

New York State Public Employee Conference



Legislative Committee

2021 Annual Report *

**Respectfully submitted,
Bing Markee, Committee Chair**

November 14, 2021

****Updated January 2022 – See Endnotes on Page 7***

This NYSPEC Legislative Committee Annual Report is hereby submitted. At the time of this writing, there is no indication that an extraordinary legislative session will be conducted this year.¹ However, two of the legislative proposals addressed by 2021 NYSPEC support memoranda have yet to be transmitted for gubernatorial action, so this report will be updated at a later date.²

The 2020 Annual Report of the NYSPEC Legislative Committee (posted in the member only sub-menu of NYSPEC's new website under "Reports") was presented at our Annual Meeting at the NYSPEC office in Jericho, New York, on Tuesday, November 10, 2020. Because New York's 2020 legislative session was technically ongoing subsequent to that date, there was uncertainty in late 2020 relative to whether an extraordinary session would be conducted remotely. For purposes of concluding the 2020 report here, nothing changed with respect to NYSPEC's legislative agenda/positions, and it stands as is.

NYSPEC's 2021 Legislative Agenda is posted (as a separate item on the Menu Bar on the public section) on NYSPEC's new website. Notice to the Directors and Legislative Directors regarding our 2021 annual meeting and convention was sent by Chairman Meringolo on October 25th. That notice contained the following language:

"... One of the most important agenda items at the annual meeting is the adoption of the legislative agenda for the following year. The complete 2021 NYSPEC Legislative Agenda is posted on the public portion of our website. In preparation for discussion at convention of our 2022 legislative agenda, please review this now, or as soon as practicable, to determine whether you wish to propose any additions, deletions, modifications, etc.; if you do want to propose changes, please prepare same in written form and submit to me in advance, if possible. This will minimize the discussion and time it takes to finalize our 2022 legislative agenda. Please keep in mind that from the completion of our convention, we have just a short period of time within which to get our 2022 Annual Legislative Breakfast booklet printed by February 1. As you know, changes not agreed to at the convention necessitate time consuming back-and-forth communication to facilitate final language acceptable to all. ..."

I submit the following to be considered as an additional item to be included in the "WE SUPPORT" section of our Legislative Agenda:

Minimum Staffing Levels

In 2021, New York State recognized the importance of minimum staffing for nurses in general hospitals and nursing homes to ensure that patients receive quality health care services by enactment of laws that create compliance committees.

Recent developments in the correctional services have highlighted the need for minimum staffing levels in jails and prisons to ensure the safety of staff and the

incarcerated persons in their charge. Mandatory overtime to cover staffing shortages – regardless of whether these shortages are short-term resulting from exigent circumstances, or long-term resulting from poor budgetary decisions – is dangerous at the very least. A mayoral decision to not hire correction officers, and then to force existing staff to work 24-hour shifts during a public health emergency, is sheer incompetence.

The time has come to examine staffing levels, not only in the correctional services, but in all areas of public employee responsibility, as is being done for the nurse-to-patient ratios in general hospitals and nursing homes. Enactment of legislation which would prohibit employers from using mandatory overtime as a staffing solution (other than in defined emergencies) is needed. Additionally, legislation establishing compliance committees relative to all first responder / front line job specifications is urgent, and these committees must each include rank-and-file public employee union representatives.

At the time of this writing, there were no other submissions.

NYSPEC's 2021 Legislative Agenda, which had been agreed to by NYSPEC's Board of Directors at the 2020 Annual Meeting, was printed (as it is each year) in a booklet which was to have been distributed at NYSPEC's 43rd Annual Legislative Breakfast on Tuesday, February 2nd.

Needless to say, our breakfast event was cancelled because of the restriction on indoor gatherings as a result of the COVID-19 Coronavirus, and the fact that the legislature was operating remotely. Hard copies of the booklet were distributed to all legislators and other key government electeds.

