

Health and Safety Issues

Occupational Safety and Health Training and Education and Occupational Health Clinic Programs Fund

S-6913 (Maltese)
Finance Committee

A-4508-A (John)
Labor Committee

Occupational clinics provide much needed health care to workers and occupational safety and health training and education provides necessary services to reduce the number of injured workers. These programs have long been subject to budget cuts that create uncertainty and jeopardize the effectiveness in reducing injuries and care for injured workers. Enactment of this legislation would safeguard these programs from future funding cuts and would capture the increase assessment based funds.

HEALTH CARE

Chapter Amendment (Chapter 58 of the Laws of 2005) for Family Health Plus eligibility for public school employees.

It is time to end the discriminatory and inconsistent manner in which New York State provides Family Health Plus (FHP) Assistance programs to public school employees. NYSUT is seeking a chapter amendment to repeal §33 subparagraph (iii) of Chapter 58 of the Laws of 2005, to allow public employees equal access to and uniform application of FHP. Under current law, public employees who are eligible for employer-paid health insurance are NOT eligible for Family Health Plus. This situation is extremely difficult for many School-Related Professionals as they work in job titles that limit them to part-time work which often prevent them from having the means to pay for high out-of-pocket premiums or cost-sharing expenses (deductibles, coinsurance, and co-payments).

Family Health Plus is a public health insurance program which provides coverage for individuals who do not have health insurance on their own or through their employer and do not qualify for Medicaid. Family Health Plus is also designed to help individuals cover various shares of health insurance costs they are not able to afford. Employees of private-sector employer sponsored health insurance plans are eligible for FHP assistance but public-sector employees are not and NYSUT believes this is a discriminatory application of FHP for the latter group of employees.



For more information on this subject, call John Green at (518) 213-6000, extension 6615.

Labor Issues

Workplace Violence Protection Act for School Districts

S-6007 (Maltese)

Labor Committee

A-8801-A (John)

Ways and Means Committee

Violence in school settings is an increasingly visible element in our state's education system and too many school facilities contain real and persistent hazards to the health and safety of teachers, school-related professionals and students alike. This legislation amends Chapter 82 of the Laws of 2006 to include school districts within the enhanced safety and health protections afforded to other public employees pursuant to Workplace Violence Reduction Act of 2006 in order to require school districts to develop and implement programs to prevent workplace violence in the same manner and to the same extent currently required of all other public employers. This legislation provides for staff training on strategies for employees to protect themselves and authorizes any public employee or representative of public employees who believes that a serious violation of a safety or health standard exists, or an imminent danger exists, to request an inspection by the Department of Labor.

- Requires employers to evaluate, identify and mitigate potential safety problems in order to insure a safe work/learning environment for all of their employees and the students that they serve;
- Requires that public school districts develop and implement a written workplace violence prevention program;
- Requires that school staff receive training on strategies to protect themselves from the violence or other dangerous situations in the workplace;
- Establishes a reporting system so that school districts can track incidences of violent or aggressive behavior in an effort to identify trends or incidences that require remediation; and
- Authorizes any public employee or a representative of such public employee who believes that a serious violation of a safety or health standard exists, or an imminent danger exists, and has not been sufficiently addressed to request an inspection by the Department of Labor

Paid Annual Leave for All Public Employees to Undertake Breast and Prostate Cancer Screenings

S-8077 (Morahan)

Civil Service & Pensions Committee

A-10035-A (Brodsky)

Governmental Employees Committee

This legislation would expand the four hours of paid annual leave benefits conferred pursuant to Chapter 111 of the Laws of 2007 to employees at community colleges, public authorities, public benefit corporations, BOCES and vocational schools as well as any other public employees who are



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participants in the New York State and Local Employees' Retirement System and the New York State Teachers' Retirement System.

- Expands the four hours of paid leave benefits to encourage all public employees to under take annual breast and prostate cancer screens;
- Encourages early detection of breast and prostate cancers to increase employee survivability and decrease employer costs for full-blown cancer treatment;
- Encourages employees to adopt and adhere to preventative health care regimen through annual examination in order to reduce overall health care costs.

New York State Fair Pay Act

A-3637 (John)
Passed Assembly

S-3936 (Johnson)
Motion to Petition - Lost

The New York State Fair Pay Act amends the New York State Labor Law by prohibiting an employer from paying employees in job titles, where women and minorities predominate, lower wages than those in jobs of comparable value. The provisions of this legislation would require employers, both public and private, to use a Job Comparison Methodology. The Methodology would assess and compare the responsibilities and requirements of each job title, on the basis of skill, effort, responsibility and working conditions to determine a fair and consistent evaluation of pay.

