

# **New York State Public Employee Conference**



## **Legislative Committee**

## **2022 Annual Report**

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

**December 1, 2022**

***\* Updated January 2023 – See Endnotes on Page 13***

The 2022 Annual Report of the New York State Public Employee Conference (NYSPEC) Legislative Committee is hereby submitted.

The 2021 Annual Report of the NYSPEC Legislative Committee was presented at our Annual Meeting at San Juan, Puerto Rico, on Tuesday, November 13, 2021.

Both the 2021 and 2022 reports are posted in the member only sub-menu of NYSPEC's website under "RESOURCES" ➔ "REPORTS".

NYSPEC's 2022 Legislative Agenda, which had been agreed to by NYSPEC's Board of Directors at the 2021 Annual Meeting, is posted (as a separate item on the Menu Bar on the public section) on NYSPEC's website as well. It was printed (as it is each year) in a booklet which was distributed at NYSPEC's Annual Legislative Breakfast on Tuesday, March 22<sup>nd</sup>. Hard copies of the booklet were available for all attendees at the breakfast, and subsequently distributed to all legislators and other key elected government officials through their respective offices.

Following our annual Legislative Breakfast each year, the Legislative Committee typically meets periodically, as necessary, during the remainder of the scheduled legislative session. This year the committee met once again, on Tuesday, May 3<sup>rd</sup>.

Because 2022 is the second calendar year of the technical two-year session (when bill numbers from the odd-numbered year remain live), one of our most important opposition issues, the "New York Health Act" (single-payer health care), carried over from 2021 and remained a viable threat. Fortunately, as a result of the concerted effort of NYSPEC, along with that of several other major organizations, the bill died in committee this year as well. We thank all of you who participated in the opposition efforts! It is highly anticipated that this legislation will be proposed once again in 2023, as it is a priority for the progressives, so we must remain vigilant.

During calendar year 2022, NYSPEC issued 14 formal memoranda in support or opposition with respect to legislation, 13 in support, and one in opposition. These are viewable on the public portion of NYSPEC's website under "NEWS" ➔ LEGISLATIVE SUPPORT (MIS) & OPPOSITION (MIO) MEMOS". Of the 14 legislative proposals addressed by 2022 NYSPEC memoranda, eight died in committee, and the remaining six have yet to be transmitted for gubernatorial action (at the time of this writing). Therefore, this report will be updated at a later date.

Note that the following synopses, which are excerpted from our support or opposition memos, are not necessarily listed in any order of priority.

---

A memorandum was issued in support of SAFE STAFFING FOR PUBLIC EMPLOYEES OF INSTITUTIONAL SETTINGS (S7435 – Savino / A8308 – Weprin) – this proposed legislation

would prohibit the mandating of excessive overtime at state run correctional facilities, locally run correctional facilities or jails, juvenile offender and adolescent offender facilities and certain facilities regulated by the Office of Mental Health and the Office for People with Developmental Disabilities.

It would require that employees of covered facilities shall not be required to work in excess of the following, except during a declared emergency or in accordance with provisions of a collective bargaining agreement: the scheduled shift or duty period; 17 hours in any 24 hour period; 80 hours in a consecutive 14-day period.

Further, administrators of covered facilities would be required to report, quarterly, on staffing levels, vacancies, waiting lists and various other staffing and facility related issues.

This measure died in committee.

---

A memorandum was issued in support of PROTECTION FROM RETALIATION FOR PUBLIC EMPLOYEE UNION OFFICIALS WHO SPEAK OUT (S7355 – Savino / A8411 Abbate) – this proposed legislation, which would take effect immediately upon its enactment, would prohibit public employers from dismissing or taking disciplinary action or other adverse personnel action and provide for an affirmative defense in any disciplinary process or employer action against a public employee, if the public employee is elected or appointed to represent the employee organization or its members, communicates or offers commentary on matters of public concern or matters affecting the employee organization or its members.

This measure died in committee.