Following our annual Legislative Breakfast each year, the Legislative Committee typically meets periodically during the scheduled legislative session. Because the Capital Building and the Legislative Office Building were closed to all but staff during the entire 2021 scheduled legislative session, no additional meetings of the Legislative Committee were scheduled.

This year NYSPEC issued nine formal memoranda in support or opposition with respect to legislation, seven in support, and two in opposition. Note that the following synopses are not necessarily listed in any order of priority.

Memoranda in Support

A memorandum was issued in support of the EXTENSION OF COVID-19 DEATH BENEFIT LAW (S4681 – Senator Gounardes /A3988 MoA Abbate). This extends the 2020 law, which establishes a coronavirus disease 2019 (COVID-19) public employee death benefit. The 2020 law, which expired on December 31, 2020, had been extended by gubernatorial Executive Order.

This was NYSPEC's number one legislative priority for 2021.

Chapter 7, enacted on March 12, extends the original law until December 31, 2022.

A memorandum was issued in support of SAFE STAFFING FOR NURSES IN GENERAL HOSPITALS (S1168-A – Senator Rivera / A108-B MoA Gunther). This establishes clinical staffing committees in general hospitals to develop and oversee clinical staffing plans specific to particular facilities. This will, most importantly, enhance quality patient care and outcomes by helping to ensure optimal nurse-to-patient ratios.

Public employee safety has long been a goal of the New York State Public Employee Conference. Safe staffing specifically for nurses was singled out and added to NYSPEC's extensive Legislative Agenda as a separate support item 18 years ago, in 2003, and has been a major goal of our organization since then.

Chapter 155 was enacted on June 18.

A memorandum was issued in support of SAFE STAFFING FOR NURSES IN NURSING HOMES (S6346 – Senator Rivera / A7119 MoA Gunther). This establishes minimum staffing levels at nursing homes to meet applicable standards of service and care and to provide services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of nursing home residents. This will help ensure patient safety and improve the quality of care received by the residents by helping to set optimal nurse-to-patient ratios.

Public employee safety has long been a goal of the New York State Public Employee Conference. Safe staffing specifically for nurses was singled out and added to NYSPEC's extensive Legislative Agenda as a separate support item 18 years ago, in 2003, and has been a major goal of our organization since then.

Chapter 156 was enacted on June 18.

A memorandum was issued in support of PROTECTION FOR PUBLIC EMPLOYEES FROM RETALIATION FOR COVID-19 ABSENCES (S4201-A – Senator Savino / A4063-A– MoA Abbate). This ensures that public employees whose medical conditions require them to absent themselves from their employment as a result of COVID-19, can not suffer retaliatory dismissal or “disciplinary or other adverse personnel action” by their employers.

This legislation was included as priority legislation by NYSPEC when our 2021 Legislative Agenda was formulated. We applaud the sponsors for recognizing the need for the protections afforded to public employees who have selflessly worked through the pandemic despite the risks posed to themselves and their families by this insidious disease.

Chapter 214 was enacted on July 1.

A memorandum was issued in support of **DEFINING AND TRAINING OF “FIRST RESPONDERS IN COMMUNICATIONS”** (S7121 – Senator Brooks / A7366-A – MoA Abbate). This measure defines the term “first responder in communications” to mean any individual who is responsible for the administration or supervision of life saving communication services for emergency situations. Further, it mandates that, to the extent practicable, employers of first responders in communications provide training to maintain and enhance the knowledge, skills and proficiency of such persons.

Defining and training first responders in communications clearly represents a major step forward in facilitating effective response to people who need immediate assistance, thereby significantly enhancing public safety.

Chapter 426 was enacted on September 10.

A memorandum was issued in support of **MODIFIED RETIREMENT PROGRAM FOR TBTA MEMBERS** (S6976 – Senator Gounardes / A7727 – MoA Abbate). This proposed legislation would eliminate the age 50 qualifier in the 20 Year/Age 50 Retirement Plan for Tier 4 and Tier 6 members of the Triborough Bridge and Tunnel Authority. It would allow any Tier 4 or Tier 6 member of the TBTA to receive a full pension after 20 years of service, regardless of age, as is the case for the overwhelming majority of law enforcement members throughout the state. Moreover, it would lower the payroll obligations for the MTA, and has the potential for long-term cost savings for the NYC Employees’ Retirement System.

