

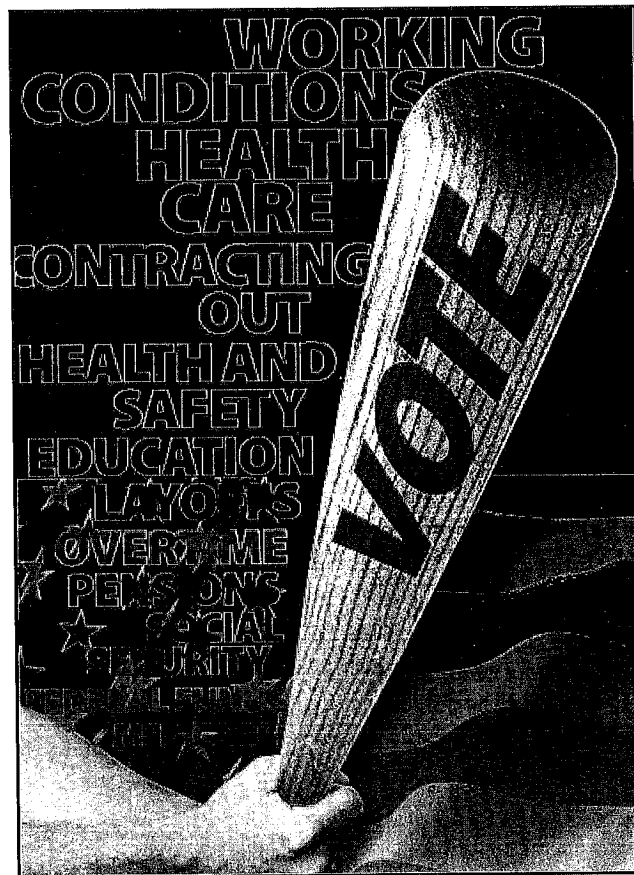
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2005 - 2006 LEGISLATIVE AGENDA



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2005 - 2006 Legislative Agenda

A Message from CSEA President Danny Donohue

I am pleased to share with you our 2005 to 2006 Legislative Agenda which describes CSEA's lobbying priorities for the current two-year legislative cycle. The Agenda was adopted by our Statewide Political Action Committee based on recommendations from region, local and unit political action committees as well as rank and file members. It also takes into account current political and economic trends across the state.

CSEA's diversity prompts us to take positions on hundreds of proposals while also keeping us focused on our primary mission to protect and promote the basic needs of the union's 265,000 members and their families. It is, in effect, common ground for working families on issues as varied as health care and education to pension security and worksite safety.

Please take the time to read the Agenda. I hope you will find at least one, and perhaps more issues that spark your interest and motivate you to get involved in our political action efforts.

Keep in mind that our success depends, ultimately, on you. Get involved!

In solidarity,


DANNY DONOHUE

HEALTH CARE

PROTECTING PUBLIC HOSPITALS & NURSING HOMES

Across New York State, public hospitals and nursing homes are in a full-blown crisis due to low Medicaid reimbursement rates, reduced state aid and changes in the healthcare market. These public facilities provide safety net services for those who are uninsured and underinsured and are vital health care providers in the communities that they are located.

CSEA is working to develop a dedicated funding source for hospitals and nursing homes to build and develop more beds to deal with the rising number of seniors who need nursing home, assisted living and transitional services. CSEA will work to shore up services for financially distressed and underutilized health care facilities and to stop privatization and closure of existing facilities.

EXTENSION OF .25% SALES TAX SURCHARGE

CSEA is lobbying for extension of the .25% statewide sales tax surcharge that is set to expire on May 31, 2005 and the dedication of all the revenue to public nursing homes and hospitals. This would be a temporary measure to help public hospitals and nursing homes address their immediate fiscal issues until a more fair and balanced state reimbursement system is developed.

MEDICAID REIMBURSEMENT RATES

(S.1164 – Maziarz / A.1997 – DeMonte)

This legislation would increase state reimbursement to county-operated nursing homes.

EMPLOYER PROVIDED HEALTH INSURANCE

CSEA is supporting a health care reform proposal to require large employers with 50 or more employees who do not offer health insurance to their employees to pay an additional tax so those employees can access Family Health Plus or Medicaid programs. This tax would alleviate a cost to local property taxpayers.