Marriage Equality

Governor's Program Bill #22
S-5884 (*Rules*)
Judiciary Committee

A-8590 (O'Donnell)
On Calendar-3rd reading

This legislation formally recognizes otherwise-valid marriages without regard to whether the parties are of the same or different sex. All loving, committed couples and their children should not be prevented by the state from entering into a civil marriage and should; therefore, also be provided with the same protections, responsibilities, rights, obligations, and benefits of such a legally-recognized union.

For more information on this subject, call Patrick Lyons at (518) 213-6000, extension 6612.

Charter Schools: Support a Moratorium in Oversaturated School Districts

Pending introduction

In 2007, the Legislature took steps to protect school districts already oversaturated with Charter Schools by establishing new criteria for the approval of new schools or expansion of an existing school in these districts. The new provision requires the Regents and the SUNY Board of Trustees to establish that the new school or expansion of a current school would provide a significant educational benefit before approving a school in a district with more than 5% of public school enrollment in charter schools.

Both Albany and Buffalo have been oversaturated with charter schools. Charter school enrollment is already more than 15% of public school enrollment in these districts with further increases in charter enrollment over the next three years already approved by the Regents and the SUNY Board of Trustees. This over saturation of Charter schools has caused serious fiscal problems for the school districts making it difficult to provide quality educational programs for the majority of district students remaining in the public schools.

The Regents have recently approved additional schools in both Albany and Buffalo making it clear that the new language is not accomplishing the Legislature's intent and new language is needed to help these over burdened school districts. **NYSUT supports language which prohibits the Board of Regents and the SUNY Board of Trustees from approving new charter schools or expansion of existing charter schools in school districts with more than 5% of public school enrollment in charter schools.**

Special Act & 853 Schools' Funding Methodology

Pending re-introduction following veto in 2007

Special Act and 853 schools, which serve special needs and hard to serve students, need adequate financial capacity and flexibility to better manage their schools and to address the directives of the federal No Child Left Behind Act and the Regents' learning standards. Under the current system schools are unable to adequately plan their budgets.

This legislation will create a new multi-year tuition rate setting methodology. The methodology would be implemented on a staggered basis where one-third of the schools affected by the new methodology would be rolled into the new methodology in each year of the first three-year cycle. The year one tuition rate would be based on allowable historical costs and in year two and three there would be a potential for a cost of living increase at the discretion of the Commissioner of Education



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For more information on this subject, call Melinda Person at (518) 213-6000 extension 6024 and Jackie Paredes at (518) 213-6000 ext. 6608.

and the Director of Budget. These changes would provide some certainty and predictability in order for these schools to be able to plan their budgets and provide necessary resources to their students.

This legislation would also allow the schools to maintain a fund balance of not more than 2% of that year's allowable and reimbursable costs, should the school's tuition revenues exceed the allowable and reimbursable costs in a particular year. The ability to maintain a fund balance would allow Special Act and 853 schools to pay for unexpected expenses or delays in state reimbursement.

IDEA Chapter Amendment

Pending introduction

This legislation would modify the notification process for requesting an initial evaluation for special education services to persons in a parental relationship. These amendments would allow a parent or person in parental relation to consent to initiate the evaluation, or meet to discuss the request for a referral made by a professional staff member of the school district with the building administrator or other representative of the school district authorized to make a referral to the Committee on Special Education. It would provide the opportunity of the professional staff member the right to participate in meetings with the school district and parents to discuss a student's referral. At such meeting, the school representative would inform the parent of his or her right to refer the student for an evaluation and the availability of general education supports and services.

School Paperwork and Elimination Act

S-1773-A (Saland)
Education Committee

A-8687-A (Nolan)
Education Committee

This bill streamlines planning and reporting requirements placed on school districts and Boards of Cooperative Educational Services (BOCES) while providing cost savings by reducing duplication and burdensome reporting systems while focusing planning and reporting on student results. It focuses on collecting only the data necessary to comply with federal requirements and to ensure that there is fiscal and programmatic accountability while maintaining school improvement, closing the achievement gap and ensuring a safe environment.

The Commissioner of Education would be responsible for reducing the paperwork burden on schools and establishing partnerships to promote better use of required planning and reporting, identifying best practices, providing for the sharing of effective planning practices, and providing training on the use of data in planning to school board members.

