

The Communicator

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Tentative 2019-2023 PEF/State Agreement

The Communicator Special Edition
2019-2023 PS&T Contract

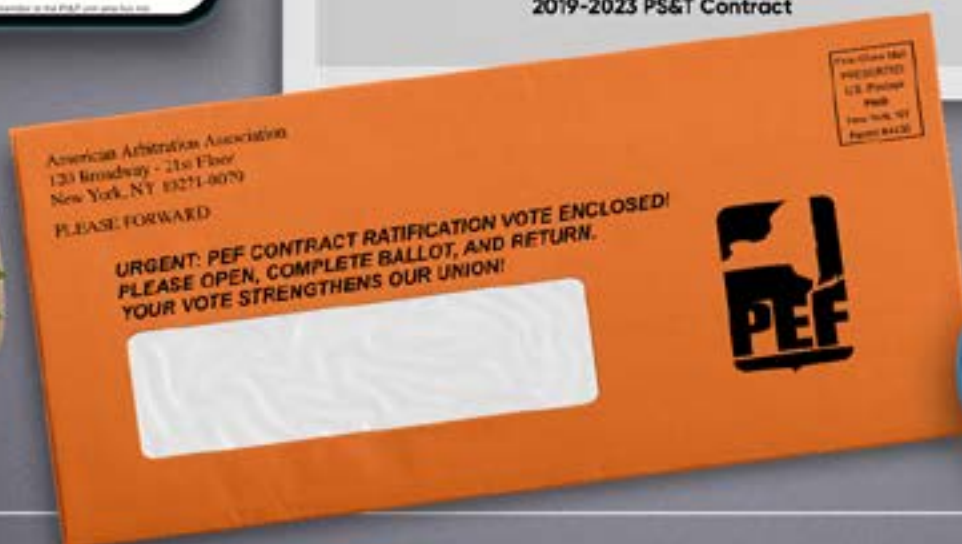


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The Communicator is published monthly, except for January and August, for members of the New York State Public Employees Federation.

The Communicator Staff

Rob Merrill Managing Editor
Sherry Halbrook Editor
Curtis Canham Senior Graphic Designer
Kate Mostaccio Reporter/Writer
Lauryn Schrom Junior Graphic Artist
Kristina Willbrant Communications Coordinator

Officers of PEF

Wayne Spence President
Kay Alison Wilkie Secretary-Treasurer
Sharon DeSilva Vice President
Randi DiAntonio Vice President

Regional Coordinators

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(Contact until new coordinator is elected)
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Trustees

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PEF Regional Field Offices

Region 1 Buffalo 1-800-462-1462
Region 2 Elmira/Hornell 1-800-724-5001
Region 3 Rochester 1-800-724-5003
Region 4 Syracuse 1-800-724-5004
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The President's Message

By WAYNE SPENCE



Now is the time to be PEF strong!

This summer double issue of The Communicator arrives in the middle of your contract ratification vote. Ballots are out and must be received by our election administrator, the American Arbitration Association (AAA), by July 26 at 5 p.m. If you have not received your [orange ballot](#), please contact AAA immediately at (800) 529-5218 to request a new one.

And if you have not had your questions answered about the 2019-2023 Tentative Agreement, there are a variety of resources available to help inform your vote. In this issue, we summarize the two all-member telephone town halls that we held this month focused on the contract. [The PEF website](#) also contains a wealth of information, including the full, marked-up agreement between PEF and the State, a chart showing the gains and trade-offs included in the agreement, a summary of the agreement's highlights, and answers to frequently asked questions about the deal.

I would like to reiterate that your PEF Contract Team, led by Chair Darlene Williams, listened to PEF members during the entire process. You told us what you wanted in a survey this spring when talks at the table were heating up, and they negotiated [a contract that really delivers on your demands](#): Retroactive annual raises starting in April 2019 of 2 percent, increases in the 5-, 10- and 15-year longevity bonuses, zero increase in healthcare premiums, an end to the four-day-per-pay-period telecommuting limit, an increase in the maximum number of vacation days that can be carried over from 40 to 50 days from April 2022 to 2023, and improved dental benefits.

But all of that hard work by the Contract Team will only be realized if members ratify the contract. Now is the time for PEF to speak with one voice and demonstrate the strength of our union. A YES vote tells Governor Cuomo and all the managers who work for him that PEF is a force to be fairly bargained with. An overwhelming show of support for this contract will put us in a very strong position when negotiations begin for a successor deal.

Other stories I'd like to highlight in this issue: [A joint meeting of the statewide labor-management and health and safety committees](#) focused on telecommuting and returning to work was held on June 25 and a [Telecommuting Toolkit](#) was developed as a result. We expect telecommuting to be a key subject at agency-level meetings moving forward and PEF stands by to support its leaders across the state as they fight for robust plans that balance the needs of the state and its workforce.