FAIRNESS IN REQUIRED OVERTIME FOR NURSES

(S.236 – Morahan / A.3232 – Cahill)

This bill would prohibit health care employers, including hospitals, nursing homes and other types of public and private health care providers, from scheduling and requiring shifts longer than 8 consecutive hours for LPNs and RNs or workweeks longer than 40 hours except as consistent with the nurse's regularly scheduled hours. The bill does provide an exemption during certain health care disasters or during a declared federal, state or local emergency.

HEALTH CARE STAFFING DISCLOSURE REQUIREMENTS

(A.3543B-Gottfried / S.53A – DeFrancisco)

This legislation would authorize the Department of Health to develop rules and regulations to require health care facilities to publicly disclose staff to patient ratios of registered nurses, licensed practical nurses, and direct care staff, as well as related information on methods for adjusting staffing polices and medical errors related to staffing.

ORGANIZING / MOBILIZING UNION MEMBERS

SUNY U-Grades Amendment

(S.3186 - Robach / A.7022 - Abbate)

For many years, SUNY has abused its appointing authority power and violated the spirit of the Civil Service Law by creating new positions in the unclassified service, or upgrading current classified service positions into the unclassified service, to do the work of vacant CSEA bargaining unit positions and subsequently not filling those vacant positions. SUNY has done this without going through the appropriate civil service classification process and with no rationale or oversight.

In response, CSEA passed a law to prevent SUNY from unilaterally creating upgraded or non-bargaining unit positions and then transferring services out of CSEA bargaining units without approval from the Civil Service Commission (Chapter 656 of the Laws of 1998). Unfortunately, SUNY continues to abuse its authority through loopholes it has found in the law. CSEA is introducing a bill to close these loopholes and require SUNY to abide by the spirit and provisions of the Civil Service Law.

SUNY CONTRACTING OUT & PREVAILING WAGE

(A.6485 - John / S.3251A - Maziarz)

(S.3381 - Maziarz)

These bills require that contracts entered into by SUNY, or a third party acting on behalf of SUNY, pay the prevailing wage for construction projects and building maintenance work.

NOT-FOR-PROFITS SUBJECT TO OPEN MEETINGS LAW

(S.4588 - Leibell / Awaiting Assembly Introduction)

Many not-for-profit agencies that provide public services receive state grants and are funded by taxpayer dollars. Building on a CSEA law that prohibits the use of taxpayer dollars for anti-union purposes, this bill would require not-for-profits that receive over \$1 million or at least 50% of their gross revenues from government funds to allow appropriate notification and public access to budget, organizational and other meetings.

CARD CHECK AGREEMENTS - OMH/OMRDD PROVIDERS

(S.3008 - Spano / A.3292 - John)

This bill allows employers licensed by the Office of Mental Retardation and Developmental Disabilities (OMRDD) and the Office of Mental Health (OMH) to enter into agreements with their employees to confer jurisdiction of union organizing drives based on "card check" to the New York State Employee Relations Board (SERB) and to establish a no strike clause as a condition of such agreement.

PREVENT MISUSE OF PUBLIC FUNDS BY EMPLOYERS

(A.3350 - John / Awaiting Senate Introduction)

This bill strengthens a law that CSEA passed several years ago which prevents employers who receive state funding from using those funds to discourage their employees from joining unions. This bill would prohibit an employer from using any public funding for the purpose of influencing the outcome of a union organizing drive in any way.

WORKSITE SAFETY ISSUES

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(A.3636 – John / S.3979 - Spano)

This bill requires all employers with 50 or more employees to evaluate and review their worksites and policies for areas of potential violence and to take corrective actions. The bill requires employers to post and notify employees of areas of potential violence and to provide appropriate training and/or equipment for safety purposes.

STAFFING RATIOS

1) Nurse Staffing Ratios

WAITING FOR INTRODUCTION

This bill will establish minimum staff to patient ratios for Registered Nurses, Licensed Practical Nurses and direct care staff who are employed in hospitals, nursing homes, home health care, correctional facilities, schools and various other health care facilities.

2) Mental Health Staffing Ratios

(A.3928 – Brennan)

This bill establishes minimum staff to patient ratios for employees of mental health institutions operated by the state. The staffing ratios would be based on the type and severity of disabilities of patients.

RETIREMENT CREDIT FOR WORKERS' COMPENSATION

(S.3187 – Robach / A.7059 - Abbate)

This bill would ensure that any public employee who is injured on the job would be able to continue earning retirement credit for up to one year while out on workers compensation leave. Employees would have to pay the equivalent of their normal pension contributions for such credit.