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Educators' Rights

A-3524 (Nolan)

No same as

Starred on calendar

This legislation amends sections 3014-a and 3014-b of the Education Law by clarifying that the Legislature did not intend to exclude other education professionals from transfer and recall rights protections of the Education Law. It includes "other specified personnel" under provisions of law that protect the rights of certain specified school district personnel when a school district takes over a program formerly operated by a Board of Cooperative Educational Services (BOCES) and vice versa. "Other specified personnel" is defined in this bill as any person certified to the state Civil Service Commission by the Commissioner pursuant to section 35 (g) of the Civil Service Law providing instructional, ancillary or supportive educational services and any licensed health professional who is principally engaged in providing health services.

Closing Education Gap by Promoting Foreign Instruction in Foreign Language

S-2167 (Robach)

A-9365 (Kavanagh)

Finance Committee

Education Committee

This legislation amends the Education Law by creating a Foreign Language in the Elementary School (FLES) pilot program which provides funding for five high needs school districts to voluntarily expand their foreign language offerings at the elementary level. This proposal also creates an incentive award for certification in Languages Other Than English (LOTE). The LOTE incentive award would provide financial assistance to college students studying to become LOTE teachers if they commit to teach foreign language in the State of New York for a minimum of three years. This bill aids in closing the achievement gap by better preparing our neediest students in an increasingly globalized world.

For more information on this subject, call Melinda Person at (518) 213-6000 extension 6024 and Jackie Paredes at (518) 213-6000 ext. 6608.

PROPERTY TAX CAP: DON'T CAP OUR CHILDREN'S FUTURE

This year, the Governor has appointed a commission charged, among other things, with considering a school property tax cap. A tax cap proposal would take us in the wrong direction at a time when New York's education progress is being recognized.

First - New York Schools are succeeding. Only a few short weeks ago, Education Week's annual Quality Counts report showed that New York's schools received the highest overall marks nationwide. Our ratings show we are taking the right steps to reform education, improve achievement overall and close the achievement gap. Now the Executive is considering a tax cap when tax caps have been shown to lead to serious reductions in the level and quality of public education. In other states, like California, where well intentioned efforts to ease the burden for local taxpayers resulted in one-size-fits-all tax cap formulas, communities have endured loss of teachers and counselors; ballooning class sizes; loss of music, athletics and art; and the emigration of families who seek a stable school system committed to quality. Why would we jeopardize our progress with arbitrary tax caps?

Second - tax caps do nothing to change the rising costs facing school districts; they only make it harder for schools to provide the services our children need. They cannot slow the increase in the cost of health care or fuel, for example, which reflect forces outside of the control of local officials.

Third - New Yorkers have and want to keep local control. Voter's last year approved 95 percent of the state's school budgets. They showed – yet again – that when asked to choose between quality schools and lower taxes their choice is quality schools. Local communities should be allowed to keep making these choices for themselves.

And lastly, most caps include provisions permitting citizens in a locality to vote to override the cap temporarily. Citizens unhappy with deteriorating services have frequently used this provision. The evidence from Massachusetts suggests, however, that wealthier communities both attempt more overrides and are more successful in passing them. This can exacerbate disparities across the state in education and other important services, leaving lower-income communities even worse off relative to their higher-income counterparts.

You should also know that your efforts to reduce property taxes ARE making a difference. Growth in the Middle Class STAR program, as well as increases in state aid for Education has gone a long way toward reducing the property tax burden on New Yorkers. Evidence has shown us – as state aid increases, the need to raise local property taxes goes down. In 2007-08, the Governor and Legislature provided a record increase in state aid. According to the property tax report card data, property taxes increased on average 3.8 percent. This increase does not reflect the \$1 billion in new property tax rebates provided in 2007-08. When the rebates are taken into account, the average increase drops to only 1.5 percent.

If you are looking to provide additional relief, a better option would be to create a circuit breaker similar to the one proposed in the Galef/Little bill (A.1575A/S.1053A). A circuit breaker would essentially "cap" an individual household's property taxes as a percentage of their income. This type of tax relief would target aid to the low and moderate-income homeowners who need it most, especially seniors.

If New York State imposes a mandatory tax cap on levy increases, it is our students who will suffer. NYSUT hopes that you, the Legislature, will recognize that tax caps have the potential to do some serious destruction to New York's system of public education.

NYSUT STRONGLY URGES THE DEFEAT OF ANY PROPERTY TAX CAP PROPOSAL.

