

THE Work Force

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The truth about your pension

TIMES UNION

They retire, you'll pay

Report details toll state pension squeeze will put on governments, taxpayers

By JOSEPH SPECTOR
Gannett News Service

ALBANY — Taxpayer contributions to fund teacher retirement the government work force in New York are set to double over the next five years, a report Tuesday said. The analysis by the Empire Center for New York State Policy says that among

without putting services. Westchester County Executive Robert Astorino, who spoke during a panel discussion in Albany about the pension situation, said local governments are forced to make tough choices about what services they can fund. He said the county's pension costs are expected to rise from \$55 million to \$163 million over the next four years.

Think tank: State pension costs could explode

ALBANY — Taxpayer-funded contributions to the pension systems for New York's public employees could balloon by billions of dollars over the next five years, diverting scarce resources in tough times, a locally conservative think tank said in a report Tuesday.

The Empire Center for New York State Policy report predicted how state public pension funds could fare based on the performance of investments and other variables, but even the forecasts based on pensions hitting their investment targets are alarming.

The report said taxpayer contributions to the New York State Teachers' Retirement System could increase from about \$50 million

LOCAL GOVERNMENT

PUBLIC PENSION COSTS CAUSE STICKER SHOCK

TAXPAYERS FACE MOUNTING BILLS TO MAKE UP SHORTFALLS FOR LOCAL GOVERNMENTS

State and local employer contributions to the New York State and Local Retirement System could more than double to add almost \$4 billion to taxpayer costs, even with a cap that allows governments to defer a portion of higher pension contributions.

The pension report was released at a conference in Albany that featured local officials concerned that high benefit costs could force them to cut services during difficult economic times.

Syracuse Mayor Stephanie Miner said high pension costs could threaten essential services like snow plowing.

Westchester County Executive Robert Astorino said rising personnel costs for local officials in "an

of the taxpayer savings that are being lost. He said that the report suggests changes in contribution rates for public employees, and that employers should consider alternative ways to fund their pension obligations.

The Chief

Public Pension Costs 'Just Not Sustainable,' Think Tank Concludes

By MARK TOOR

Because of investment losses stemming from the financial crisis, the three pension funds covering city and state workers didn't grow at all in the past 10 years. But the total amount of benefits they're paying out has doubled, according to the latest in a drumbeat of reports about problems with the pension system issued

He also said tales of "gold-plated" pensions for public workers are overblown.

Newsday
A focus on fringe benefits
In tight times, scrutiny of public workers' health care and pension deals increases

Report rings alarms on pension fund

BY GLENN BLAIN
DAILY NEWS ALBANY BUREAU
ALBANY — New York's pension system is a ticking time bomb ready to explode, a new report warned yesterday. State and city taxpayers face billions of dollars in added pension payments over the next few years because of the Wall Street meltdown and the generous benefits offered to public employees, the Empire Center report found. "This could bankrupt us if we don't have the most roaring stock market recovery in the next 20 years," said Empire Senior Fellow E.J. McMahon.

State pension funds covering government workers and teachers outside of the city have combined shortfalls of about \$120 million, according to the report. City pension funds, meanwhile, have unfunded liabilities of \$76 million. The shortfall could cost state taxpayers an extra \$4.5 billion a year by 2016, while the city estimates its pension contributions will jump from \$7.1 billion to \$8.4 billion by 2014. The report echoes warnings made repeatedly by Mayor Bloomberg about the city's rising pension costs. "The city's pension fund, like the state pension fund, has less money in it now than it did 10 years ago," McMahon said. McMahon said pension systems need to be revamped in favor of defined contribution plans like 401(k)s — a move public employee unions bitterly oppose. Stephen Madarasz, a spokesman for the Civil Service Employees Association, accused the Empire Center of being alarmist.

Criticisms are overblown

See Pages 3, 5



Photo by Jill Asencio

CSEA members and staff, including state Office of General Services Local activist Tom Moylan, left, and state Education Department Local President Sally Bywater, participate in a candlelight vigil in Albany. Hundreds of CSEA and PEF members across the state held candlelight vigils Dec. 29, 2010, to appeal to common sense to stop 902 state layoffs that are bad for economy, bad for the people and bad for New York state. Vigils were held in Albany, Elmira, Endicott, Hornell, Poughkeepsie and Utica.

Save the Date! CSEA Women's Conference April 1-3

Come and join union sisters and brothers for an exciting conference in Albany! There will be discussions about women in labor, and an agenda that will focus on educating union members and generating greater member activism.



Lawsuit targets county executive's actions

WHITE PLAINS — CSEA has filed a lawsuit in state Supreme Court against Westchester County and Westchester County Executive Rob Astorino on behalf of 38 CSEA members from the Westchester County Unit who on Dec. 31 were illegally laid off from their jobs with the county's Section 8 office.

The lawsuit seeks reinstatement, as well as back pay and benefits.

Astorino's proposed 2011 county budget included elimination of the Section 8 office after he canceled the county's contract to administer the program, but members of the Westchester County Board of Legislators restored the Section 8 office jobs in the approved budget. Astorino stated that he fired the workers anyway since he canceled the Section 8 contract, but CSEA contends that the restoration of the Section 8 office funds in the approved county budget means the union's members have a right to their jobs.

"County Executive Astorino apparently thinks the rules apply

to everyone except for him," said Southern Region President Billy Riccaldo. "We will hold him accountable and fight to have these members restored to their jobs."

"Astorino is playing games that seriously impact people's lives," said Westchester County Local President John Staino. "Not only are you taking away a local resource that assists our elderly, our veterans and our homeless residents with finding housing, you are putting people out of work who pay taxes in Westchester and support local businesses."

"Our members deserve much better than the treatment they have received over the past few weeks," said Westchester County Unit President Karen Pecora. "It seems ironic that the county executive ran on a platform of lower taxes when he is now burdening Westchester taxpayers with the legal costs associated with fighting this illegal action."

— Jessica Ladlee

State budget updates

ALBANY — Gov. Andrew Cuomo will present his state budget proposal on Feb. 1. CSEA's website will provide budget details and analysis as soon as the information is available.

Visit www.csealocal1000.org for

news updates and on Feb. 1 for news of Cuomo's budget proposal. More in-depth coverage will be provided in the March Work Force.

Save the date: March 25

CSEA will be participating in events in New York City and Albany to mark the 100th anniversary of the Triangle Shirtwaist Factory fire which resulted in the deaths of 146 workers, mostly young immigrant women. It was the worst workplace disaster in New York City history until the Sept. 11 attacks, and led to a dramatic overhaul of workplace safety and labor laws in New York. Check the CSEA website (www.csealocal1000.org) and the March edition of The Work Force for details about how you can participate.



What they're not telling you ...

Distortions put your pensions at risk

If you pay attention to media coverage these days, you'd think that public employee pensions are the root of all evil in New York's state and local budget challenges.

Politicians and business groups are talking about ticking time bombs, padding, gold-plated benefits, and unsustainable obligations. And the media is presenting it all at face value.

But there's a lot more to the story.

As with a lot of misinformation, the pension story starts with a small grain of truth about New York's pension circumstances that's quickly distorted. Some of

the distortion is innocent but much of it is not.

You need to know the facts because your benefits are at risk.

Pensions are a complex subject and public employee pension systems in a number of states are in dire circumstances for a lot of reasons. New York's eight separate public employee pension systems have their challenges in the current economy, but they are faring better than many and a radical overhaul is not in the best interest of either public employees or New York taxpayers.

Nearly all CSEA-represented public employees participate in the New York State and Local Employee Retirement System (There are five other retirement systems for New York City employees; a Police and Fire System for uniformed services outside of New York City, and the New York State Teachers Retirement System for teachers outside of New York City).

