



# New York State Public Employee Conference

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## In Retrospect, and Moving Forward

As we prepare for NYSPEC's upcoming Annual Meeting and Convention in November, where we will have much to discuss in preparation for the 2022 Legislative Session, I would like to recap our involvement in the many events that occurred from the beginning of the 2020 Legislative Session to the close of the 2021 session this June.

For those of you who have been through these unprecedented times with us, this will serve as a reminder about all that we do. It will also serve as an introduction to the many new leaders – Directors and Legislative Directors – who have replaced others in our long-standing member units, and those from the newer member units who have recently joined New York's premier state-wide public employee organization.

In December 2019, we had an informative, productive, and successful Annual Meeting and Convention. We approved our Legislative Agenda for 2020, which was distributed in traditional booklet format at our 43<sup>rd</sup> Annual Legislative Breakfast in Albany on February 4, 2020. As usual, the breakfast event was very well attended by our member units, along with a great number of important legislative leadership and staff, and other governmental leaders. Numerous luminaries addressed our membership and pledged their support for our organization and public employees in general.

## Onslaught of the Pandemic

Unfortunately, everything changed drastically as we were hit with the insidious COVID-19 Coronavirus disease shortly thereafter. For a brief period, we had hoped that the pandemic would not affect us here in New York, but it obviously did, and suddenly our lives changed drastically. We were faced with having to change our normal work routine; many of us were forced to work from home, many of our work areas were closed, and, as the pandemic worsened, we all had to adapt to a whole new way to run our respective operations.

The halls of Albany were closed to us, which we knew could impact us negatively if we did not keep a watchful eye on what was going on during the private virtual meetings the legislators were conducting. Then, more than ever, we had to be extra vigilant to ensure that public employees would not be negatively impacted.

In a typical year, we conduct one or more meetings of the Legislative Committee in Albany during the legislative session, as deemed necessary. However, because of the closure of the Capitol and the Legislative Office Buildings, and the fact that the vast majority of the legislators were operating remotely and little legislating was actually occurring, we had none of those meetings.

Nonetheless, because of our experience, specifically the four years of efforts it took to achieve the initial presumptive 9/11 bill, we recognized – early on in the pandemic – the need for Covid-related presumptive legislation for public employees. This culminated in the Covid death benefit bill being chaptered at the end of May 2020.

### **New NYSPEC Website**

Over the course of several months beginning in late Spring 2020, we re-vamped the NYSPEC website (nyspec.org or .com). Our site had not been updated since 2005, and was in serious need of an overhaul. With the professional help of our new web developer, Elyse Eversman-Amar, we are very proud of our world-class website, and can't thank her enough for all the time and effort she put into it. I am compelled to give a plug to Elyse's company, Fuse Systems LLC, which provides several of our member units with an array of union-centric software solutions.

If you have not done so already, I urge you to log on and check out the site. While the site is public, and provides plenty of informative material with respect to what we do, most of the information available to our members requires an initial login password, which is available to Directors upon request. The member only area is a useful source of proprietary information. It provides access to important updates, reports, the bylaws, policies, upcoming events info, etc.

### **Other 2020 Initiatives**

During 2020, which was an extraordinary year to say the least, NYSPEC formally opposed three huge legislative issues, and we were successful on two of the three. The first was regarding divestiture from investments in fossil fuels, which died in committee. The second involved the repeal of Civil Rights Law §50-A, which, unfortunately, was enacted as Chapter 96. The third involved the New York Health Act, which we refer to as single-payer health care, which also died in committee. You may view the opposition memos on the member only section of the NYSPEC website at: **UPDATES ➡ LEGISLATIVE SUPPORT (MIS) & OPPOSITION (MIO) MEMOS**, along with brief outlines of each in NYSPEC Legislative Committee Chair Bing Markee's 2020 annual legislative report, also in the member only section at: **RESOURCES ➡ REPORTS**.

### **2020 Annual Meeting & Convention**

We were forced to cancel our Annual Meeting and Convention, which had been scheduled for December 2020, primarily to protect the health and safety of our members and their families. We proceeded with a virtual meeting option on Tuesday, November 10, 2020, from the NYSPEC office, and the majority of our member units participated. NYS Comptroller Tom DiNapoli updated our members on the retirement system and on the pandemic and its impact on the state's economy. Our labor champion, Assemblyman Peter Abbate came from Brooklyn to the NYSPEC Office in Jericho to actively participate in the virtual meeting. We also had Senator Gounardes call in from a scheduled family trip to address us. The membership unanimously agreed that Covid-related legislation would be our number one priority in the 2021 legislative session. We also stressed the importance of maintaining heightened vigilance since the halls of Albany remained closed to us.