---

A memorandum was issued in support of CLARIFIES GROUNDS FOR PERB TO SEEK INJUNCTIVE RELIEF (S8182 – Savino / A9411 – Abbate) – this proposed legislation, which would take effect immediately upon its enactment, with caveats, would provide a clearer definition of the standard to apply when injunctive relief is sought by the New York State Public Relations Board in New York State Supreme Court by adding a definition to subdivision 4 to section 209-a of the civil service law – Injunctive Relief, for purposes of determining, irreparable injury, loss or damage, shall mean, but not be limited to loss of employment, actions that adversely affect the health and welfare, or permanent loss of an employee right or privilege established pursuant to a collective bargaining agreement. It would also add a definition to section 6301 of the civil practice law and rules that directs the Supreme Court to apply the definitions of section 209-a-4 when determining appropriate grounds from which to issue a preliminary injunction.

This measure died in committee.

---

A memorandum was issued in opposition to UNILATERAL COURTS CONSOLIDATION BY THE OFFICE OF COURT ADMINISTRATION (S8424 Hoylman & A9401 Lavine) – These two bills, while differing minimally in construction, are essentially “same as” bills, and were proffered as a “Concurrent Resolution” of the senate and assembly. They would considerably amend Article VI of the New York State’s Constitution, which relates to the Judiciary branch of state government, purportedly to “Consolidate New York’s trial court system, allow for the creation of additional justices of the supreme court, require considerations of diversity in all judicial appointments and designations, allow for the creation of new judicial departments and appellate divisions, and repeal the mandatory retirement age for judges.”

This effort died in committee.

---

A memorandum was issued in support of NEW CRIME AND HIGHER PENALTIES FOR SEXUAL ASSAULT ON CORRECTION OFFICERS (S8027-A – Savino / A8647 – Weprin) – These proposed measures, while substantively but not technically “same as”, would create stronger laws that will better protect Correction Officers and will help in the prosecution of those who abuse them. Correction Officers, not exclusively but for the most part female officers, are increasingly the victims of sexual assaults by incarcerated individuals. Current law affords scant deterrence and allow these assaults to go unpunished. These proposed measures are necessary to help protect the corrections work force.

These measures died in committee.

---

A memorandum was issued in support of PROHIBITS TRIPLE SHIFTS FOR NYC CORRECTION OFFICERS (S6688-A Ramos / A7763-A Jones) – This proposal would add a new section of the labor law to prohibit the Department of Corrections of the City of New York from requiring an employee to work more than seventeen hours in any given work day except as provided in an applicable collective bargaining agreement.

This would halt the practice of requiring Correction Officers to work triple shifts, which have become routine because of wrong management hiring decisions, and which clearly are detrimental to the well-being of those officers. The health and safety of public employees should be sacrosanct and priority one for all public employers.

This measure died in committee.

---

A memorandum was issued in support of ELIMINATE SOCIAL SECURITY PENSION OFFSETS FOR NYC SANITATION, CORRECTIONS, POLICE & FIRE (S6082-A; S6371-A; S8664 – Gounardes / A6930-B; A6955-A; A9810 – Abbate) These bills would eliminate the

social security offsets in the pension plans of certain members of the uniformed services in the City of New York. Nominal improvements in tier equity for certain members of the public retirement systems in New York State were included in the FY2022-23 state budget. Inexplicably, none of the relief addressed any of the uniformed members of the Departments of Correction, Fire, Sanitation, and Police. These proposals would afford a modicum of relief for these dedicated public employees, and would clearly aid in the recruitment and retention of crucial personnel in these trying times.

These measures died in committee.

---

A memorandum was issued in support of HEALTH BENEFITS PROTECTION FOR POLICE/FIRE (S5184 – Sanders / A5108 – Abbate) – This proposal would ensure that the health insurance coverage for certain retired firefighters, police officers, and their dependents are maintained. It would provide that the level of health insurance benefits, and the employer contributions made toward such health insurance, shall not be diminished below the benefits and contributions in place as of May 1, 2008. Further, it would provide that collective bargaining agreements may grant higher levels of protection.

This measure died in committee.