The New York State and Local Employee Retirement System is fully funded according to all appropriate professional accounting standards. This means that the system has adequate assets to cover the cost of all current and future pension obligations.

State and local government pensions are paid for by employee contributions based on salary, employer contributions based on salary, investment earning assumptions, and lifespan and other projections.

Before 2000, most state and local retirement system participants contributed 3 percent of their annual salary toward their pension.

Since 2000, that contribution ended after 10 years in the system. In 2009, Tier V was enacted, reinstating provisions requiring new employees joining the system to contribute 3 percent of salary throughout their years of active service. The state claims this reform will save taxpayers \$35 billion over the next generation.

The state and local government system combined with the New York State Police and Fire Retirement system into what is known as the Common Retirement Fund, currently has assets of nearly \$133 billion. However, the fund saw some dramatic swings in value over the past decade

as Wall Street investments see-sawed. As a result, a number of reforms were put in place by legislation to ensure the fund assets will be able to meet obligations.

In the past, strong investment returns allowed



Some pension facts: Hit your critics with the truth

• Know your critics

Most criticism of New York's public employee pensions has come from two operations, the **Empire Center** and the **Citizens Budget Commission**. Their names might suggest they are public interest groups of some sort, but in fact, business groups and super-wealthy individuals fund both.

• How your pension works in reality

Your pension benefits are guaranteed based on a formula that includes your length of service and an average of the highest three years of your salary. Contrary to popular mythology, the vast majority of CSEA-represented public employees have a cap on the amount of overtime that can be applied for pension purposes.

The average CSEA member pension is about \$14,000.

• Divide and Conquer

Your pension is known as a **defined benefit** – meaning that it is guaranteed according to the formula used to calculate it. Critics of

state and local governments to practically avoid contributions toward pensions for extended periods of time. Throughout the 1990s as public employees continued to contribute 3 percent of salary, public employers contributed only token amounts. That can no longer happen. Reforms enacted in recent years, largely out of concern about Wall Street volatility, require responsible minimum employer contributions in good and bad economic times. Related legislation allows the contribution obligations to be spread out to avoid spikes.

Because of these necessary reforms, a number of highly vocal politicians, egged on by business groups with their own agenda, have been railing about the high cost of pensions.

CSEA was instrumental in the establishment of the New York State Retirement System in 1920. It is one of our union's proudest accomplishments. CSEA has been tenacious in protecting the integrity of the retirement system over the decades. Now more than ever, it is important that every CSEA member knows what is at issue and stand strong.

the pension system favor a **radical move to a defined contribution** — this would mean there would be a set amount that would be contributed toward the pension but no guarantee on the benefit. The benefit would depend on the result of investment earnings.

Critics have also tried to portray public employee guaranteed benefits as overly generous because private sector workers don't have the same guarantees. That's because many private sector businesses don't offer pensions to their employees at all. Others have switched over to 401(k) defined contribution plans, where employers may not even match employee contributions. And in some other cases, businesses have gotten away with draining the assets of their pension funds and breaking their commitment to their employees.



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Reflections on Martin Luther King Day 2011

The recent horrific events in Tuscon have saddened us all. However, from every tragedy lessons can be learned. The attention given by many to the contribution of violent rhetoric as cause for the shootings just may be the opening to bring civility back to our public discourse.

Consider the eloquent and poignant comments of U.S. Rep. Gabrielle Giffords' intern Daniel Hernandez, who is credited with saving her life and is being called a hero: "We must reject the title of 'hero' and reserve it for those who deserve it, and those who deserve it are the first responders and the public servants and the people who have made sure they have dedicated their lives to helping others."



What a stark contrast to those who have vilified public servants. It's time to bring honor back to those who choose to dedicate their working lives to bringing service to others. The school bus driver, the nurse, the caseworker and the sanitation worker and all who toil every day deserve our respect for committing to helping bring quality to our lives and communities.

Let's all take a moment to reflect on what is truly important and pledge to treat each other with courtesy and consideration even when we disagree. We owe that much to the real meaning of this holiday and those who have suffered so greatly in Tuscon.



Public employee pensions: let's get the facts straight

By State Comptroller Thomas P. DiNapoli

There's a lot of talk about public employee pensions lately. All kinds of inaccurate and erroneous arguments are being thrown around – the benefits are too generous, the state pension fund is tens of billions of dollars underfunded, a 401(K) plan would save taxpayers billions. It feels at times as if logic and rational debate has been subsumed by fear tactics and panic.



DiNapoli

Before things get too out of control, we need to step back and look at the facts.

The New York State and Local

Retirement System (NYSLRS) has been providing benefits for public employees in New York state for nearly 90 years. Millions of New Yorkers have relied on Employee Retirement System (ERS), which most members of CSEA belong to, for economic security, and those millions of New Yorkers have generated billions of dollars in economic activity in communities all across New York.

While many public pension funds across the nation are in financial trouble, here in New York, the Common Retirement Fund (CRF) is one of, if not the, best-funded pension systems in the nation. We are not New Jersey. We're fully prepared to meet our current and future

pension obligations. And our benefits are fair, not outlandish. The average ERS retiree receives a pension of approximately \$18,000. (The average CSEA pension is about \$14,000.)

The numbers are clear: two-thirds of our retirees are living on pensions of less than \$20,000 a year. Less than 1 percent of ERS retirees earn pensions in excess of \$75,000.

The push to shift to a defined contribution plan, or 401(K)s, is rash and financially unsound. Dollar for dollar, defined contribution plans cost more than defined benefit plans, and they provide far less financial security. The logistical nightmare of managing 1 million 401(K) plans for the members of the

system would only lead to one result: economic chaos and financial uncertainty for the 1 million New Yorkers who rely on our system for economic security in their retirement years.

All that talk about public employee pensions ignores the fact that when it comes to state pension funds, one size does not fit all. New York does not fall into the same sorry category as Illinois, New Jersey and California. The New York State Common Retirement Fund has always been, and will continue to be the best-managed, best funded pension fund in the nation.

H.O.U.R. — Hourly, Organized and United for Respect

Same job, no union

“These workers do the same job, but they’re not getting benefits. We want them to be treated fairly and equally.”



“Unfortunately, public employees are an easy target. People need to remember that we are taxpayers, too. We are not drawing exorbitant salaries and pensions and we pay our fair share. For a highway worker, the average pension is less than \$20,000, but that is not what people see in the press. People need to get the facts before they make such a quick opinion of public employees.

— **Chuck Parsons, president, CSEA state Department of Transportation (Rochester) Local, on false perceptions of public employees.**

WHITE PLAINS — Nearly 1,000 hourly employees of Westchester County are organizing to become part of CSEA with the critical help of more than 75 Volunteer Member Organizers.

“I thought it was such a great idea; to bring up our numbers and to bring them up to our level and make them equal. These workers do the same job, but they’re not getting any benefits. We want them to be treated fairly and equally,” said Karen Pecora, Westchester County Unit president.

Job protection, medical benefits and overtime compensation are the hourly workers’ top concerns. They are also mandated to take a month off during the year with no pay.

“I’ve been with the county for 20 years and this has been going on since I started,” said Pecora.

CSEA’s research shows a similar trend throughout the state. Some positions may have developed when employers created new titles outside a bargaining unit or certain titles were not included when the bargaining units were originally created. Some cases are the result of elected officials looking to keep favored employees out of the union.

CSEA’s statewide effort

to identify and regain those titles, called the “accretion project,” takes its name from the legal process used to bring these jobs and employees into the union.