EDUCATION ISSUES

CSEA will continue the fight to revise the financing of charter schools which currently draws money out of public school districts and will fight for a new financing mechanism that does not cut aid to public schools.

CHARTER SCHOOL ORGANIZING

(A.7646 – John)

This bill would require all employees of a newly created charter school, with a first year enrollment of 250 or more students, automatically be recognized as a separate bargaining unit of the union representing employees of the school district that the charter school is located in.

CHARTER SCHOOL OVERSIGHT REFORM

(Waiting for Introduction)

This bill would require prior approval by the voters of a school district before a charter school can be established within that district and subjects the budgets of charter schools to voter approval. The bill provides that employees of any newly created charter school would automatically be entitled to representation by the collective bargaining agent of the employees in the district in which the charter school is located.

CIVIL SERVICE REFORM

PERMANENT AGENCY SHOP

(S.3694 – Spano / A.5395 – Abbate)

By law, employees of a bargaining unit are not required to join the union, however, unions are required by state Civil Service Law to equally and fairly represent all individuals of that bargaining unit, whether or not they are members. Employees who do not belong to the union enjoy the union's representation, contracts and benefits all at the expense of dues paying members.

Agency shop requires that individuals of a bargaining unit who do not join the union must still pay the equivalent union dues to pay for union services, including contract negotiations, disciplinary representation and much more. Agency fee payers are entitled to a refund of the portion of their dues used for ideological or non-representational services.

This law has been in effect since 1977 but needs to be extended every two years. The experimentation period is over. It is time to make agency shop permanent.

PROTECTION OF POSITIONS - PROBATIONARY SERVICE

(S.3185 – Robach / A.6384 - Abbate)

This legislation amends Section 63 of the Civil Service Law to provide that during the probationary period of an employee who is appointed to a position in the classified service, the previous position held by that employee shall be kept open or filled only on a temporary basis. During the probationary period, and upon reasonable notice, the employee shall have the right, upon his or her own election, to return to that previous position.

EXTENSION OF BUMPING AND RETREATING RIGHTS

(S.3184 - Robach / A.7057 - Abbate)

This legislation makes technical amendments to various Sections of the Civil Service Law to ensure that non-competitive and labor class employees have the same bump and retreat rights as employees in the competitive class if budget cutbacks result in layoffs.

CLOSE CORPORATE LOOPHOLES

Corporate fraud has helped create massive deficits in state government as well as endangered the fiscal health of pension funds across the nation. Tax breaks, tax evasion and loopholes all have the effect of drastically reducing government revenue.

In 2003, CSEA successfully fought to close several corporate tax loopholes that allowed big business to escape paying fair taxes. CSEA will continue this fight as well as fight to make corporations more accountable for their actions.

REFORM OF EMPIRE ZONES

The Empire Zones program is intended to target economic development in distressed areas by allowing the state to reimburse localities for tax breaks that they grant to businesses in return for job creation. However, many businesses have abused loopholes in the law by reaping huge tax breaks without any significant job creation. CSEA is fighting for stronger oversight to make sure businesses live up to their responsibilities as well as to establish a way of recouping lost tax revenue from corporations that do not create jobs but still take the tax incentives.

THE CORPORATE DISCLOSURE, RESPONSIBILITY AND TAXPAYER PROTECTION ACT

(A.2936 – Brodksy)

This bill standardizes and requires all state agencies and local governments to specifically report agreements for tax breaks and other incentives that they have offered to business in return for job creation. The bill also requires annual reporting updates and allows the state and local governments to “recapture” any lost tax revenues in the event that the business has not lived up to its job creation or economic development responsibilities.

PRIVATIZATION

ACCOUNTABILITY IN CONTRACTING OUT

(S.3672 – Spano / A.1269 – John)

Despite years of failed contracting out efforts and mountains of evidence that privatization does not save taxpayer dollars or improve services, many elected officials still fall for the false promises of privatizing government services. This bill would require government entities to show that there will be a real costs savings, without reducing employee compensation or job losses, before contracting out could take place.

MISCELLANEOUS

ADDITIONAL PAID LEAVE FOR PUBLIC EMPLOYEES ORDERED TO MILITARY SERVICE

(S.3029 – Morahan / A.7104 - Towns)

This bill will extend from 30 to 60 calendar days, or 22 to 52 working days, the amount of time that public employees are entitled to receive full paid salary by their employee while on ordered military duty.