---

A memorandum was issued in support of CLARIFIES PRESUMPTIVE HEART DISABILITY FOR POLICE & FIRE IN STATE RETIREMENT SYSTEMS (S6093-A – Gounardes /A7004-A – Abbate) This proposal would clarify the clear and unambiguous original intent of the legislature regarding existing statutory rebuttable presumptions pertaining to heart-related disabilities suffered by members of the New York State Local Police, Fire Retirement System and the New York State and Local Employees' Retirement System. Clarification is necessary because a series of narrow judicial interpretations has prevented the statutory presumptions from achieving their intended purposes.

This measure passed both houses, and is awaiting transmittal to the governor's legislative secretary for gubernatorial action. <sup>1</sup>

---

A memorandum was issued in support of HEALTH BENEFITS PROTECTION FOR RETIRED PUBLIC EMPLOYEES (S9347 – Jackson / A10425 – Abbate) – This proposed legislation would allow extrinsic evidence to be admitted by the court for determining whether the parties to a contract intended for the retiree to have health insurance vest beyond the time limits of a collective bargaining agreement.

For decades, New York's public sector union employees who retired under a collective bargaining agreement ("CBA") that provided for retiree health insurance benefits have received

those benefits for life.

A recent decision by the New York's Court of Appeals puts receipt of health insurance for many, if not most, of those retirees at risk. In *Donohue v. Cuomo*, 38 N.Y.3d 1 (2022), the Court of Appeals adopted the analysis of the United States Supreme Court in *Tackett*, 574 U.S. 427 (2015) and held that for any contractual benefit to survive the expiration of the CBA (the "duration clause") it must be explicitly stated in the CBA.

Thus, retirees who separated from service under CBAs that provided retirees health insurance benefits "for life" or "until Medicare eligible" or "until age 65" are vested with those benefits. Conversely, the Court held that retirees whose final CBA simply said "retirees shall receive health insurance benefits" are only eligible for those benefits until the term of the CBA expires.

As a result, the Triborough amendment to the Taylor Law is of no avail because the decision effectively sunsets retiree health benefits, removing them from the status quo that must be maintained. Thus, the retirees are not vested and are subject to modification or rescission of their retiree health insurance benefits. The Court further held that extrinsic evidence to demonstrate the parties agreed to provide retirees health insurance benefits for life (such as past practice, negotiation history, and other evidence of the intent of the parties) is inadmissible.

If enacted, this proposal would allow the courts and other fora (such as arbitration panels) to consider extrinsic evidence. This evidence would be admissible for use by the tribunal to determine if it was the intent of the parties to the CBA to provide retirees health insurance benefits until the expiration of the CBA or to vest them with benefits beyond expiration. Absent passage of this legislation millions of retirees risk loss of their coverage with no viable recourse. This legislation will have no fiscal impact on the State or any subsidiary. It will merely allow unions to maintain benefits they can prove were previously agreed upon with the employer.

To the contrary, in the absence of this legislation many municipalities that agreed to retiree benefits for life, and provided those benefits in the past, will be improperly relieved of their obligations at the expense of their retirees. Notably, and perhaps most importantly, retirees who have no voice and no means to ameliorate the issue as they are no longer members of their prior bargaining units.

This measure passed both houses, and is awaiting transmittal to the governor's legislative secretary for gubernatorial action. <sup>2</sup>

---

A memorandum was issued in support of CIVIL SERVICE EXAMS FOR PROMOTION TO RANKS OF GS-2 AND GS-3 IN THE SANITATION DEPARTMENT (S1608 – Gounardes / A4006 – Abbate) – This proposal would provide that vacancies in the supervisory personnel of the sanitation force in the City of New York in the titles of General Superintendent 2 and General Superintendent 3 and/or positions with equivalent duties and responsibilities, shall be filled by

promotion from among employees holding competitive class positions in a lower grade in the department, and that such promotions shall be based on merit and fitness examination. This bill also provides that any employee holding a provisional on an affected position in the supervisory personnel of the Sanitation Department on the date of enactment shall be given the opportunity to participate in a competitive promotional examination for the next higher title. Finally, this bill provides that other than as provided in this section, the remainder of the civil service law shall apply to employees serving in an affected title.

New York State's Constitution Article V, Section 6 requires that appointments and promotions to the public service be made in accordance with merit and fitness and: "as far as practicable, by examination which, as far as practicable, shall be competitive; ..."