PEF's Executive Board met on June 30 and July 1 for the final time as a virtual body. The next meeting will be held in person on Aug. 26 and 27 at PEF headquarters in Albany. [You can read a full summary of the meeting here](#), but I'd like to highlight two things. First, the 2021 PEF Convention will be held Oct. 24-27 in Niagara Falls. Delegates have already been seated and we will have many more details to share in the weeks ahead. I look forward to seeing PEF's dedicated delegates face-to-face for the first time in more than a year! Second, Secretary-Treasurer Kay Wilkie attended her final E-Board and I would like to once again publicly thank her for her years of service. She leaves the union in great fiscal shape and I will miss her steadfast partnership and valuable advice. New leadership will be sworn-in on Aug. 2 and we will introduce them to members in future issues of The Communicator.

Until then, I wish you all a pleasant rest of the summer. I hope you find some time to get away from the stress of your work lives and celebrate all you have to be thankful for – including this strong and active union committed to improving working conditions for all of us.

In Unity,

A stylized, handwritten signature in black ink that reads "Wayne Spence". The signature is fluid and cursive, with a long horizontal line extending from the end.

Wayne Spence
PEF President



Your contract vote matters, big time!

By **SHERRY HALBROOK**

Have you received your orange contract ballot in the mail? When it arrives, please open it, vote and return it to the American Arbitration Association (AAA) quickly to be sure your voice is heard. Remember, nothing in the contract can take effect unless it is ratified when votes are counted July 27 by the American Arbitration Association (AAA). (NOTE: If you have not received your ballot at this time, please call AAA immediately at (800) 529-5218 to request one.)

Who is listening? It's not just PEF and your fellow union members who want to know that you voted. The Governor's Office of Employee Relations (GOER) and state legislators are also waiting to hear how powerfully PEF members speak out on the crucial issues addressed in this contract. The more members who vote, the more respect you and your workers in PEF will get whenever your issues are on the line at the bargaining table and in the Legislature.

That was the overarching message delivered to members during a pair of telephone town halls on July 8 and 12, when PEF President Wayne Spence was joined by staff to review the contract ratification timeline and answer questions submitted by members about the new tentative agreement.

Only employees in the state's PS&T bargaining unit who were dues-paying members of PEF as of June 22, 2021, vote on the contract. Follow the directions included in the orange envelope carefully, vote and put your ballot in the secret-ballot envelope, which should be sealed and then placed in the envelope addressed to AAA and mailed. The postage is already paid. It must reach AAA by 5 p.m. July 26 in order to be counted the next day.

During the town halls, Contract Chair Darlene Williams, PEF Director of Contract Administration Debra Greenberg and Contract Team member Ricardo Cruz reviewed the most important features of the tentative agreement with the state.

Pay raises

The pact is for four years, running from April 2, 2019, to April 1, 2023. Annual 2 percent raises to base pay will be retroactive, and that includes employees who retired or left state service after April 1, 2019. Not only would those retirees receive retroactive pay, it would increase their final average salary on which their pensions are based. So, their pensions also could increase.

If the contract is ratified, raises and retroactive pay would likely be paid starting a few months after ratification.

If the tentative agreement is not ratified by members, it cannot take effect and negotiations would resume between PEF and GOER. Greenberg said it might not be possible to retain full retroactivity for raises if this agreement is rejected, because the longer it takes to get a ratified agreement, the greater the cost to the state for retroactivity and the harder it may be for the union to get it; a lot could depend on unknown economic circumstances down the road. The state likely wants to focus now, she said, on new agreements it is preparing or already beginning to negotiate with other state-employee unions.

Performance awards

In addition to base pay raises, performance awards (also called longevity bonuses) for working five years after reaching the job rate for your title and receiving satisfactory performance ratings, will also go up if the agreement is ratified. Those payments, which are currently \$1,250 for five years at top of grade and \$2,500 for 10 years at top of grade, would increase to \$1,500 and \$3,000, respectively. In addition, a \$4,500 15-year payment is added.



Overtime pay

Greenberg said the state will adjust the way it calculates overtime payments, because while it is supposed to pay “time and a half” for OT, the current formula has been producing payments that are more than 1.5 times the regular pay rate, instead of the required time and a half. The tentative agreement would correct that.

Co-pays

Cruz said one thing PEF had to accept in this new agreement was higher medical and drug co-pays. For example, co-pays for Empire Plan in-network doctor’s office visits, X-rays and lab work would go from \$20 to \$25. You would still see no change for generic drug co-pays, but the co-pay for a 31-90 day supply at the retail pharmacy for Level 2 drugs would be \$60, instead of \$50, and you would pay \$120, instead of \$90 for Level 3 drugs.