At the heart of its success are CSEA members who volunteer as organizers.

Not an easy start

“Many of our members were skeptical about this campaign in the beginning. They asked, ‘if the county is talking about laying people off, how can you talk about bringing people into the union?’ I said, ‘listen, this is only going to protect you because if they lay off full-time union workers with the option to hire hourly workers to cover the work, then we lose out. If we are all union, there will be no incentive to do so,’” Pecora said.

“We had to create a network within our existing structure. We had to rely on word of mouth and our relationships. Any opportunity we had to get the message out, we used,” said Pecora.

Rank-and-file CSEA members were instrumental in the organizing process, setting up meetings to talk about the benefits of the union, handing out fliers and signing up their co-workers during visits to



From left, Jason Hull, John Regan, Westchester County Unit members Arthur Williams and Rick Lanza, Elvis Uculmana and unit member John Ponce, floor supervisor provide vital services to the county.

work sites, meetings and home visits.

“It took a long time. The workers are scattered all over Westchester County, many of them work at night, so we had to make arrangements. A lot of them don’t speak English so it was good to have someone there who could translate for us. It was

not easy, actually, it was pretty difficult to reach them at first,” Pecora said.

Hearings before the state Public Employment Relations Board are currently scheduled during February and March.

— **Jill Asencio**

Have unorganized co-workers? Help them form a union

The CSEA Organizing Department continues to identify unorganized public sector jobs and workers potentially able to be organized into our union. Volunteer Member Organizers are critical to this effort.

If there are workers in positions at your workplace whom you believe should be included in your bargaining unit, please contact the CSEA Organizing Department at **(800) 342-4146, ext. 1401** to discuss how you can help.



Public health programs feeling the ills of county layoffs

POUGHKEEPSIE — As Carrie Cocurullo sees it, successful public health outreach requires stepping outside the doors of the Dutchess County Health Department and going into the community.

Now, she's on the outside looking in. Cocurullo was one of dozens of CSEA members who was laid off Dec. 31, 2010, after sweeping cuts in the 2011 county budget.

Going the extra mile

After four years as a case manager aide with the Communicable Disease division of the Health Department, Cocurullo learned that going the extra mile is often what it takes to get members of the public tested, treated and educated on communicable diseases.

One Saturday morning a month for the past two years, Cocurullo and a co-worker have stationed themselves in the basement of the Beulah Baptist Church, a congregation in the

heart of the city of Poughkeepsie, where they've administered rapid response HIV testing. It's a program Cocurullo, a single mom who is bilingual, spearheaded.

"A lot of people who are HIV positive and don't know it ... feel self-conscious walking into the Health Department," said Cocurullo. "Here, we'd test people when they'd come to the church's soup kitchen. They got their results within 20 minutes, by the time they were done eating, which is what has made it so successful."

Painful layoffs

Cocurullo said she was heartbroken to leave the group of caring co-workers she thinks of as family, but she also shared concern for the members of the community she was charged with helping.

"I was one of only two Spanish translators in my division, so I'm not sure what the impact



Former Dutchess County Department of Health worker Carrie Cocurullo and community activist Diane Ruffin helped provide essential HIV testing to community members, including many who speak Spanish.

is going to be," said Cocurullo. "At this point, there are a lot of Hispanic people in the Poughkeepsie area who may not know they are HIV positive. Because I am able to speak to them in Spanish, I was able to make connections with them and talk them into getting tested. For those who tested positive, we were able to set up medical care and medication."

Community effort

Cocurullo said the testing program is one example of a good partnership between the public sector and community groups. Working along with Diane Ruffin, a Beulah

Baptist Church member active in the church's health outreach ministry, the testing program has fulfilled the goal of public health: reaching people who might not otherwise have access to medical care.

"When you think about it, it saves taxpayers in the long run, because we're able to catch things in the earlier stages, which often saves money," Cocurullo said. "With this testing program, we've really made an impact. I hope it continues."

— Jessica Ladlee



“Public workers are not the cause of the global economic crisis that our nation's governors would like you to believe. But it appears lawmakers, lobbyists and the media want to hold us accountable anyway. In contrast, the biggest global corporations and the richest citizens of New York were precisely the culprits and major players in the financial excesses and speculations that caused our financial meltdown in the first place. Public employee pensions are not killing state and local government budgets.”

— Ove Overmyer,
president, CSEA
Rochester Public Library
Unit

Retaliation fails, CSEA wins

“We always hear about the world class medicine delivered at Westchester Medical Center, but it appears the upper-level management at the hospital needs a lesson in class.”



“There's construction that's been going on at the Capitol for years now. Millions (have been) spent while they target entry-level clerical staff.”

— Catherine Burdick, clerk, Department of Motor Vehicles, on the recent layoffs of CSEA members at state agencies in the Capital Region (see pages 10-11 for more).

VALHALLA — CSEA member Christina Marquez is back on the job as an ultrasonography technician at Westchester Medical Center, thanks to a lawsuit CSEA filed on her behalf.

Hospital management illegally fired Marquez Feb. 16, 2010, claiming she was still a probationary employee and that she did not meet qualifications for her position. Marquez had been employed at the hospital since late 2007.

Court: firing ‘in bad faith’

CSEA filed an Article 78 lawsuit in state Supreme Court, arguing that Marquez had long since passed her probation period. The union also argued that while hospital management claimed Marquez failed to meet qualifications under Civil Service rules, she worked in that title for more than two years.

Marquez was entitled to a hearing in which the hospital had to prove she was guilty of misconduct or incompetence and deserved to be fired. Management tried to sidestep the hearing process by calling her probationary.

The court found that Marquez's firing was in bad faith, arbitrary and capricious, and in violation of Westchester County Civil Service rules. While employed at the hospital, management never told Marquez that she was unqualified under Civil Service rules or that her work

performance was deficient.

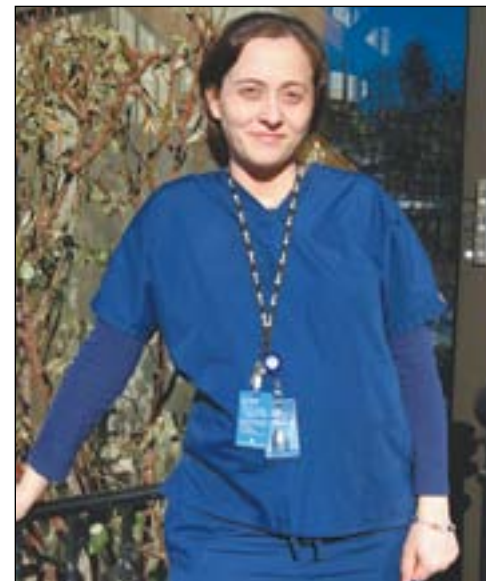
Rather than placing Marquez back at her job in the hospital's Advanced Imaging Department, the hospital placed her in an evening shift in a different department — a job that required her to push heavy equipment. The change in work hours and location came after Marquez, who is pregnant, had secured daycare for her preschool age child.

Fighting back

CSEA stopped management from changing the work schedule after the court issued hospital officials an order requiring them to show why the judge should not hold them in contempt for failing to reinstate Marquez to her former position as the ruling required.

“It's become clear that the members of management of the Westchester County Health Care Corp. do not think the rules apply to them, but the court has stated otherwise,” said CSEA Westchester Medical Center Unit President Peter Piazza. “Instead of complying with the law when they were called on their violation of Westchester County Civil Service rules in this worker's firing, they thumbed their nose at the judge's ruling by retaliating against her. CSEA believed this was unacceptable and the court agreed.”