### **2021 Annual Legislative Breakfast**

Because it was determined that the 2021 Legislative Session would be conducted virtually, and the restriction requirements regarding in-person events, we were forced, for the first time in NYSPEC history, to cancel our

44<sup>th</sup> Annual Legislative Breakfast, which had been planned for Tuesday, February 2, 2021, in Albany. We are hopeful that we will be able to resume the tradition of our annual legislative breakfast, which is NYSPEC's signature annual legislative event, in 2022. Mark your calendar: we are scheduled for Tuesday, February 1<sup>st</sup>!

### **2021 Covid-related Legislation**

NYSPEC's primary goal going forward was ensuring that there would be a death benefit for our members who would die as a result of Covid. You will recall that the legislation that had been enacted in May 2020 expired on December 31 last year, and was being extended – in 30-day blocks – by Executive Order under the emergency powers given to the governor.

At the same time, we saw that there were bills being introduced to provide presumptive disability benefits related to the current pandemic for certain individual groups/job titles of public employees. Based upon the experience we all endured following 9/11, and the difficulty and length of time it took to finalize the 9/11 presumptive disability legislation, we made it be known that NYSPEC's position was clear: legislation covering disparate groups/job titles is counterproductive, and should be discouraged. The goal should be blanket presumptive disability legislation which encompasses all public employees who, regardless of their respective job specification, are on the front lines of the battle in this pandemic. To that end, we put our full support behind the legislation Assembly Governmental Employees Committee Chair Peter Abbate was working on in hopes of having it included in the state budget. Unfortunately, that did not come to fruition, and the process with respect to Covid-related presumptive disability legislation is ongoing.

NYSPEC stayed heavily involved in the entire process of getting Covid-related legislation passed. After many discussions with leadership in the assembly and senate, and the executive's staff, with key input from NYSPEC and other organizations, Governor Cuomo signed the Covid Death Benefit bill - A3988 (Assemblyman Abbate) / S4681 (Senator Gounardes) into law on Friday, March 12, as Chapter #78 of 2021. You will recall that, at our annual meeting in November, we agreed that this would be our number one legislative priority for 2021, and on Wednesday, February 10, we submitted a NYSPEC Memorandum in Support for the legislation. Assemblyman Abbate's dedicated work spearheaded this effort soon after the onset of the pandemic last year. On behalf of all members of NYSPEC, we cannot thank him enough for always looking out for our interest. Remember that his original proposed Covid Death Benefit bill had no expiration date. However, the governor insisted that the bill sunset in 2020, and it was converted to a gubernatorial program bill. After issuing a message of necessity, he signed it into law as Chapter #89 on May 30, 2020. When the bill expired in December, he extended it by Executive Order before signing this year's bill, which now expires December 31, 2022.

Other COVID-related bills signed into law that NYSPEC firmly supported were:

A3354 (Assemblyman Fall) / S2588 (Senator Gounardes), which provides four hours leave time for public employees to receive the Covid vaccine – enacted as Chapter #77 on March 12, 2021.

A980 (Assemblyman Abbate)/S4681 (Gounardes), which requires public employers to adopt a plan for operations in the event of a declared emergency involving a communicable disease – enacted as Chapter #30 on February 16, 2021.

### **Other 2021 Legislative Initiatives**

We issued several memos in support and opposition (MIS/MIO) on legislation – seven, as opposed to just three

MIO in 2020 – and these will be outlined in NYSPEC Legislative Committee Chair Bing Markee's 2021 annual legislative report at our upcoming annual meeting.

It is extremely important that NYSPEC shows its full strength in numbers when supporting or opposing legislation. This is particularly important in the crucial period during the pandemic, when we are barred from being physically present in Albany to voice our concerns in person to legislators on bills that impact our membership. That is the primary reason I keep requesting that the directors advise us as to how many members, both active and retired, they currently represent. Those who have already done so, we thank you very much, and those who have not, please do so as soon as practicable! Take a few moments to send me an email, because when NYSPEC issues a letter or a memo on an issue important to our membership, it is more impactful if the recipient realizes the enormous number of public employees (and their family members!) that we represent. I firmly believe that our memos in support of the Covid death benefit sent a message of how important that legislation was to us.