The maximum annual per-person dental benefit would increase from \$2,300 to \$3,000 and the lifetime orthodontic benefit would also be increased to \$3,000. And, for the first time, dental implants will be covered up to \$600 per implant. PEF also achieved a breakthrough at the bargaining table by getting the state to agree to put the contract for dental insurance out to bid for the first time in more than 20 years. PEF is optimistic that putting it out to bid will result in securing a more comprehensive dental provider network.

Telecommuting

The state learned some important lessons about employee dedication and productivity when it told many employees to work from home during the pandemic. Under the terms of the tentative agreement, all state agencies will be required to develop and implement telecommuting programs within nine months of contract ratification by PEF members. Previously, pre-pandemic, agencies had full discretion as to whether or not to have an agency telecommuting program. The new agreement also would allow members who are denied telecommuting by their supervisor to appeal that decision to higher management. Additionally, the cap on telecommuting a maximum of four days per pay period would be eliminated if PEF members ratify the contract, although the agency would still retain discretion in approving telecommuting applications.

Family leave

Another win for PEF members is a provision in the tentative agreement that would allow them to use up to 25 days of sick leave accruals annually to care for ailing family members.

Vacation leave

Essential workers had little chance to take vacations during the pandemic and many members saw their vacation accruals build up beyond maximum limits to carry forward into the next year. The tentative agreement would temporarily raise the accrual cap from 40 to 50 days for one year effective April 1, 2022. The cap would go back to 40 days on April 1, 2023. However, accruals in excess of 40 hours that were carried over in April 2020 and 2021 under a prior COVID-related negotiated agreement with GOER must be used by December 31, 2021. Accruals earned after April 1, 2021, are not affected and will be subject to the 50-day cap and may be carried over in accordance with the one-year cap of 50 days from April 1, 2022, until March 31, 2023.

There’s more

These are only some of the important features of the tentative agreement that could benefit you if you ratify it. Copies of the tentative agreement with all of the changes from the previous agreement noted have been mailed to PEF’s PS&T members, along with a useful document highlighting the gains and trade-offs. You can also find all the information on the PEF website [here](#). For questions about how the tentative agreement would apply to your individual situation, please contact your PEF field representative at your PEF regional office.



PEF Executive Board sets Convention location, votes on policy proposals and discusses key issues facing members

KATE MOSTACCIO

The PEF Executive Board had a full agenda June 30 and July 1, selecting a 2021 Convention location, voting on policy proposals and member items and hearing from New York City mayoral candidate Eric Adams.

Convention location

As COVID restrictions are lifted, PEF is looking to hold this year's annual Convention in person, said PEF President Wayne Spence.

"There is no reason why we should not have an in-person Convention," he said. "Virtual should not be an option. I think we really need to consider Albany or Niagara Falls Convention Center."

Special Events Director Kim Partridge recently learned the Niagara Falls Convention Center, which has been acting as a COVID vaccine center, would be shutting down the pandemic response at the end of July – opening it up as a potential location for PEF.

"We started looking at possible in-person options a couple weeks ago," Partridge said. "In Albany, we were able to secure the Times Union Center, as well as hotel rooms in downtown Albany."

The Times Union Center, a sports arena, boasts enough space to house the entire delegation, and affords extra space if there is a need for social distancing. Partridge said the hotel rates in Albany are also very good this year.

Breakout sessions would need to be held at hotels, since the arena doesn't have adequate space for those.

Niagara Falls representatives said they could accommodate PEF. Partridge expressed concerns over hotel space, which would impact members looking for early arrival and check-in. "One of the concerns I have is that some of the meeting rooms in Niagara Falls in a normal year can be tight for our group," Partridge said, making social distancing a potential issue. "We may need to put a limit on attendance in breakout room sessions."

Cost is another concern for Niagara Falls, she said. "Right now, flights are approaching \$330 roundtrip per person," she said. PEF tries to book group space, when available, but this late in the game space hasn't been reserved and many airlines book six months out or more.

Initially, the board voted in favor of holding the Convention at the Albany location, with members citing the power of political action with the lunchtime stroll at the 2019 Convention and the need for this in a challenging political climate.

It was soon realized that at the March meeting, the Executive Board had voted to hold the Convention in Niagara Falls or virtually – leaving no provision for selecting a third option. Failing a two-thirds vote to beat the previous decision, the Convention location was set for Niagara Falls, Oct. 24-27, 2021

Policy on labor management agreements.

Labor-management and health and safety agreements proposed at local or agency meetings with management must now receive a second review on a higher level.

"This pertains to both written and verbal agreements, or a verbal discussion," said PEF Vice President Sharon DeSilva, while introducing the proposal. "There have been agreements, without that second review, which unfortunately resulted in a negative impact on the lives of the majority of members at those locations."