“We always hear about the world class medicine delivered at Westchester Medical Center, but it



Christina Marquez is back on the job after a long fight.

appears the upper-level management at the hospital needs a lesson in class,” said CSEA Southern Region President Billy Riccaldo. “Not only should they be ashamed at the way they've treated a worker who was illegally fired, they should really be embarrassed that they've resorted to retaliating against a working mother after the hospital was on the losing end in court.”

Thanks to CSEA's intervention, management agreed to have Marquez work a 9 a.m. to 5 p.m. shift until both sides return to court.

“It appears management's latest tactic has been to make Christina Marquez's work conditions so difficult that she will be unable to continue in her job,” said Westchester County Local President John Staino. “It's unfortunate that instead of focusing on the best possible delivery of patient care, management is more occupied with getting rid of workers who deliver the care.”

Marquez said the fight has been a tough one, but she is glad to have a strong union standing behind her.

“I need my job and I need my income,” she said. “Nobody should have to go through this, but I know I did the right thing by fighting.”

— Jessica Ladlee

CSEA files lawsuits on behalf of members

CSEA recently filed two separate lawsuits pertaining to lost wages for CSEA members in the Southern Region.

In Sullivan County, CSEA filed a lawsuit on behalf of members working at the Sullivan County Jail after members of the Sullivan County Legislature approved a 2011 county budget without including contractual wage increases for the jail workers.

The Sullivan County Jail Unit ratified its most recent contract last year. The lawsuit asks for a resolution passed last year enacting a wage

freeze to be nullified and for workers to receive back pay.

In Orange County, CSEA is in court on behalf of 38 members working at the county nursing home, the Valley View Center for Health and Rehabilitation, whom County Executive Ed Diana laid off last fall despite the jobs being budgeted until the end of 2010. The lawsuit asks for the workers to be made whole with regard to wages and other compensation for the rest of 2010.

— Jessica Ladlee

Hard work merits library workers prestigious honor

The prestigious award celebrates libraries and museums that make a positive impact in the lives of individuals and families within their communities.



“Morale is low. No one feels safe. If a 20-year employee can get laid off, it can happen to anyone.”

— Donna Repicky, clerk, Department of Motor Vehicles, on the recent layoffs of CSEA members at state agencies in the Capital Region (see pages 10-11 for more).

PATCHOGUE — CSEA members employed at the Patchogue-Medford Library are dedicated to enhancing literacy and bringing essential programs and services to their English and Spanish-speaking communities.

And their hard work played a key role in the library's recent selection as one of 10 recipients of the 2010 National Medal for Museum and Library service by the Institute of Museum and Library Service (IMLS).

The prestigious award celebrates libraries and museums that make a positive impact in the lives of individuals and families within their communities. First Lady Michelle Obama recently presented the award to the honorees at the White House in Washington, D.C.

Vital services

The importance of community is vital to their work. With a local population that

is 24 percent Hispanic, the library staff takes seriously its responsibility to bring quality programs and services to English and Spanish-speaking patrons and to combine the two groups for mutually helpful learning experiences at every opportunity.

And the workers' efforts have paid off with the award. The Patchogue-Medford Library was lauded for its critical role in bridging the divide between the English and Spanish speaking populations in those communities and serving as a “safe haven” for both in the aftermath of a tragic and violent incident that heightened tensions between the two groups.

“It is my understanding that medal winners are chosen from nationwide nominations for institutions that demonstrate innovative approaches to public service and exceed expected levels of



From left, CSEA Patchogue-Medford Library Unit members Mindy Musetti, Janet Baylis and Jane Drake pose next to the library's medal.



CSEA Patchogue-Medford Library Unit members Rona Dressler and Jean Kaleda, seated, provide essential services to their community.

community outreach,” said Long Island Region President Nick LaMorte.

CSEA members continue to initiate and coordinate interesting and informative programs designed to bring the two communities together. The sense of inclusion fostered at the Patchogue-

Medford Library is what made it an ideal and neutral environment where the healing process could begin and move forward after the senseless tragedy.

— Rich Impagliazzo

Members step up fight to save county 'safety net'

ALBION — CSEA members in Orleans County are preparing to fight for their public nursing home.

Some county legislators are exploring the sale of the Villages of Orleans, the county-run, public nursing home. At press time, request for proposals had not been issued and CSEA hopes to keep it that way.

“This nursing home is an important safety net in this county,” said Local President Debi Sherk. “It is important for residents of Orleans County to

have a quality facility for care, regardless of ability to pay or the severity of their illness. Selling the nursing home would be detrimental to the community.”

Union members have met and letters to the editor are being submitted to the local newspapers on a regular basis. Sherk has addressed the legislators at their monthly meeting. CSEA will continue to work to fight the possible sale of the facility.

— Lynn Miller

Workers' layoffs have direct impact on services, safety

CSEA members across the state are fighting to protect their jobs during a time of economic uncertainty as municipalities struggle with declining revenues. Our fight is tougher this time around because of attacks on public employees and their unions from conservative business interests. It's a fight we can win.

"It's time to bring honor back to those who choose to dedicate their working lives to bringing service to others," CSEA President Danny Donohue said recently in reaction to the shooting in Tuscon, referencing the first responders in that tragedy.

Regardless of the attacks on our union and our work, these points remain true:

- Layoffs do not save taxpayers money when the costs are tallied up;
- Eliminating jobs — whether in the public or private sector — will hurt the economy, eliminating any job is especially bad in difficult economic times.

Here are two stories of laid off members that show the direct, negative effect their layoffs have on services.



Michelle Hach, a former State Police communications specialist, stands by a State Police flag on one of her last days on the job. Hach's layoff presents a safety issue for the Troop A troopers.

the layoffs jeopardize public safety. Uniformed troopers will now have to work the desk, answering calls and performing duties once covered by the communications specialists. That removes a trooper from the streets, where he or she could be protecting the public.

Troop A has been hit hard by the layoffs, said Hach's supervisor, Tech Sgt. Mark Cianfrini. "This has been horrible. These people's entire lives were upended at the end of the year, the holiday season. They have done a great job for me and it is very difficult to see them suffer like this."

The layoffs of Hach and her co-workers could have been avoided if Paterson would have listened to CSEA's money saving suggestions and if he would have reviewed other cost-cutting measures. Hach has a list of suggestions for improving efficiency and saving money.

"If I can find a way to do this as a civilian, he should have been able to do that as governor," Hach said. "Take another look and make cuts that don't destroy people's lives."

The layoffs have forced the transfer of communications specialists from smaller Western New York towns and rural areas where New York State Police stations are located to the Troop A Headquarters in Batavia.

Although they have the same job title, a communications specialists' actual work and duties may vary from location to location. That means people being laid off have been training their own replacements.

— Lynn Miller



Paul Dyer, former state Capitol tour guide, points out a staircase at the Capitol on a tour given to CSEA delegates in October.

Fewer services will affect tourism
ALBANY — Paul Dyer worked at the State Capitol for 10 years giving tours. He questions how the office will be able to fulfill its mission with so few staff left.

"It burns me that upper management positions were untouched while people like myself were laid off," he said.

At the state Office of General Services, staffing levels were already low and now workers are forced to do more with less. Four CSEA-represented workers at the State Capitol Tour Office are out of work after being targeted.

Capital Region workers are being hit hard by loss of jobs in state and local government.

The state Department of Transportation saw an exodus of workers under the early retirement incentive, and then came layoffs. DOT is relying on temporary workers to supplement the work force and keep services operational. The state Department of Environmental Conservation and the

Department of Parks and Recreation were also hit hard by the state layoffs.