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Retirement Issues

Age 55/25 Year Retirement Program

S-5732-C (Flanagan)
Civil Service & Pensions Committee

A-3607-C (McEneny)
Governmental Employees Committee

This legislation authorizes Tier II, III and IV members in all public retirement systems to retire without penalty if they are age 55 or older and have 25 or more years of service. Currently, tiers II, III and IV members incur a substantial penalty on their retirement benefits if they opt to retire prior to age 62 with less than 30 years of service.

- This legislation confers no additional benefits; it merely eliminates the onerous penalties imposed upon members who reach their minimum age and service requirements for retirement.
- Only those members who most need to leave service will take advantage of this legislation (i.e., care for ill loved ones or family members).
- Employers could potentially save money by reducing payroll costs.

Permanent Health Insurance Moratorium

S-1512-A (Farley)
Civil Service & Pensions Committee

A-2928-A (Weinstein)
On Calendar

This legislation makes permanent current protections that prohibit school districts and certain other educational employers from unilaterally diminishing the health insurance coverage or contributions made on behalf of their retirees, unless there is a corresponding diminution of benefits or contributions for in-service employees (See also, Ch. 43 of the Laws of 2008). The health insurance coverage of school districts and certain other retirees has been protected from unilateral reductions under a law that has been subject to annual renewal since its inception in 1994. Despite this fact, there have been school districts that continue to try to ignore this law by unilaterally cutting the health benefits of their retirees.

- There is no additional cost to school districts or other affected educational employers.
- This legislation makes permanent a statute that has been in continuous force and effect since 1994.
- This legislation requires that employers honor their contractual agreements and requires that they seek changes to retiree benefits through collective bargaining.

Benefit Enhancements – Service Credit for Overpayments by Tier III and IV Members

S-4554-A (Robach)
Civil Service & Pensions Committee

A-7128-B (McEneny)
Governmental Employees Committee

This legislation corrects an unintended inequity in the Benefit Enhancements Law of 2000. Specifically, this legislation provides compensation to those senior Tier III and IV members who made their mandatory 3% contributions in excess of 10 years. In order to correct this injustice, affected members would receive one month of additional service credit for each year over 10 that such members made their mandatory 3% contributions.

- There are senior Tier III and IV members who have contributed to the retirement systems longer than their younger Tier IV colleagues. These additional contributions equate to



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thousands of dollars for affected members.

- The most senior of these members are at or rapidly approaching retirement eligibility and will not receive compensation for this inequity if this issue is resolved after their date of retirement.

Permanent COLA Improvements – Improved “Hammock” Benefits for Older Retirees

S-6128-A (Robach)

A-8367-A (Abbate)

Civil Service & Pensions Committee

Governmental Employees Committee

This legislation provides additional coverage under the special adjustments created pursuant to the Permanent COLA Law of 2000 for New York’s most senior retired public employees. These special adjustments were adopted to insure basic pension income replacement for older retirees who had experienced a much greater loss in purchasing power due to inflation during their many years in retirement.

- Older retirees have substantially lower pension benefits and have experienced much greater losses in purchasing power due to inflation.
- This legislation will help to buffer the purchasing power of New York’s most senior retired public employees so that they can live out their remaining years with the dignity and security that they earned.

Permanent COLA Improvements – Increase Maximum Calculation from \$18,000 to \$25,000

S-7862 (Lanza)

A-8373 (Abbate)

Civil Service & Pensions Committee

Governmental Employees Committee

This legislation would increase the maximum retirement income allowable for calculating the annual COLA payment for retired public employees. Specifically, this legislation would increase from \$18,000 to \$25,000 the maximum amount that is allowable for purposes of calculating annual COLA payments.

- This legislation provides greater purchasing power protection for retired public employees.
- The current maximum of \$18,000 does not meet the needs of retirees in this inflationary environment.

Permanent COLA Improvements – Increase the Annual Inflation Index From 50% to 100%

S-8105 (Connor)

A-10718 (Abbate)

Civil Service & Pensions Committee

Governmental Employees Committee

This legislation would increase the annual inflation index allowable for calculating the annual COLA payment for retired public employees from 50% of the Consumer Price Index (CPI) to 100%.

- This legislation provides greater purchasing power protection for retired public employees.
- The purpose of a Permanent COLA benefit is to hold retiree income benefits harmless from inflationary increases.

For more information on this subject, call Patrick Lyons at (518) 213-6000, extension 6612.