History has shown, and we strongly believe, that competitive examinations are practicable. Therefore, we support the enforcement of this enduring constitutional provision as the cornerstone for the selection of qualified individuals in the public service. Furthermore, we oppose any attempts to circumvent, diminish, or undermine the full enforcement of Civil Service Law.

Notably, the New York City Council's Committee on State and Federal Legislation voted unanimously to approve a rare "home rule" message on this proposed legislation.

This measure passed both houses, and is awaiting transmittal to the governor's legislative secretary for gubernatorial action. <sup>3</sup>

---

A memorandum was issued in support of EXTENDS INJUNCTIVE RELIEF PERMANENTLY (S8282 – Jackson / A9372 Abbate) – This bill would extend Chapter 695 of the laws of 1994 by removing the expiration date, making permanent provisions allowing a public employee to petition before the Public Employment Relations Board or the New York City Board of Collective Bargaining and receive injunctive relief for an improper practice charge.

Historically, this law has been extended, every two years, for decades, and should be permanentized.

This measure passed both houses, and is awaiting transmittal to the governor's legislative secretary for gubernatorial action. <sup>4</sup>

---

A memorandum was issued in support of RESTORES NYS COMPTROLLER OVERSIGHT ON CERTAIN STATE CONTRACTS (S6809-A – Reichlin-Melnick / A7925-A – Zebrowski) – This bill would restore certain oversight capabilities to New York State's Comptroller with respect to various state contracts. This oversight, beginning in 2011, had been eroded in the state budget process, and must be restored.

This measure passed both houses, and is awaiting transmittal to the governor’s legislative secretary for gubernatorial action. <sup>5</sup>

---

A memorandum was issued in support of PROVIDES CERTAIN DEATH BENEFITS TO NASSAU COUNTY FIRE MARSHALS (S8584 – Jackson /A9738 – Abbate) – This bill would provide a certain death benefit (commonly referred to as the “death gamble”) to county fire marshals, supervising fire marshals, fire marshals, assistant fire marshals, assistant chief fire marshals, chief fire marshals and division supervising fire marshals employed by the County of Nassau.

The benefit removes a financial jeopardy faced by these public employees should they decide to continue their employment beyond the date they attain eligibility for a service retirement pension. It does so by ensuring that their beneficiaries would receive the actuarial pension benefit rather than a significantly lesser ordinary death benefit. Further, it would align these employees with certain other Nassau County First Responders who currently enjoy the protection of this benefit.

This measure passed both houses, and is awaiting transmittal to the governor’s legislative secretary for gubernatorial action. <sup>6</sup>

---

At the time of this writing, there is no indication that another extraordinary legislative session will be conducted during the remainder of this year. <sup>7</sup>

Notice to the Directors and Legislative Directors regarding our 2022 annual meeting and convention was sent by Chairman Meringolo on November 11. That notice contained the following language:

***“ ... One of the most important agenda items at our annual meetings is the adoption of the legislative agenda for the following year. The complete 2022 NYSPEC Legislative Agenda is posted on the public portion of our website. In preparation for discussion at convention of our 2023 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 NYSPEC Legislative Committee Chair Bing Markee – bing@nyspec.org – before the annual meeting, if possible. This will minimize the discussion and time it takes to finalize our 2023 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 2023 Annual Legislative Breakfast booklet printed. As you know, changes not agreed to at the convention necessitate time consuming back-and-forth communication to facilitate final language acceptable to all. ...”***



Since (barring any unforeseen circumstances) it is anticipated that tier equity will be the number one legislative priority for NYSPEC in 2023, I recommend moving the existing tier equity paragraph from the WE SUPPORT section of the 2022 Legislative Agenda to the PRIORITY LEGISLATION section for 2023, and modifying the language. Here is the current language ...

***Tier/Pension Equity***

***There are several proposals that would provide some type of tier/pension equity for many of our members. For example, all public employees should be eligible for essential benefits that exist for certain members, such as Line of Duty Disability and the “death gamble.” Furthermore, any caps or limitations on earning of service credit affecting any public employee should be eliminated. NYSPEC will review all proposals for tier/pension equity and support appropriate measures. Equalize contribution rates and remove any dollar-for-dollar or social security offset penalty as it applies to any pension tier.***

Here is the language I propose...