Executive Board members supported the proposal, which began as a labor-management only policy and then morphed into a labor-management and health and safety policy, commenting that many local leaders may not realize even a conversation with management may set a precedent.

The proposal, as approved, requires any and all proposed agreements discussed at local or agency level labor-management and health and safety meetings, to be reviewed by PEF selected leaders. Additionally, the field representative and relevant PEF staff departments will be involved in reviewing agreements.

DeSilva stated that the intent of this policy is to make sure that proper review takes place when discussing agreements that may have a detrimental impact on the lives of PEF members, and to not have the responsibility of review and approval fall on just one individual.

Health and safety updates

With the expiration of the statewide emergency telecommuting agreement, health and safety precautions in the workplace are vital for PEF members returning to worksites.

PEF health and safety staff are working with the Governor's Office of Employee Relations (GOER) to determine air filtration capabilities at state-owned and leased facilities, training PEF labor-management leaders on what to look for and discuss at the labor/management table, and creating factsheets and checklists with information for members.

"We told GOER, people are going to be afraid," said PEF Health and Safety Director Geraldine Stella. "We don't want to be the mask police; we don't want to be the vaccine police. We want the state to be ready when conflicts come up."

Vaccination is a choice and no member should be demonized by management for that choice. Employers have an obligation under PESH and OSHA to provide safe and healthy work environments and public health law says they can find out if someone is vaccinated. The state has not gone that far. The New York state guidelines released June 18 said agencies

can't require proof of vaccination, but it does allow for voluntary reporting.

"It does make sense for people to do that, it helps the union assess conditions in the workplace," Stella said. "Masks are still an effective way to protect you and we do still encourage masking. Also realize, not everybody who is masked is unvaccinated. We are talking about how people can protect themselves in the best way possible."

Telecommuting in the tentative agreement

Now that the Statewide Emergency Telecommuting Agreement has expired, the PEF/State Memorandum of Agreement under the 2016-2019 contract is still in effect. "The MOA under the 2016-2019 Agreement gives agencies discretion as to whether or not to have telecommuting programs," said Director of Contract Administration Deb Greenberg.

The tentative 2019-2023 agreement goes further, requiring agencies to develop and implement telecommuting programs within nine months of ratification and removing the four days per pay period limitation.

Information coming down from GOER has been confusing, instructing agencies that they can operate under the same provisions of the emergency agreement until the end of July, or any telecommuting agreement that was in place at each agency prior to the pandemic. A memo from GOER also calls for all agencies to come up with telecommuting programs for implementation and approval by GOER by July 31.

"We will continue to have conversations with GOER and monitor what the agencies are doing and get to the bottom of discrepancies," Greenberg said. "We're in a position where we are rushing to get really good telecommuting agreements by July 31, but if we aren't happy with an agency plan then we will work with agencies in accordance with the terms of the tentative agreement to develop and implement telecommuting programs within nine months of ratification." PEF is putting together a telecommuting toolkit for union leaders, said Director of Field Services Katie Vorwald. ([The toolkit can now be found here.](#))

"Telecommuting is probably the biggest issue we hear from people," Vorwald said. "We want to get all leaders on the same page. We have a couple of tentative agreements at smaller agencies that we can share. Even if you have a stopgap agreement through July 31, you can expand that in the future." GOER plans to be back to pre-pandemic office presence by Labor Day, with exceptions for telecommuting. When asked by PEF if telecommuting would be far more robust than pre-pandemic, in both amount of people and amount of days, GOER's response was yes.

"Are they saying that to agencies? I don't know," Greenberg said. "We're having labor-management teams work to develop

the best telecommuting programs we can going forward, using data and experiences we have from the pandemic.”

Membership engagement, new hire orientation

Since the start of the COVID pandemic, it has been difficult for the union to engage with new hires in the PS&T unit.

“COVID has impacted this union in so many ways,” said Vice President Randi DiAntonio. “There are several areas we’ve really focused on since March 2020, especially related to new employee orientation and access to new hires. It is a priority of this union to make sure new hires understand the value of our union and become members and a part of the fabric of this organization.”

Outreach and member engagement are ramping up as COVID restrictions recede.

“During the height of COVID, we started doing mask giveaways because the state was not providing proper PPE,” said Director of Organizing Dan Carpenter. “As the rates of positivity declined, we started doing member appreciation events. Since February, we have hit every region. We have made it a point to try and make sure we are getting out to those who have been at their worksites every day.

“We tried to focus on agencies and geographic locations that have felt forgotten over the years,” he said. “Over the last month and a half, organizing and other departments have traveled more than 10,000 miles – that’s back and forth to Washington state – three times.” In the last month, organizing hosted well over 70 events.

“When we are doing these, it’s not just about thanking our members,” Carpenter said. “We are also there to hear concerns, answer questions and reach out to those who may have been missed during COVID for new hire orientation. Inviting these folks to events has resulted in new hires signing up.”