Department of Motor Vehicles Local Vice President Cindy Stiles echoes Dyer's sentiments. Right before the 90 DMV statewide layoffs were announced, 100 employees, mostly in management positions, were promoted. "We had a 25-year employee at the DMV warehouse in Guilderland who lost her job," Stiles said.

At State Police, 48 CSEA members, of 100 statewide, lost their jobs. Recently it was discovered that top brass at the State Police were slated for generous raises, some more than \$20,000, approved by former Gov. David Paterson. Gov. Andrew Cuomo has since rescinded the raises.

Kim Carl, a State Police keyboard specialist, who was laid off, is angry about the raises. "One of their raises is almost my salary for the year," she said.

"These are all examples of the rich getting richer while the working people, who provide

vital services, are turned out on the streets," said CSEA Capital Region President Kathy Garrison.

In Montgomery County, layoffs affected members in several county departments and threaten local services.

In Fulton County, members are engaged in an ongoing campaign led by Local President Ron Briggs, to prevent the sale of the county nursing home and the nursing services. The goal of the campaign is to educate taxpayers about the potential negative impact of the sale, such as loss of local oversight, no guarantee of local placement, diminishment of quality care and operational monies being directed out of the county to the potential new owner in New York City.

In Albany County, layoffs were averted after the legislature agreed to a revised county budget.

— Therese Assalian

"It's really a shame to see the relentless attacks on public employees because they have contributed so much to the common good and fabric of society. The media seems to focus solely on what public employees cost the various municipalities, school districts and libraries they work for but no mention is ever made of the other side of the coin. There is no balance to the debate, no discussion of the critical need for highway crews to clear snow from the roads, the perpetual environmental benefit of sewer construction projects in Nassau County, the significant contributions of clerical and custodial staff in school districts, or the considerable value of the programs and services provided by Long Island librarians. Both sides of this issue must be discussed if we are to have an honest debate."



— Lorraine Sorce, Island Trees School District Clerical Unit, Nassau Educational Local

PESH issues rare “willful” citations in Tarrytown member fatalities

“Had the Tarrytown work force received proper, comprehensive training in confined space training ... this tragedy could have been prevented.”

Learn more about confined space safety on the Occupational Safety and Health page at CSEA's website at www.csealocal1000.org/osh.php.

TARRYTOWN

— The state Public Employees Safety and Health (PESH) Bureau issued four citations — two “willful” and two “serious” — to the Village of Tarrytown after its investigation of the Sept. 6, 2010, deaths of CSEA members Anthony Ruggiero and John Kelly, who were killed by a lack of oxygen while in a village manhole.

The citations showed a series of failures by the village to provide necessary training, programs and policies for its workers that the village knew were required by law. This is a significant decision because willful citations are rare.

Survivors of Ruggiero and Kelly have submitted separate wrongful death notices of claim, a first



Ruggiero



Kelly

step in expected lawsuits against the village. The claims allege negligence and

recklessness by the village and other agencies in failing to train village workers or provide a safe work environment.

Preventable fatality

The fatal incident occurred after Ruggiero, who was employed at the Tarrytown Department of Public Works, was called from his home on Labor Day to respond to a sewer blockage in a manhole behind a local firehouse.

While another worker was refilling a water truck, Ruggiero noticed that paper was causing the backup and entered the manhole to unblock it. He was not equipped with a gas monitor or safety gear when he entered the manhole, nor did his



This September 2010 file photo shows a tribute to Ruggiero and Kelly.

supervisor stop him from entering the manhole.

Once workers noticed Ruggiero was unresponsive at the bottom of the manhole, Kelly, a Tarrytown volunteer firefighter who worked for the state Department of Transportation, entered the manhole to try to rescue Ruggiero, who was apparently overcome by fumes. Kelly also

apparently succumbed to the fumes. Both men were removed from the manhole and were later pronounced dead.

“Had the Tarrytown work force received proper, comprehensive training in confined space work that properly conveyed the dangers associated with this type of work, this tragedy could have been prevented,” said Southern Region President Billy Riccaldo.

Tarrytown village workers recently received confined space training through the CSEA Occupational Safety and Health Department. All the of the affected workers will also receive additional confined space training as a condition of resolving the PESH violations.

— Janice Gavin and Jessica Ladlee

More about the PESH standards the Village of Tarrytown violated

PESH found that the village of Tarrytown violated the following standards:

• Standard: 29 CFR

Part 1910.146(c)(3): If the employer decides that its employees will not enter permit spaces, the employer shall take effective measures to prevent its employees from entering the permit spaces. PESH found that village officials did

not communicate to its employees that they cannot enter the permit spaces, nor took measures to prevent workers from entering permit spaces. This is a willful violation, as the village had previously taken measures to provide training.

• Standard: 29 CFR

Part 1910.146(c)(4): The employer failed to develop and implement a written, permit-required confined

space program that complies with this section for employees entering permit spaces. This is a willful violation, as the village is aware of the need for and requirements of a confined space program.

• **Standard: 29 CFR Part 1910.132(d)(2):** PESH found the village did not provide written certification of their evaluation of hazards for tasks requiring personal protective equipment. This

is a serious violation.

• **Standard: 29 CFR Part 1910.134(c)(1):** The village failed to establish and implement a written respiratory protection program with work site specific procedures for any workplace where respirators are necessary to protect the health of an employee or whenever respirators are required by the employer. This is a serious violation.



Westchester County members take the Polar Plunge

CSEA had a great presence at a recent Special Olympics Polar Plunge event at Rye Playland. Westchester County Unit members Betty Lewis and Christina

Garabedian, cheered on by Unit President Karen Pecora, raised \$1,783 for Special Olympics New York when they joined 400 other Special Olympics supporters in taking the plunge.

Proceeds from the event will help athletic programs for persons with disabilities across New York state.

Lewis raised \$1,633 and Garabedian collected \$150.

Southern Region President Billy Riccaldo is asking CSEA members to join a team from the region that will be participating in the Fishkill plunge event scheduled for Feb. 26 at



CSEA Westchester County Unit members Christina Garabedian, left, and Betty Lewis brave the chilly waters off the beach at Rye Playland.



Westchester County Unit President Karen Pecora, left, and the Polar Plunge mascot congratulate members Christina Garabedian, center, and Betty Lewis on a successful plunge.

Sharpe Reservation.

For more information or to sign up, call (845) 831-1000.

— Jessica Ladlee

For more information about Polar Plunges in your region, visit CSEA's website at www.csealocal1000.org or the Special Olympics New York website at www.specialolympicsny.org.

The tent city was occupied by community activists for a full week in an effort to draw attention to the continued need for aid in Haiti.

Southern Region leaders join Haiti solidarity effort

RAMAPO — Southern Region President Billy Riccaldo and Town of Ramapo Unit President Brian Spillman joined Rockland County Legislator Toney Earl to tour a tent

city replica set up outside Ramapo Town Hall to memorialize the one-year anniversary of the earthquake in Haiti that killed nearly 300,000 people.

The tent city was occupied by community activists for a full week in an effort to draw attention to the continued need for aid to Haiti.

Rockland County is home to a large population of Haitian-Americans, many of whom are CSEA members. Riccaldo and Spillman joined Earl, a veteran Transit Workers Union activist and staff member, at the commemoration to show support for continued efforts in the Rockland



Town of Ramapo Unit President Brian Spillman, Ramapo Supervisor Christopher St. Lawrence and Southern Region President Billy Riccaldo pose at the Ramapo Town Hall. St. Lawrence is a longtime friend to CSEA.



Southern Region President Billy Riccaldo, Town of Ramapo Unit President Brian Spillman and Rockland County Legislator Toney Earl outside the tent city replica outside Ramapo Town Hall.

community to aid the people of Haiti.