***Tier/Pension Equity***

***A comprehensive package of items serving to equalize the pension benefits impacting public employees must be attained in the 2023 state legislative session. Disparities among the myriad pension plans that our members are enrolled in, oftentimes within the same job specification, must be addressed. Maintaining and improving the basic benefit of public employment, a decent defined benefit pension plan, has always been – and remains – a priority for NYSPEC. Because recent nefarious and draconic modifications to public employee pensions have created a climate within which recruitment and retention of qualified individuals is exacerbated to unprecedented levels, it is time to elevate this long-standing issue to the top of the priority list for 2023.***

The WE SUPPORT section of the 2022 Legislative Agenda contains language regarding ***Workers’ Compensation Reform*** that has been in the agenda for several years, and needed updating. We thank Sean Patrick Riordan, Esq., Partner at McIntyre, Donohue, Accardi, Salmonson & Riordan, LLP, and Jordan A. Ziegler, Esq., Senior Partner at Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP, for collaborating on the revision of the existing language. Here is the proposed revision:

***Workers’ Compensation Reform***

***The Workers' Compensation system increasingly adds complex and burdensome procedures. This does not meet the needs of the New York State workforce. It delays access to proper medical treatment and diagnostic testing. Many workers are not restored to health quickly enough to return to the work force within one year from date of lost time. This leads municipalities to increase usage of Civil Service Law §71, which allows them to terminate***

*employees who have been absent from work for a one-year period. In recognition of these ongoing concerns, we support the following:*

- 1. Any bill that calls for immediate initial hearing, before a Workers' Compensation Board Hearing Officer, from a request by an injured worker and/or their representative. Procedural hurdles on all parties serve to exacerbate delays in treatment and healing.*
- 2. Any bill that expands the time frame a municipality can medically-separate a public employee under Civil Service Law §71 from one year to two years. Delays in medical testing and treatment extends healing time, resulting in the inability of injured workers to return to work within one year.*
- 3. Any bill that creates a presumption of permanent total disability for those claimants who are found eligible for Social Security Disability benefits. Workers who are deemed incapable of substantial gainful-activity by the federal government should be afforded an in-kind presumption under New York's Workers' Compensation law.*
- 4. Any bill that requires Workers' Compensation insurance carriers to respond to requests for prescriptions, diagnostic testing, surgery and/or any health care treatment within five business days of such request. Failure to timely respond will deem the request authorized.*
- 5. Any bill that clarifies the 2017 amendment to WCL §15(3)(w) to allow carriers and self-insured employers to take a credit for benefits paid to a claimant against a future Permanent Partial disability cap only after 130 weeks of partial disability payments have been made.*

Absent any other changes that may be forthcoming at the annual meeting regarding the proposed 2023 Legislative Agenda, there are just three other items in the WE SUPPORT section, that need modification.

The first two items involve the mention of specific bill numbers that were active in the 2022 session. Unfortunately, in both cases the bills referred to died in committee. While we still support these measures conceptually, and will support their reincarnation as new bills in 2023, the listing of the bill numbers in our 2023 Legislative Agenda is superfluous.

The first item involves *Minimum Staffing Levels*, specifically the use of compulsory overtime in the correctional services. The fourth and final paragraph in that item may be removed, as the language contained in the existing third paragraph substantively covers the subject.

The second item involves *Revision of the Taylor Law*. The second paragraph of that item concerns the issue of protection of union officials who speak out on behalf of their members. The second and final sentence in that paragraph may be removed, as the existing first sentence substantively covers the subject.

The third item involves the *Improvements to the 9/11 Presumptive Disability Legislation*. Here is the current language :

***While the passage and signing of the 9/11 Presumptive Disability laws was indeed laudable, we all are aware that the existing legislation is imperfect. The 9/11 Governor’s Worker Protection Task Force has made recommendations for improving the existing legislation. However, the Task Force has not met in quite some time; it must resume meeting soon and regularly. We continue to support efforts to obtain funding, federal or otherwise, to address any 9/11-related issues. The time limit for applications for 9/11 Presumptive Disability benefits must be eliminated.***

You will recall that the 9/11 Presumptive Disability laws included an expiration date. During the intense negotiations for the original bills, which took several years, we adamantly (but unsuccessfully) opposed any expiration of the law. By then everyone was fully cognizant of the fact that no one knew exactly what was contained in the toxic mix that those involved in the rescue, recovery, and cleanup operations encountered. Indeed, 21 years later, it is still unknown, definitively, what was in the mix. Obviously, we were prescient, because new instances of disease and deaths continue to occur.