A recent event at Stony Brook University Hospital drew in 147 nonmembers, 76 of whom signed up with PEF.

New PEF website coming soon

A robust new design for the PEF website is well on its way to completion.

Similar in look and feel to the Membership Benefits website, the new PEF.org site will be much more secure and content will be responsive – easily viewed across multiple platforms. “It will rescale and show you content in a simple, readable format,” said Communications Director Rob Merrill, in a video introducing the Executive Board to features of the new site. Cooperation between MIS and Communications made the long overdue update possible.

NYC mayoral candidate Eric Adams addresses board

It’s been more than 30 years since PEF has endorsed a New York City mayoral candidate, but this year the union, looking to build political power in New York City, threw its support early behind Eric Adams, a retired NYPD officer, Brooklyn Borough president and former New York State senator.. Adams is a strong advocate and community leader, speaking out for police reform and against racial discrimination. He has aligned with PEF during key campaigns, such as when the governor and the state sought to close SUNY Downstate hospital.

“It wasn’t all about jobs,” President Spence said as he introduced Adams before his address to the board. “It was about what was good for that community. Just imagine if SUNY Downstate was not around in 2020. It was the only hospital in the area that served the black and brown community.”

Adams said the people of New York City want “safe, affordable cities where we can raise healthy children and families.”

“This is a significant moment and such a victorious moment for the little people,” said Adams, who since the board meeting was held has now won the Democratic mayoral primary. “You should be really proud of yourselves because you said, ‘We are not going to go where the polls are telling us to go, we are going to go where our hearts tell us.’”

“We all want the same thing,” he said. “Our families to be safe and we want to provide a fair living wage here in the city. And I’m going to lead the way in doing so. We believe that we are going to be victorious. This is our moment to finally show our working class people can lead us out of the state of devastation we are seeing.”

President Spence said people are taking notice of PEF, with the union coming out first in support of Adams.

“We are moving,” he said. “We are doing really good things.”

Union finances, infrastructure and a fond farewell

Secretary-Treasurer Kay Alison Wilkie reported the union’s total income at \$39.2 million as of March 31, 2021, up from \$38.8 million in 2020. Total dues revenue came in at \$35.9 million. Total direct services expenses were under budget by \$2.8 million, given the impacts of the COVID pandemic. Total expenses for 2020-21 were \$33.86 million, down from \$37.1 million in 2020.

Total membership declined to 49,897 as of March 31, 2021, down from 51,928 in March 31, 2020. The drop in membership is a result of attrition, leaving vacant positions open, and lack of access to sign up new members due to COVID. Given



the urgency of reversing PEF membership decreases, Wilkie emphasized the importance of PEF's "Fund our Future: building a thriving New York" multi-year campaign and coalition, to be formally launched at the New York State Fair and at Labor Day rallies this year.

"Making the case for bolstering government in the public interest, that works for all of us, with a vibrant, unionized public workforce, has never been more critical," she said. More information will be forthcoming this summer about how PEF members, leaders, activists and community partners can be part of the Fund our Future campaign.

PEF's internal auditor, Mike Fratangelo, completed audits of 12 Divisions since the last Executive Board meeting, and five are underway. The total number of audited Divisions completed to date amount to 36. If feasible, he is endeavoring to complete audits of all 218 Divisions over a three-year timeframe. The internal auditor's work can also address special projects, Regions and officers.

The headquarters renovations and IT technology and security upgrades are nearing completion.

"There is still some interior work to finish, including a mural designed by the communications team," Wilkie said. "And we continue to await delivery of computer components, delayed due to global supply chain disruptions caused by COVID. We're very close to the finish line."

Total expenditures for the building and IT upgrades are estimated to come in at \$3.8 million, with the project 90 percent complete.

Improvements include interior finishes, demolition, paint, mural installation, carpet, doors, new roof, HVAC, windows, masonry, plumbing, a new patio, totally renovated conference rooms, and new signage. On the IT side, there are new servers at PEF and Membership Benefits, improvements to security, hardware and software, and plans to supply all staff with laptops and docking stations.

Wilkie's term as Secretary-Treasurer ends on July 31, 2021, so this was her final Executive Board meeting in the position. She expressed her profound gratitude for being honored to serve PEF as Secretary-Treasurer, and for the support of PEF members, leaders and the Executive Board along the way – support that facilitated the many strategic and administrative improvements implemented with President Spence. Board members thanked her for her years of service and expertise in guiding PEF's financial success.

PEF Contract Chair Darlene Williams quoted Martin Luther King Jr.: "Our lives begin to end the day we become silent about things that matter," she said. "Kay, you have never been silent, you have always spoken your mind about the things that matter. Thank you for showing many of us that we can be strong, we can be forceful and we can do it with our heads held high."

