a 500K benefit for beneficiaries of Transit workers who have died due to Corona Virus while in active service. MTA had previously refused to include Paid Family Leave therefore we left it on the table and our Exec Director took it to Governor Cuomo. However, recently we learned that TA is willing to go back to the table to discuss it. Our previous settlement with TA on February 2018 had included: 1. refund of Medicare Part B (effective March 2017), 2. health coverage for survivors of retirees (eff. February 2018), 3. parental leave (eff. February 2018), and, 4. creating a 10-year Recurrent Increment Payment (RIP) (eff. March 2017) in the amount of \$128 per year, in addition to the existing \$295 for the same period of time.**

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.

***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.**

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

We will bring this agreement to Transit once it is ratified and signed with the City.

The .20% for the Clerical, Accounting EDP, & Real Estate Units is still pending.

Private Sector Units:

***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.

***AFIS. Since HRA offices are closing due to the Corona Emergency, AFIS members are told to stay home until the City reopens. The Union provided members guidance on applying for Unemployment Benefits.**

On November 7, 2019 Governor Cuomo had signed new rules eliminating finger imaging from the application to Public Assistance. At this point, we don't have details on how Finger Imaging will be terminated but the program is expected to end by June 2020; Empire has already been directed to terminate its operations in some of the AHS facilities.

The proposal to eliminate finger imaging was listed in the NY Record publication. Executive Director Garrido signed a letter addressed to the head of the Office of Temporary Disability to state our concerns about the loss of jobs and others. In addition, ECS and the Union held a joint meeting with staff from NYS Assembly Member Andrews Hevesi's Office to ask him for support in rejecting the proposal.

Currently, the Union is discussing ways to help AFIS operators find new job opportunities which will be presented to operators as soon as they are ready.

***SODEXO. Masks and gloves were distributed to members at Queens, Elmhurst and Woodhull hospitals. We are expecting new shipments which will be directed to other locations. Thanks to Samantha Riggio!**

After information that some members are being paid hazard differentials, the Union asked for a meeting to discuss details.

After members reported that their paystub showed the hourly rate at \$18.9257, the Union representatives contacted SODEXO's human resource to correct the rate. The correct rate, as stated in the Contract, is \$18.93 per hour, which is now reflected in the members' paystub.

Other Chapter Activity:

Virtual Union Meetings: Since we have the proper technical support, we are ready to start chapter level meetings. Chapter stewards will canvass members for meeting dates. Law Department's meeting will take place on July 9 and Comptroller, CCHR, DORIS, DDC and on July 23.

***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. Thanks to Veronica Julien for stepping forward to help us with the negotiation process. Some members received information of a possible return to work date, which after an inquiry was not confirmed.

DOH-MH. Some Special Consultants II were assigned to monitor a Manhattan Hotel with elderly 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 will have access to child care centers. Pres. Fernandez and Chapter Chair Elliot Greene represented Local 154. Thanks Elliot!!

H+H. DC 37 is fighting H+H policy by which workers taking Sick Leave will not be paid unless they bring a doctor's note, in clear violation of the existing Citywide Contract. Thanks Sheera Glass for bringing it to light.

Law Suites

* 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 hearing scheduled for April 2020 has been postponed.

* **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.

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. A total of 1,788 claims were submitted in 2019. Due to a larger than expected usage of PFL, the insurance company administering the program for the State announced an increase in the deduction percentage to .27% with a cap of \$196.72 per year for the maximum salary, effective January 2020.

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

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:

DCAS has released an exam schedule of Civil Service examinations for the period July-September 2020. Please notice that the calendar for 2020-2021 will be released in September 2020. If you are employed in a provisional position, I encourage you to take a civil service test. 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.

* **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.

* **Local 154 asked DCAS** to include the following tests in the 2019-20 Exam Calendar: Public Records Aide TC 60215; Public Records Officer TC 60216; Associate Public Records Officer TC 60217; Administrative Claim Examiner TC 10044; Human Rights Specialist TC 55016; Associate Human Rights Specialist TC 55038. At the same time, due to DCAS lack of response to previous requests, we asked our General Counsel to initiate legal action to force the City to include the Associate Human Rights Specialist test in the

calendar. However, the Long Beach State Court’s decision precludes legal actions for civil service examinations during this period. I also reached out to management at Human Rights to ask for their assistance in establishing a test for AHRS.

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”.**

Please notice that our Contracts and the President’s reports are available in our website

Local154.org . If you have topics or questions about any labor issues for Local 154 website, please

Local 154

AFSCME, DC 37

July 2020

Juan Fernandez – President Report

send them to Secretary Sheera Glass or President Juan Fernandez at L154AFSCME@aol.com. A new website has been set up under a new AFSCME platform.