With regard to the toxic mix, and our concerns since the attack on the World Trade Center 21 years ago, here is some relevant history: In December 2021, Chairman Meringolo formed the ad hoc NYSPEC 9/11 Committee, and I was named chair. The committee’s main goal was to foster legislation to protect members who were, or would come to be, adversely affected by the rescue, recovery, and clean-up. At the time, I was the Legislative Chairman for my union, the Port Authority PBA. The following is an excerpt from an article I wrote in the January 2002 Port Authority PBA newsletter:

***“ ... the formulation of the “9/11 Committee” and my subsequent appointment as Chairman of it presents a formidable challenge that I welcome and relish. The first item to be addressed is legislation to make any injury or illness (including future manifestations, even after retirement, of such things as respiratory diseases) presumptively eligible for accidental disability for public employees as a result of 9/11. No one really knows what potential medical problems are to be expected in the future of our exposed members, active or retired. The following quote is excerpted from a January 11, 2002, article in The New York Times, entitled, “Studies Will Take Sept. 11’s Measure in Health Effects”: “...four months after the attacks, very little can be said with scientific certainty about the health risks that recovery workers or bystanders faced in the disaster and the cleanup. That uncertainty, which some health and environmental experts now say was perhaps not adequately reflected by public officials in the days and weeks after the attacks, underscores how unique the World Trade Center disaster was as a public health emergency. The blast of dust and smoke — and the toxic substances, fibers and ash that blew through New York in the days afterward — is without precedent in medical literature, which means that there are no studies to fall back on for guidance on whether to be alarmed or reassured.” ... ”***

The salient point here is that we knew it then, and we know it now. And we know now that, until such time as every member who was, is, or will be impacted by 9/11 is dead and gone, there is no

end in sight, so there should be no sunset date!

I propose modifying the last sentence in the paragraph to read as follows:

***The time limit for applications for benefits from, and the sunset of the 9/11 Presumptive laws, must be eliminated.***

---

Again this year we updated our organization's identifying sentence in the closing paragraph of our support/opposition memoranda. We now include the following language: "***The New York State Public Employee Conference is an umbrella organization comprising more than 80 diverse unions and groups representing a wide spectrum of more than one million active and retired public employees.***" in the closing paragraphs of the memos before urging passage or defeat of the specific proposed legislation.

We look forward to 2023, 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  
December 1, 2022

~ ~ ~

## **Endnotes (January 2023):**

*(NOTE: The Annual Report of the NYSPEC Legislative Committee was updated, and endnotes were generated as a result of the fact that the “annual” report of the Legislative Committee was submitted in time for the NYSPEC annual meeting (as required by the bylaws) which occurred prior to the end of the calendar year. Although the “scheduled” legislative session ends in June, technically, the end of the calendar year marks the official end of the legislative session. Legislation that was not transmitted for gubernatorial action before the end of the scheduled session remains outstanding until the session is constitutionally adjourned on December 31.)*

1. (See Page 5) This measure was vetoed by the governor on December 16. Veto 123 of 2022.
2. (see Page 6) This measure was vetoed by the governor on December 9. Veto 91 of 2022.
3. (See Page 7) This measure was vetoed by the governor on December 9. Veto 93 of 2022.
4. (See Page 7) This measure was enacted on December 16 as Chapter 713 of 2022.
5. (See Page 8) This measure was enacted on December 30 as Chapter 834 of 2022, with Approval Memo 114 of 2022.
6. (See Page 8) This measure was vetoed by the governor on December 16. Veto 117 of 2022.
7. (See Page 8) An extraordinary session was conducted on December 22 for the sole purpose of raising the salaries of the legislators. The pay raise was enacted into law on December 31; Chapter #831 of 2022.