### **2021 Annual NYS Budget Issues**

Once again, we put much effort into protecting important benefits that Governor Cuomo repeatedly slated for elimination in his budget proposal. His proposed budget for FY2022 included three items that are important to many current and future retired public employees:

- Cap State reimbursement of the Standard Medicare Part B (Medical) premium paid to eligible retirees and their dependents in the New York State Health Insurance Program (NYSHIP) at the 2021 level of \$148.50 per month
- Cease reimbursement of the Medicare Income Related Monthly Adjustment Amounts (IRMAA) to higher income state retirees and their dependents in the New York State Health Insurance Program (NYSHIP)
- Implement a sliding scale reimbursement of health care costs for future New York State civilian hires at retirement within the New York State Health Insurance Program (NYSHIP)

This year's proposed budget mirrors that of prior years with the inclusion of these items, but in past years these items were removed from the finalized budget after negotiations with the senate and assembly. On behalf of the membership, I wrote a letter to Governor Cuomo urging that these items be removed from the budget. This letter may be viewed as an attachment to a message to the membership, dated March 4, 2021, on our website at: [UPDATES ➡ MESSAGES/NOTICES OF NOTE](#).

In conjunction with the recognition of the enormous financial constraints the state is facing, the reason for NYSPEC writing to the governor on this issue this year as opposed to in previous years was primarily because we were not able to be present in Albany during the budget process to lobby for the removal of these items. Many of us “camp out” during the final hours of the budget negotiations to make sure our voices are heard, and not being able to lobby in person this year made putting our opinion in writing that much more important.

At the same time, legislation – S4148 (Gounardes)/A3358 (Abbate) – was introduced to counteract the governor's budget proposal. Fortunately, this legislation was not needed. Our strong relationship with the Assembly and Senate leadership, along with that of other stakeholders, was invaluable once again in preserving these benefits.



## **Pension Divestiture in 2021**

As in 2020, NYSPEC again was in the forefront in opposition of the pension divestiture legislation – 2020 bill numbers S2126-A (Krueger) / A1536-A (Ortiz). Comptroller DiNapoli addressed our membership on several occasions regarding this issue, and asked for our help in defeating the legislation.

From the onset, I was in regular contact with Comptroller DiNapoli on the status of this legislation. We had serious concerns this year during the pandemic, without our physical presence in Albany, that there would be “under-the-radar” attempts to advance the legislation. Indeed, in May we were alerted to an effort by the assembly sponsor to recruit additional co-sponsors for the bill. We wrote to leadership, and to every legislator, individually, to explain our opposition on behalf of public employees, urging those who had already signed on to remove themselves as sponsors, and to those who had not to refrain from doing so.

Shortly after our letters were sent, the Comptroller expressed to me that he was in communication with Senator Krueger to reach an agreement to forestall re-introduction of the legislation in the upcoming session. An agreement he was comfortable with was reached, in which he was assured that the legislation would not be re-introduced.

The Comptroller always maintained that he had a plan to divest, but to implement it under his investment methods and not be dictated to by the legislature as to how and when to divest, which was the major point of contention. We believe that the Comptroller has been doing a fantastic job in managing New York State’s Common Retirement Fund (CRF), and that he should be allowed to continue to do so as the sole trustee. Under the new agreement, the Comptroller will build on his current Climate Action agenda, but will accelerate its implementation goal to 2025.

When the Comptroller informed me that the agreement had been reached, he wanted to express to all of you that he truly appreciates our efforts, and that he believes we were extremely helpful in achieving an acceptable outcome. Along with us, many of our member units individually supported the Comptroller. My one question to him was whether he was satisfied with the agreement, and he indicated that he was; I informed him that we believe it is a victory for him and for all public employees potentially impacted.

When the agreement was announced, some of our members conveyed the belief that the Comptroller had “caved” on the legislation. However, to those who expressed those feelings I emphatically stated that in no way did the comptroller lose the battle, because the most important component to note is that the Comptroller will continue to be the one who makes the decisions on the investing and protecting the CRF on behalf of its more than one million active and retired members, which is a victory for them. From the outset, NYSPEC’s goal was to ensure that the Comptroller kept control of the investments and not let legislative interference dictate how and what to invest in.