Ramapo Town Supervisor Christopher St. Lawrence, a longtime friend of CSEA, has developed close ties with

Haiti and has been a force behind improving recycling and waste management in that country.

— Jessica Ladlee



No 'help net' for laid off crime victims specialist

BROOKLYN

— A year after the Sept. 11 attacks, Fabian Feliciano was still diligently helping the victims and their families.



Feliciano

“When I started at the Crime Victims Board, everything I worked on were claims related to the World Trade Center disaster,” said Feliciano, who worked as a crime victims specialist for the former state Crime Victims Board, abolished last year. “A lot of these families looked to the CVB as a help net for help with funeral expenses, counseling expenses and related expenses.”

Dedicated worker

After assisting numerous crime victims for the last eight years, no such help net existed for Feliciano who was among nearly 900 workers laid off at the end of 2010.

Feliciano had been promoted several years ago from crimes victims specialist to secretary, where he assisted appointed board members. He had also been helping domestic violence victims along with the New York City mayor’s office Against Domestic Violence.

“Feliciano was so well regarded and so sensitive to the needs of domestic

violence victims that he was the only male asked to address a gathering of hundreds of women of the Spanish Eastern District,” said New York City State Employees Local President Vincent Martusciello, whose local included the Crime Victims Board.

Last summer, the board was abolished and Feliciano learned that despite the elimination, his job was secure,

at least through the remainder of the year.

But near the end of 2010, he was told that his position was being eliminated. Since his new title was non-competitive, he was ineligible to retreat to the position he once held, even though he passed two civil service exams to earn it.

Feliciano’s original position is now held by a provisional worker who has not passed a civil service exam and has fewer years of service.

After appealing for assistance from the Office of Victims Services (which replaced the Crime Victims Board), Feliciano was told that although he resigned from his civil service-protected position, he could still return to his original position but only

at the “discretion of the appointing authority.”

“I think it was based on their capriciousness,” said Feliciano. “It wasn’t based on the lack of work or the needs of the Brooklyn office.”

CSEA Metropolitan

Region

President

George

Boncoraglio

agreed that

Feliciano

should

have been

offered an

opportunity

to return to

his original

position.

“In cases where there is a possible reinstatement to a former position, the

decision should not be left to the whims of the agency,” said Boncoraglio. “He has proven himself a worthy civil servant, has passed all the necessary exams and requirements and has led an exemplary career with the state.”

Feliciano hope the agency or the state will find him a new position or return him to his old one,

“Although I changed positions, I never left the agency or state service in eight years,” said Feliciano. “The job market is very difficult. A Grade 14 is better than a Grade 0.”

— David Galarza



“People need to realize that public workers provide an extensive range of essential services that enhance quality of life. We protect children. We protect senior citizens. We protect the disabled. We help people heat their homes and provide nutritious meals for their families. We do all this and so much more. Rather than bash public employees and label them with untrue, negative stereotypes, people should take the time to educate themselves about what we do.”

— Robert Krug, Adoption Unit, Erie County Department of Social Service, on the important services public employees provide.

CSEA members fighting for Belleayre Mountain jobs

HIGHMOUNT — CSEA members working at Belleayre Mountain recently participated in a demonstration outside the ski facility to generate support for keeping Belleayre operated by full-time state employees.

Belleayre is operated by the state Department of Environmental Conservation.

The recent state layoffs affected 48 Belleayre workers, the majority of whom are CSEA members. While laying them off from full-time status, the state has opted to bring workers back as seasonal

employees, a move workers say eliminates the main source of stable employment in that area of the Catskills.

Any decline in programs at Belleayre will also harm the local businesses that depend on the ski area’s success, supporters say.

CSEA and PEF members are working with the Coalition to Save Belleayre to build support for returning full-time staff to Belleayre. Look for more information in the next issue of the Work Force.

— Jessica Ladlee

Patient death, fines and still no safety plan for Bronx Psychiatric Center

“This (death) could have and should have been avoided.”

“We have a dead patient, several PESH citations, numerous direct care layoffs and still no action from management. Must a worker also die in order for them to take appropriate action?”

BRONX — Despite a recent patient fatality and hefty fines for non-compliance with workplace safety rules, shortly after year-end layoffs of dozens of direct care staff, workers at the Bronx Psychiatric Center say management still has not adequately addressed safety concerns.

“It’s good to know that PESH (Public Employee Safety and Health Bureau) realizes that the facility is in violation by issuing this fine,” Bronx Psychiatric Center Local President Abraham Benjamin said. “However, I question if they are going to be asked to pay it and are they aggressively trying to fix the problem?”

As of early January,

the center owed nearly \$20,000 in penalties and faces daily penalties of \$315 until the center complies. The facility was cited for several violations, including one for not developing a written workplace violence prevention program and another for not developing and implementing workplace violence prevention program goals and objectives.

The state Office of Mental Health laid off 55 workers statewide in December, 28 of them at Bronx Psychiatric Center.

In early January, a male patient in a ward died after an altercation with another patient. While the death is still under investigation,



Bronx Psychiatric Center workers demonstrate against layoffs in this December 2010 file photo. (See the January 2011 Work Force for more.)

Benjamin cited inadequate staffing levels on the ward. “This (death) could have and should have been avoided had the ward been properly staffed,” he said.

Benjamin said the ward was staffed with four mental health

therapy aides and one nurse. Of those, one therapy aide was assigned to an outside appointment and two aides were assigned to one-to-one observations.

That left just one therapy aide and the nurse to monitor and dispense medications to 24 male patients.

“We have a dead patient, several PESH citations, numerous direct care layoffs and still no action from management,” said CSEA Metropolitan Region President George Boncoraglio, who wrote a letter to Bronx Psychiatric Center blasting the layoffs and workplace violence. “Must a worker also die in order for them to take appropriate action?”

— David Galarza

Workplace violence rates increase in New York state

According to recent data compiled by CSEA’s Occupational Safety and Health Department, the New York state workplace injury rate is twice the national average. Bronx Psychiatric Center had the highest number of incidents in the state Office of Mental Health (including forensic facilities) in 2009-10,

State and federal data showed a steady increase in workplace violence against state employees

in New York. Specifically, statistics maintained by the Federal Bureau of Labor Statistics show a 26.7 percent increase in workplace injuries from 2005 to 2008 arising from assaults and other violent acts against state government employees in New York.

With rising workplace violence against state employees, 44.9 percent of state agencies surveyed – and 46.7 percent of public authorities surveyed

– could not produce any evidence of having completed a Workplace Violence Prevention Program as required by the Workplace Violence Prevention Law.

The rule requires employers to assess their workplace (with the union’s participation) to identify hazards. Once hazards are identified, they must be addressed. Employers must create a written program, have a reporting system, train

employees and review incident reports.

“We have set up plans to meet in the next few weeks with management to create a risk assessment determination, but I was honestly hoping that it was going to be the main topic of discussions at a meeting we just held,” said Bronx Psychiatric Center Local President Abraham Benjamin.

— David Galarza

Are you taking the New York state second-level clerical series exams March 5?

The CSEA WORK Institute is offering Civil Service Test Preparation Workshops in all six CSEA regions for this exam. All exam topics will be covered.