Others echoed her sentiments.

"Thank you for blessing our union with your financial intellect, your integrity, your vision and your organizational skills that will forever change the trajectory of our great union," said Region 12 Coordinator Nora Higgins.

President Spence presented Wilkie with an award commemorating her service and dedication to the union.



Member items propose revised election petitioning

Currently, to get on an election ballot a candidate must gather signatures amounting to 10 percent of the constituency, which some members of the Executive Board felt can be a difficult standard to reach and leads to underrepresentation on the Executive Board.

"I think we can easily reduce it to 1 percent," said Michael Dreibelbis, who brought the member item to the board. "It doesn't change what it takes to get elected, only what it takes to get on the ballot. I want to

see a more robust election. We need to inspire more young members to come on board."

Members in opposition of the change felt the 10 percent ensured candidates would proactively reach members outside of their worksite.

"These positions are work and what we need are people who are willing to go out and do the work to get the position," said Joe Donahue. "These positions should be earned, not just granted."

The board felt the reduction to 1 percent too drastic and introduced an amendment to make the requirement 5 percent. The board then voted to send the amended item to the 2021 Convention for consideration.

The next Executive Board meeting will be Aug. 26 and 27, and it will be held in person at PEF headquarters in Albany.



What should you know about health, safety and telecommuting as you return to work?

KATE MOSTACCIO

With the state of emergency lifted, the governor hopes to reach pre-pandemic capacity in state workplaces by Labor Day. With return to work looming or already happening, what do you need to know to keep yourself safe, or to navigate mixed signals on telecommuting at your agency?

Health and Safety

Keeping everyone safe is paramount.

When returning to work, fully vaccinated individuals will not be required to mask, in most settings, while unvaccinated or those with unknown status will need to mask and social distance. The state will not require proof of vaccination status. Be aware that not everyone who is wearing a mask is unvaccinated – some people may choose to continue masking depending on their personal comfort level. The Centers for Disease Control (CDC) says, “in general, the more closely you interact with others and the longer that interaction, the higher the risk of COVID-19 spread. If you return to work, continue to protect yourself by practicing everyday preventive actions. Keep these items on hand when returning to work: a mask, tissues, and hand sanitizer with at least 60 percent alcohol, if possible.”

However, for those who can, getting vaccinated gives you the best chance at reducing your risk of contracting COVID-19. Especially given the increase in COVID cases caused by the Delta variant. According to the CDC “COVID-19 vaccines are effective at keeping you from getting COVID-19, especially severe illness and death... (and reduce) the risk of people spreading the virus that causes COVID-19.”

Local leaders and PEF health and safety staff are working hard to identify hazards and implement control measures at your worksites. They are looking at things like cleaning supplies, hand sanitizer and PPE; signage; occupancy levels; the HVAC systems and air ventilation; screening and contact tracing; visitor policies; and more.

If you feel something is missing or not adequate, take action. Reach out to your local leaders or PEF health and safety at healthandsafety@pef.org.



Mental Health

Stressing about returning to work or continued telecommuting, such as fear of contracting COVID, changes in your duties or workload, lack of access to necessary equipment, taking care of personal needs balanced with working, and many more factors can impact your mental health.

Do any of the following apply to you?

- Feeling irritation, anger, or in denial
- Feeling uncertain, nervous, or anxious
- Lacking motivation
- Feeling tired, overwhelmed, or burned out
- Feeling sad or depressed
- Having trouble sleeping
- Having trouble concentrating

Union leaders and PEF staff are prepared to assist members with mental health and stress reduction in the workplace. Are you concerned about confusing directives from your agency or GOER? Are you worried about the risks of returning to work using public transportation or the possibility of conflict between vaccinated and non-vaccinated staff?

Communicate with your local leaders and PEF, or access the Employee Assistance Program (EAP), <http://www.pef.org/eap-toolkit>. You can also read about EAP in the Communicator here.

Telecommuting

The Governor's Office of Employee Relations (GOER) is directing agencies to bring employees back to the office at an increased frequency with the July 2, 2021, expiration of the Emergency Telecommuting Agreement.

But, the pandemic has proven that telecommuting works and PEF labor-management committees and Field Services staff are working around the clock with agencies to devise interim plans by the July 31 deadline set by GOER.

"We believe that the telecommuting experience during the pandemic, which provided important information about the success of telecommuting at many agencies, including those that did not previously have telecommuting, will be useful in establishing telecommuting throughout the state at levels more robust than pre-pandemic," said PEF Director of Contract Administration Debra Greenberg. "In addition, the Tentative Agreement, if ratified, requires agencies to develop telecommuting programs with PEF and to implement the programs within nine months of ratification. Importantly, the prior limitation of no more than four telecommuting days per pay period under normal circumstances was eliminated."