## **Single Payer Healthcare in 2021**

The New York Health Act, what most refer to as single payer health care, has been one of many goals of the assembly’s longest serving member, Richard Gottfried, chair of the lower house’s Health Committee since 1987. The legislation never advanced until 2019, when the Democrats won the majority in the senate.

It is important to note here, particularly for the new Directors and/or Legislative Directors, that were this legislation to pass, not only would the cost necessitate substantial tax increases to pay for it, but it would

effectively negate all existing health plans. Health benefits negotiated as part of collective bargaining agreements negotiated over the course of decades by public employee unions, which were paid for through reduced salaries and other benefits, would be replaced with no recompense. These are just two of the known outcomes; numerous unknown issues resulting from implementation of the plan would ensue. The prime sponsors acknowledge that they do not have the answers to the unknowns! Notably, passage of this legislation has become one of the primary goals of the Democratic Socialists of America.

Although the bill – S5474 (Rivera) / A6058 (Gottfried) – died in committee this year, as we navigated our way through the 2021 legislative session, monitoring all that was going on, it became clear to us that there was going to be a push by the sponsors to pass it. We then focused our efforts on defeating this ill-advised legislation, which clearly was gaining momentum. There were enough legislators signed on to the bill to pass if it were to reach the floor. The word we were receiving was that the leaders of both houses may not be able to hold it back based on the huge support it currently had.

All NYSPEC members who shared similar concerns regarding this legislation – and all should! – were urged to get on board by voicing concern to their legislators. An email message was sent to all Directors and Legislative Directors requesting individual member unit opposition memos to the proposed single-payer legislation. I had repeatedly stated, verbally, in writing, and in testimony, that all 80 member units in NYSPEC are opposed to the previous and current iterations of the bills. Our goal was to submit a package containing a memo in opposition from each member unit.

You know I believe in overkill, as we did with the Con-Con a few years ago, and I did not want to hear from those legislators who support us that we did not do enough to defeat this insidious legislation. Unlike the Con-Con battle, we were hearing extraordinarily little from the larger umbrella groups. Nonetheless, NYSPEC chose to not sit by and do nothing under the pretense that the bill would not be brought to the floor, or that the governor would not sign it if it came to his desk. (Then-Governor Cuomo had publicly indicated opposition to the concept at the state level, while voicing support for it at the federal level, but in his weakened state resulting from investigations into his conduct, it's anyone's guess as to what he would have done with it.)

Even though some legislators told us not to worry because the bill would never make it to the floor, that is when you need to worry and not be lured to sleep, particularly at the end of session. I honestly believe that many of the sponsors had signed on to the bill because they did not actually believe it would come to the floor for a vote, or, as scary as this might sound, that some of them did not actually understand the ramifications of what they were signing on to.

Because of the constraints we were operating under with respect to the ability to physically interact with legislators, I emailed each member of the senate and the assembly, followed by individual hard copy letters, urging those who had signed on to the bill to remove their names, and thanking those who had not. Upon close of session, we had achieved our desired goal of not letting the bill get out of committee and on to the floor for a vote. Having said that, however, we do know that this issue is not going away, and efforts to move it will mount again in 2022.

During the past year we continued to monitor and stay on top of everything that was happening in Albany, especially during the budget process. Our voices were heard on the many issues discussed in this report. I also believe that our strength in numbers was recognized, which allowed us to give important input, suggest modifications, or actually move or kill a bill .

In closing, I remind you to periodically check the new NYSPEC website for updated information. We are proud of the new site, designed and regularly updated by Elyse Eversman-Amar of Fuse Systems. The innovative design of the NYSPEC website could not have come at a better time. It enabled us to keep you informed about all that was taking place.

I look forward to our upcoming convention, which, as is obvious by the registration numbers, will be heavily attended. We have much to discuss as we formulate our 2022 legislative agenda. The tentative convention agenda is in the process of being completed, and, when it is I will send it as an email and post it to the member portal on our website.

I hope all of you and your families are healthy and staying safe.

In Unity,

*Peter D. Meringolo*

Peter D. Meringolo  
Chairman