Long Island Region: Saturday, Feb. 19, 9 a.m. – 4 p.m.; CSEA Long Island Region Office, 3 Garet Place, Commack

Metropolitan Region: Wednesday & Thursday, Feb. 23 – 24, 5:30 – 9 p.m.; CSEA Metropolitan Region Office, 125 Maiden Lane, 5th Floor, Manhattan

Southern Region: Saturday, Feb. 5, 9 a.m. – 4 p.m.; CSEA Southern Office, 568 State Rt. 52, Beacon

Capital Region: Saturday, Feb. 26, 9 a.m. – 4 p.m.; New York State Nurses Association, 11 Cornell Road, Latham

Central Region: Tuesday & Wednesday, Feb. 15 - 16, 5:30 – 9 p.m.; CSEA Central Region Office, 6595 Kirkville Road, East Syracuse

Western Region: Tuesday & Wednesday, Feb. 8 - 9, 5:30 – 9 p.m.; CSEA Western Region Office, 120 Pineview Drive, Amherst.

Workshop cost is \$15.75. You can pay with a credit card, but only if you register online: www.csealarningcenter.org/booklets/catalog. You may also use a check or money order for online registration.

To register by phone, you may call 1-866-478-5548.

To register by e-mail, send your CSEA ID number, your daytime phone number and your e-mail address with the word “workshop” and the region you’re registering for in the subject line of your e-mail to: workinst@cseainc.org.

If you register by e-mail or phone, you must pay by check or money order (NO CREDIT CARDS ACCEPTED FOR PHONE OR E-MAIL REGISTRATIONS).

Can't make one of these workshops? For one month of 24-hour access from any computer, everyone (members and non-members) can take advantage of our online courses. Check out the FREE DEMO at www.csealarningcenter.org. CSEA members get a discounted price of \$9.99 for one month!

May 15 is deadline for submitting proposed resolutions, changes to CSEA's Constitution & Bylaws

Proposed resolutions and proposed amendments to the CSEA Constitution & By-Laws for consideration by CSEA delegates to the union's 2011 Annual Delegates Meeting must be submitted by May 15, 2011.

Proposed resolutions may be submitted only by a delegate and must be submitted on the proper forms. Forms for submitting resolutions are available from CSEA headquarters and region offices.

Proposed resolutions and proposed amendments to the Constitution and Bylaws must be submitted no later than May 15 to Statewide Secretary Denise Berkley, CSEA Headquarters, 143 Washington Ave., Albany, N.Y. 12210-2303.

The 2011 CSEA Annual Delegates Meeting will be held Oct. 3-7 in New York City.

Break in membership affects eligibility for union office, voting privileges

A break in union membership status can have long-term future implications. Your membership status affects your eligibility with respect to:

- seeking or holding union office;
- signing nominating petitions for potential candidates;
- voting in union elections, and;
- voting on collective bargaining contracts.

Only members “in good standing” can participate in these activities. To be in “good standing,” your dues cannot be delinquent.

If you go on unpaid leave or for any other reason have a break in your employment status, your dues will not continue to be paid through payroll deductions. You must make arrangements to pay your dues directly to CSEA to continue your membership status. If you are either laid off or placed on leave without pay status due to becoming disabled by accident, illness, maternity or paternity, you may be eligible for dues-free membership status for a period not to exceed one year. If you are called up for active military duty you may also apply for dues-free status.

Note, however, you must continue to pay dues to run for office. Dues-free or gratuitous membership allows members to continue their insurance coverage while out of work. It does not protect your right to run for or hold office. This does not apply to members who are on leave due to being called up for military duty. Members on active military duty, upon return, are considered to have had continuous membership status for all CSEA election purposes.

Please notify the CSEA Membership Records Department at 1-800-342-4146, Ext. 1327, of any change in your status and what arrangements you are making to continue your membership in CSEA.

EBF adds live chat feature to website

The CSEA Employee Benefit Fund recently unveiled a new live help option on its website at www.cseaebf.com to allow members to interact with an EBF customer service representative online.

"The EBF is constantly looking for ways to improve our service to the members and we believe that the live help option will offer members an effective new way of communicating with the fund," EBF Director Bill Howard said.

The Live Help option box can be found on EBF's home page and is easy to use. The Live Help link is also featured on the EBF's individual web pages to provide immediate assistance to members who may have a specific question about a form or benefit provision.

Live Help is staffed daily, Monday through Friday. By using Live Help, members can avoid phone calls and have their issues quickly addressed by an EBF staff member experienced in dealing with the fund's benefit programs and policies.

"The EBF has come a long way over the course of three decades, but has never lost sight of its fundamental mission of serving the CSEA membership," CSEA President and EBF Chairman Danny Donohue said. "I am very pleased that the fund continues to develop ways of taking advantage of technology to keep the fund committed to that most basic of objectives — serving our hardworking members and their families."



Important update for 2011

Fringe Benefits Management Co. to remain state Flex Spending Account administrator

Please note that Fringe Benefits Management Company (FBMC), a division of Wageworks, will continue to be New York state's Flex Spending Account administrator for 2011. FBMC will continue to process all claims for the 2010 and 2011 plan years.

State employees who enrolled in the Flex Spending Account can reach FBMC by calling 1-800-358-7202 or visit their website for additional information at www.flexspend.state.ny.us.

Deadline for 2010 Empire Plan claims is April 30

Empire Plan enrollees have until **April 30, 2011** (120 days after the end of the calendar year) to submit medical expenses incurred during the 2010 plan year to:



United HealthCare Service Corp.

**P.O. Box 1600
Kingston, N.Y. 12402-1600**

For the Empire Plan Basic Medical Program, the Home Care Advocacy Program (HCAP) and for non-network physical therapy or chiropractic services.

Empire Blue Cross and Blue Shield

**NYS Service Center (Code YLS)
P.O. Box 1407 – Church Street Station
New York, N.Y. 10008-1407**

For Empire Plan and non-network Inpatient or Outpatient hospital services.

OptumHealth Behavioral Solutions

**P.O. Box 5190
Kingston, N.Y. 12402-5190**

For non-network mental health and substance abuse services.

Medco Health Solutions

**P.O. Box 14711
Lexington, KY 40512**

For prescriptions filled at non-participating pharmacies or at participating pharmacies without using your New York Government Employee Benefit Card.

Enrollees can call the Empire Plan at 1-877-7NYSHIP (1-877-769-7447) with questions or to get claim forms. As a reminder, when using the Empire Plan's toll-free telephone number, please pay extra attention to the choices offered by the automated system.

Network providers/pharmacies will submit claims directly to the appropriate insurance carrier on your behalf when provided with all necessary information. If you have a non-network claim submission, make sure you complete the requested subscriber information on the claim form, include the original billing or receipt (if requested) and don't forget to sign the claim form.

State Workers Compensation Board implements medical treatment guidelines

On Dec. 1, 2010, the Workers Compensation Board (WCB) implemented mandatory medical treatment guidelines for all **neck, back, shoulder and knee injury** cases *regardless of the date of accident*. Creation of the medical treatment guidelines is significant since this is the first time that the Workers Compensation Board has any written pre-set criteria for medical treatment.

Getting effective medical treatment to injured workers quickly has often been difficult and time consuming. The WCB hopes that these guidelines will help streamline the process and facilitate medical treatment. The fear, however, is that such a standardization will delay or deny treatment to injured workers who are in real need.

The guidelines apply to treating medical providers (doctors, chiropractors, psychologists and others as defined by law). *Even though physical and occupational therapists are not defined as treating medical providers, the guidelines also apply to them.*

It is possible to receive treatment **not** within the guidelines if the health care provider requests a **variance**. Providers should use the variance process when: 1) they want to perform treatment that is outside the guidelines; 2) they want to perform treatment that is not addressed in the guidelines or; 3) they want to extend the duration of treatment. The variance must be requested prior to the treatment being provided. It cannot be used after the treatment has been provided and the burden of proof that the alternative treatment is necessary is on the doctor.