Employment Rights for 853 School Employees

S-6181 (Leibell)
Education Committee

A-8479 (John)
Governmental Employees Committee

This legislation provides 853 school employees with all of the rights, benefits and privileges afforded to other public employees, including membership in a public retirement plan. These employees work with the most troubled and needy students in the public school system. The schools in which they work are almost entirely funded with public monies. This legislation provides these employees with all of the rights, benefits and privileges afforded to other public employees under the civil service law, including public retirement system membership.

- These schools serve public school children, most with severe social and developmental issues.
- These students require individualized services and attention that are generally not available in a traditional public school setting.
- The vast majority of financial support for these schools is provided by public school districts and taxpayers.

Disability Retirement Formula

S-3744-A (Robach)
Civil Service & Pensions Committee

A-7026-A (McEneny)
Ways and Means Committee

This legislation would authorize the upward adjustment at age 62 for Tier II, III and IV members in the NYSTRS whose disability retirement allowance is less than the service allowance the member would have received at age 62 based upon the member's actual credited service and final average salary. This bill, which was passed unanimously by the Senate and Assembly in 2001, was vetoed by the Governor (VETO #32).

- Many of these members are long-term public servants who were at or near retirement when they were faced with disability.
- Many of these disabled members have accumulated enough service credit to provide them with a better benefit than their current disability benefit at normal retirement age (age 62).
- This legislation merely provides members with the benefits that they would have received if they had not become disabled.

Health Insurance Moratorium for All Retired Public Employees

S-6649 (Farley)
On Calendar

A-9894 (Abbate)
Ways and Means Committee

This legislation expands current protections that prohibit school districts from unilaterally diminishing the health insurance coverage or contributions made on behalf of retirees to other public employees. All retired public employees should be protected against unfair and unscrupulous employers who seek to unilaterally cut their health insurance benefits. This bill, which was passed unanimously by the Senate and Assembly in 2007, was vetoed by the Governor (VETO #119).

- There is no cost to public employers for this legislation.
- This legislation requires that employers honor their contractual agreements and requires that they seek changes to retiree benefits through collective bargaining.

For more information on this subject, call Patrick Lyons at (518) 213-6000, extension 6612.

Higher Education

Division of Budget SUNY Spending Reduction/Financial Management Plan

NYSUT is strongly opposed to the state's plan to require SUNY to collect and set aside \$109.4 million of revenues derived from non-General Fund accounts. Similarly, this plan would also require CUNY to set aside \$4 million. This amount includes tuition collected from students; revenues from food services, bookstores and other user-based sources; dormitory fees paid by students; revenues received by SUNY's hospitals from patients and third party insurance payments; and revenues from the Long Island Veterans Home. In fact, when you look at the Division of Budget's recently released 2008-09 Enacted Budget Financial Plan document, you will see that SUNY unfairly bears 58% of the total impact (\$109.4 million of \$186.5 million) of non-General Fund spending reductions applied across all state agencies.

The combined impact of these cuts and the SUNY General Fund budget cut of \$38.7 million means:

- Cancelled courses;
- Increased class sizes;
- A reduction in the overall quality of SUNY's academic programming;
- Compromised dormitory maintenance, patient care, security, and student safety;
- The inability of hospitals to use revenues for the care of those who paid for health care; and
- A loss of other vital resources.

The irony is that the year began with the promise of enhanced state support in line with the findings and recommendations of the Commission on Higher Education. These proposed budgetary actions against SUNY completely contradict those findings and recommendations. Instead of a promising year of progress for SUNY, the year will end as one of the most disastrous fiscal years in SUNY's history under this plan.

NYSUT urges members of the Legislature to raise this issue in conference and to personally appeal to the Governor to stop the implementation of this proposed budget plan for SUNY. Together, we must prevent the implementation of this unnecessary plan that will exacerbate SUNY's existing untenable financial situation and have harmful effects on students, their families and on the citizens of this state who rely on SUNY for quality health care and services.

This plan will dismantle SUNY.

Unemployment Insurance Benefits for Part-time Professional Employees

S-4845 (Maziarz)

Labor Committee

A-2515 (John)

Labor Committee

This legislation amends the Labor Law to provide that an offer of employment or assignment made to a part-time faculty employee by a higher education institution that is contingent on enrollment, funding, or programmatic changes shall not constitute reasonable assurance of continued employment under the Labor Law.

This measure will help to ensure that part-time faculty members are treated equitably under the law as other workers who have no reasonable assurance of future employment. It is certainly reasonable and just to afford these benefits to part-time faculty who have no control over their continued employment and therefore have "no reasonable assurance" of employment.



For more information on this subject, call Chris Black at (518) 213-6000, extension 6630.