The Tentative Agreement would replace the four-day limitation with language allowing for broader options:

"Agencies, to the greatest extent possible, should allow flexibility in the employee's choice of which and how many days to telecommute per pay period or per week." However, agencies would still retain discretion in approving individual telecommuting applications.

Members can vote now for the Tentative Agreement. The American Arbitration Association (AAA) mailed out ballots on July 2 and ballots must be received by AAA on or before 5 p.m. on July 26, 2021. Received means in hand, not just mailed or postmarked by July 26, 2021. Any PEF member in the PS&T unit who has not already received a ballot should call the AAA hotline at 800-529-5218 to request a ballot or replacement ballot. AAA will count ballots on July 27, 2021.

Despite overwhelming evidence that #PEFDoesIt while telecommuting, members should not expect the same level of telecommuting.

"Going forward, with the reopening and an end to the state of emergency, we do not expect telecommuting on a full-time or near full-time basis as some people were able to do during the pandemic," Greenberg said. "However, we do expect a more robust telecommuting program than existed pre-pandemic due to the changes in the Collective Bargaining Agreement and the positive experience with telecommuting during the pandemic."

If you have questions, reach out to your local labor-management chair or PEF Field Services representative. For a list of contacts, [click here](#) and select the Labor Management Contacts dropdown.

PEF tells committees to ‘act fast’ to impact return-to-work, telecommuting

PEF’s statewide labor-management and health and safety committees must move very quickly to influence return-to-work and future telecommuting policies before a July 31 deadline. That was the urgent message they received at an all-day Zoom meeting on June 25 with PEF leaders and staff.

“We have a lot of labor-management work to do in the next few weeks,” PEF Director of Contract Administration Debra Greenberg told them.

The current Memorandum of Agreement between PEF and the state regarding telecommuting expired at the close of business on July 2, but state agencies and authorities can continue telecommuting under the terms of the agreement or a pre-existing agreement until July 31, when according to the Governor’s Office of Employee Relations (GOER), each agency is required to have their own telecommuting programs in effect and reviewed by GOER.

PEF’s agency level L-M and H&S committees were urged to survey their PEF constituents to find out what they want, and the committees should immediately contact the management chairs of these committees to request an emergency meeting to discuss the telecommuting plans that will be submitted to GOER. Committee chairs should immediately reach out to their PEF field representative and involve him or her in this process.

“We’re not going to wait for the next quarterly labor-management meeting,” Greenberg said. “We should say to management, ‘Let’s get this process started immediately.’”

The plans that are approved by July 31 will meet an immediate need to set and clarify telecommuting policies at the agencies. But another, later date may follow for establishing permanent plans, in accordance with the tentative agreement between PEF and the state.

The tentative PS&T contract agreement, if ratified this month, would allow an employee who is denied telecommuting by their direct supervisor to ask management to review that

decision. Every state agency and authority will be required to implement a telecommuting plan within nine months, and the agencies and authorities must meet and confer with the union to develop those plans. The four-day-per-pay-period limitation is eliminated in the tentative agreement and instead agencies, to the greatest extent possible, should allow flexibility in the employees’ choice of which and how many days to telecommute per week or pay period.

“We have time after ratification to improve these agency plans,” Greenberg said. She added that she believes agencies were often impressed by how well employees performed from home during the pandemic shutdown and now may be willing to approve more robust telecommuting plans than they had allowed before the pandemic.

PEF associate counsel Ed Aluck said agencies will have the right to decide where telecommuting is “feasible,” with PEF input, but now PEF can say, “It worked for 16 months; so what is your objection?”

Greenberg told the PEF committee chairs to reach out to her or to Aluck if they encounter resistance to meeting with PEF to develop these plans.

PEF Vice President Sharon DeSilva, who chaired the Zoom meeting, said, “Agencies are going to consider their operational needs. We have to say, ‘Telecommuting has been working even above and beyond what was required.’ It has been quite successful.”

“Our labor-management and health and safety committee members should work together with their field reps,” DeSilva said. “Let’s work as a team!”

“It is clear that agencies must develop their plan with us,” Greenberg said. “That is what the contract requires.”





VALUE OF THE UNION

PEF wins fight against unfair COVID prescreening at NYSIF

By KATE MOSTACCIO

A policy set by management at the State Insurance Fund conflicted with PEF members' rights and the union immediately stepped in to halt the practice.

PEF and local leaders across the state presented a united front to overturn the requirement to complete a COVID prescreening before members came to worksites.

This presented issues, such as if you prescreened at home, were you essentially clocking in? If you were "clocked in" did your commute to work then potentially entitle you to Worker's Compensation in the event of an accident?

Since SIF didn't offer an alternative option, PEF Field Staff met with local leaders and strategized a plan to combat the practice. PEF also filed a grievance, but in the end SIF withdrew the policy and now prescreening is no longer required.