The health care provider is required to provide medical justification that supports the variance request. The variance request must be submitted to the insurance carrier. There are very specific deadlines for both the insurance carrier and the health care provider to follow if the request for a variance is denied by the insurance carrier. Both sides can agree to have the dispute resolved by the medical arbitrator. **The decision of the arbitrator is binding and cannot be appealed.** If neither party wants to submit to binding arbitration, the board will schedule an expedited hearing within 30 days. If a hearing is held, testimony of the doctors will be held and the judge will issue a decision.*

The above information describes the process in general. It is too early to tell how the guidelines will affect treatment. **In all likelihood, the amount of chiropractic and physical therapy treatment will become more limited.** It is important to remember that for the first time, the Workers' Compensation Board has written treatment guidelines that may or may not make it easier and faster for you to receive the proper type of treatment. Your health care provider must become familiar with the process and follow the steps in a timely fashion.

*If a member has retained Fine, Olin and Anderman (FOA), LLP, FOA cannot represent the member before a medical arbitrator, but can represent the member in an expedited hearing.

*Article contributed by
Vincent Rossillo, Esq.
Fine, Olin and Anderman, LLP*

MEMBERS ONLY INFORMATION

LOCAL 1000



AFSCME, AFL-CIO

Legal Services Program

Workers' Compensation and Social Security Disability

Personal Legal Matters

Personal Injury Matters

Taking Care of Business/Elder Law

Veterans Disability Benefits

This members-only benefit program provides attorney representation for *Workers' Compensation, Social Security Disability, Personal Injury, Veterans*

Know Your Rights!

Disability Benefits and Personal Legal matters including Taking Care of Business for members and their dependents. Quality legal representation at little or no out-of-pocket cost for injury/illness related matters; quality legal representation at pre-negotiated/discounted fees for other personal matters.

The Injury Related Program is administered by the firm of **FINE, OLIN & ANDERMAN, LLP** through its statewide network of offices. Personal Legal Services are provided by a closed network of specially selected attorneys dedicated to quality service for CSEA members.

Since 1910



New York's LEADING Union

1-800-342-4146

Call during normal business hours, 8 a.m. - 5 p.m., Mon.-Fri., and follow the menu instructions for the Legal Services Program

CSEA Headquarters, 143 Washington Ave., Albany, NY 12210

Web site: www.csealocal1000.org (through the CSEA members-only portal)

Danny Donohue, President



Tubbs is PEOPLE Recruiter of the Month

Mary Jo Tubbs of the Livingston County Local in the Western Region, is the PEOPLE Recruiter of the Month for December. She recruited 12 new PEOPLE MVP members.

CSEA's PEOPLE program protects and improves our jobs, benefits and pensions in Washington, Albany and in your community. Your support and participation in PEOPLE strengthens CSEA's clout in the workplace, in the legislature, in your community and in the labor movement.



Tubbs, who was named PEOPLE Recruiter of the Year last year, poses with President Danny Donohue at the 2010 Annual Delegates Meeting.

Remember: 'Don't Zone Out' during winter

Winter is here and with it comes snowy and icy road conditions.

CSEA members who work on highways spend many hours clearing, salting and sanding roadways, often in inclement weather, to make them safer for us to drive.

As you're driving this winter season, please continue to remember to "Don't Zone Out," and urge your families, friends and co-workers to do the same.

Visit the Don't Zone Out page on CSEA's website at www.csealocal1000.org to learn more about the Don't Zone Out campaign.



February CSEA calendar of events

Long Island Region:

- Feb. 1-2: **State Government Discipline and Interrogation: Representing Members Under Article 33 Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., CSEA Long Island Region Office, Commack
- Feb. 15-16: **Local Government/Private Sector Grievance Representation Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., Hampton Bays Senior Center, Hampton Bays

Metropolitan Region:

- Feb. 1-2: **Public Speaking Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., Creedmoor Psychiatric Center Local Office, Queens Village
- Feb. 8-9: **State Government Discipline and Interrogation: Representing Members Under Article 33 Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., CSEA Metropolitan Region Office, Manhattan

Southern Region:

- Feb. 1-2: **Steward Workshop**, Sign-in:

5:30-6 p.m.; Workshop: 6-9 p.m., Holiday Inn, Kingston. *This workshop is open to Southern and Capital Region members. Please call the Southern Region office at (800) 757-CSEA to register.*

- Feb. 5: **Local Government/Private Sector Grievance Representation Workshop**, Sign-in: 8:30-9 a.m.; Workshop: 9 a.m.-3:30 p.m., Carmel Fire Department, Carmel

Capital Region:

- Feb. 1-2: **Steward Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., Holiday Inn, Kingston. *This workshop is open to Southern and Capital Region members. Please call the Southern Region office at (800) 757-CSEA to register.*
- Feb. 1-2: **Contract Negotiations: Constructing Proposals Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., CSEA Plattsburgh Satellite Office. *This workshop is open to Capital and Central Region members. Please call the Plattsburgh Satellite Office at (518) 563-0761 to register.*

LOCAL SUPPORTS WORKERS' FAMILIES —



The Westchester County Local Community Action Committee recently raised \$7,810 for the families of CSEA members Anthony Ruggiero Jr. and John Kelly. The men died Sept. 6, 2010, after an occupational incident in a Tarrytown manhole. The donations to the families, presented by Local President John Staino and other officers, will be used to help with college costs for the

daughters of the two men. (See page 12 for more about the Tarrytown fatalities.)

... **NEW CONTRACT** — CSEA members in the Patchogue-Medford School District Clerical Unit overwhelmingly ratified a three-year contract. The contract provides for annual salary percentage increases and maintains fully paid medical benefits for members hired before 1995, while allowing a slight increase for those hired after that year.

Irving Flaumenbaum Memorial Scholarship application available; deadline April 22

April 22 is the deadline for graduating high school seniors who are the children of CSEA-represented employees to apply for scholarships offered through CSEA.

A single application covers the Irving Flaumenbaum Memorial Scholarship, the Pearl Carroll & Associates Scholarship and the MetLife Insurance Company Scholarship.

Applications will be available in early February from local and unit presidents, CSEA Headquarters, region or satellite offices, or may be downloaded from CSEA's website at www.csealocal1000.org.

- Feb. 2-3: **Local Government/Private Sector Grievance Representation Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., Rensselaer County Public Safety Building, Troy
- Feb. 8-9: **State Government Grievance Representation Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., CSEA Headquarters, Conference Room 1C, Albany
- Feb. 16-17: **Local Government Discipline: Representing Members in Interrogations Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., Holiday Inn, Saratoga Springs

Central Region:

- Feb. 1-2: **Contract Negotiations: Constructing Proposals Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., CSEA Plattsburgh Satellite Office. *This workshop is open to Capital and Central Region members. Please call the Plattsburgh Satellite Office at (518) 563-0761 to register.*
- Feb. 8-9: **Steward Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., Holiday Inn, Horseheads

- Feb. 15-16: **State Government Grievance Representation Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., CSEA Binghamton Satellite Office, 1st floor, Binghamton
- Feb. 15-16: **Local Government Discipline: Representing Members in Interrogations Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., Jefferson County Local Office, Watertown

Western Region:

- Feb. 8-9: **State Government Discipline and Interrogation: Representing Members Under Article 33 Workshop**, Sign-in: 5:30-6 p.m.; Workshop: 6-9 p.m., CSEA Rochester Satellite Office

For more information, contact your region office (phone numbers are listed on Page 4) or visit your region page at CSEA's website at www.csealocal1000.org. Please note that additional events may be scheduled in your region, so check the website regularly.

THE Work Force

www.csealocal1000.org

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*Sources: The Center for State and Local Government Excellence and the National Institute on Retirement Security.