At the time of this writing, this bill has not been transmitted to the governor for action.³

A memorandum was issued in support of **BINDING ARBITRATION FOR TBTA SUPERIOR OFFICERS ASSOCIATION** (S4897 – Senator Gounardes / A4060 – MoA Abbate). This piece would grant binding arbitration to the Triborough Bridge and Tunnel Authority Superior Officer Benevolent Association.

Current law relating to binding arbitration to resolve impasses in collective negotiations between the MTA and its public employee organizations omitted certain employees. Binding arbitration has allowed the people of New York to enjoy uninterrupted services, and all evaluations of the effects of this law have been positive and support the continuation of this process. This bill would correct the inequity with respect to this single group of public employees.

At the time of this writing, this bill has not been transmitted to the governor for action.⁴

Memoranda in Opposition

A memorandum was issued in opposition to SINGLE-PAYER HEALTH CARE (S5474– Senator Rivera / A6058 – MoA Gottfried). This measure would create a universal single payer health plan – New York Health – to provide “comprehensive health coverage for all New Yorkers.”

The proposed legislation leaves numerous unanswered questions and concerns which are extremely important to our membership. One – perhaps the most important – example, is how to recompense those public employees who have already paid, through reduced salary and benefits accepted as part of collective bargaining agreements negotiated over the course of decades, for their existing health plans.

On August 24, NYSPEC Chairman Meringolo, General Counsel Mulvaney, and Assemblyman Peter Abbate met with Assemblyman Gottfried on his request, to explore possible areas of compromise on the legislation. This was followed up by another meeting of the same parties along with several members of NYSPEC’s Board of Officers. The sponsor indicated that he will revise the bill to accommodate certain of our concerns. However, it is my believe that, as representatives of public employees, too many obstacles to our acquiescence to the legislation remain.

The bill died in committee in both houses this year. We await the revised legislation.

A memorandum was issued in opposition to “LESS IS MORE” PAROLE “REFORM” (S1144-A – Senator Benjamin / A5576-A – MoA Forrest). This legislation returns parolees back into society – which is an inherently laudable goal – but does so without the proper safeguards to ensure that the affected parolees are ready, willing, and able to demonstrate appropriate behavior that would warrant parole.

It removes the ability of parole officers to sanction parolees who violate any of the terms and conditions of their parole by eliminating all meaningful consequences for bad actors, thereby making it much more difficult for the officers to help parolees transition successfully back into society.

Despite NYSPEC’s opposition, the governor signed into law Chapter 427 on September 17.

The nine memoranda described in abbreviated form above all are available for viewing on the member only sub-menu of the NYSPEC website as a drop down under “UPDATES”.

We updated our organization’s identifying sentence in the closing paragraph of our support/opposition memoranda in 2021 to include the following language: ***“The New York State Public Employee Conference (NYSPEC) is an umbrella organization comprising approximately 80 unions and groups representing a wide spectrum of hundreds of thousands of public employees.”***

We look forward (hopefully!) to a return to normalcy in 2022, when we can gather in the Capitol and the Legislative Office Building to lobby, in person, on behalf of our constituents.

Speaking not only for myself, but for NYSPEC's long-standing Legislative Director (and former Chairman of the Board) Lou Matarazzo as well: It is an honor and privilege to be part of NYSPEC's efforts to foster legislation on behalf of public employees and their families.

Respectfully submitted,

Bing Markee

Chair, NYSPEC Legislative Committee

November 14, 2021

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#### Endnotes – January 2022 Updates

1. 2021 concluded with no extraordinary legislative session.
2. See explanatory info on these two measures on Page 5 herein.
3. January 2022 update: bill vetoed (Veto 88) on December 29, 2021.
4. January 2022 update: Chapter 815 enacted into law on December 29, 2021