PEF is also taking on the lack of approvals for requested reasonable accommodations at SIF and has filed a statewide grievance.



By SHERRY HALBROOK

The pandemic has brought the crucial role of health care professionals, and nurses in particular, into sharp focus. Political leaders, including the governor, have lavished praise on these essential workers for their skill, dedication and professionalism during a year of extreme challenges. But little action has followed the rhetoric, and on May 25 PEF provided its nurses a way to tell state legislators their stories and focus on the desperate needs and challenges they face daily to save lives and care for those who are suffering.

The first-of-its-kind Virtual Nurse's Lobby Day was held last month via Zoom. PEF nurses spoke with lawmakers from their worksites, homes and cars. Divided into three Zoom rooms based on regions, lawmakers and legislative staffers heard from their own constituents and nurses statewide in a series of visits that gave unvarnished, heartbreaking insights into the lack of support and care the state gives its own health care services and the employees who provide them.

The nurses urged their legislators to support four very important bills aimed at addressing some of the most urgent issues:

1. [Enhancement and Dignity \(NEED\) Act – S.6424/A.7385](#);
2. Sanction for Violation of Mandatory Overtime – S.1997/A.286;
3. Hazard Pay – S.496/A.655; and
4. [Staff to Patient Ratios – S.1168-A/A.108-B](#)

Primary sponsors of these bills were among the 23 legislators who met or sent representatives to meet with the nurses. These lawmakers included state Senators Kevin Thomas, Elijah Richlin-Melnick Noon, Robert Jackson, Todd Kaminski, Samra Brouk, Sean Ryan, Andrew Gounardes, Gustavo Rivera, Julia Salazar, Rachel May and Brad Hoylman, as well as Assembly members Aileen Gunther, Ken Zebrowski, John McDonald, Kevin Cahill, Steven Englebright, Andrew Hevesi, Phil Steck, Peter Abbate, Karines Reyes, Jeff Dinowitz and Edward Braunstein. Cahill, Jackson and Dinowitz are former PEF members.

Nurses told the lawmakers about being exposed to COVID-19 on the job, without adequate personal protective equipment (PPE) and then being required to continue working with COVID-infected clients after they became infected. One nurse said she had COVID twice. Others told of nurses who brought COVID home to their family members, only to see a loved one die from it.

Beyond the personal suffering, many nurses said understaffing at their worksites and agencies is reaching critical mass. The lack of adequate staffing creates the problem of mandatory extra shifts and overtime, and it makes the work more dangerous for staff and patients. Nurses are sometimes forced to work double and even triple shifts, and they may be "floated" to work in hospital units with which they are unfamiliar.





Sign up **TODAY** for the eCommunicator

Keeping PEF members current on PEF news, emailed
to your mobile device or home computer monthly.

www.pef.org/ecommunicator-signup/

PEF parole officer talks down parolee during tense hostage standoff in western New York

KATE MOSTACCIO

New York State Police sought the assistance of PEF Parole Officer Karen Hoth during a tense hostage standoff June 8, 2021, after one of her parolees led them on a high-speed chase, caused a fiery crash, and took off into the nearby woods with a hostage.

"It was very, very intense," said Hoth, who first joined PEF in 1996 as a drug and alcohol counselor before going to the academy for parole in 2005. She has worked in the field since 2016. "I'm his parole officer, so I was called to see if I could give the State Police hostage negotiators any information that could assist them."

Forty-three-year-old Hiram Rivera was accused of burglary, strangulation and grand larceny after an incident the night before the standoff. Hoth was familiar with the suspect after supervising him for about a year. During the three-hour standoff, she spoke directly with Rivera, first by cell phone and then by other means after he tossed the phone.

"They weren't having luck talking to the individual, so they asked if I could try talking to him," she said. "I have a pretty good relationship with my parolees and they respect me. When you supervise these people you get a feeling for how they operate and you know their history."

"I've never done anything like this before," she said. "At first, I called his phone and was talking to him on my state phone. I was doing my best and once they saw it was effective, they would give me tips on what to do."

Hoth said the technology deployed during the standoff was impressive.

"You don't really realize all the technology that law enforcement has until you're in a situation like that," she said. At points during the standoff, a robot delivered water, cigarettes and other items requested by Rivera and law enforcement was able to lock down who Rivera could contact with his phone.



Technology wasn't all the multiple agencies brought to the scene.

During the standoff, Hoth said she was at one point standing next to a sniper. Media reports said Erie County Sheriff's Office deployed tactical resources, SWAT members and snipers to hold down the scene.

Hoth praised all the agencies involved and said everyone worked together to achieve the peaceful outcome.

"I'm glad that I could help and I'm glad that he listened," Hoth said. "I'm glad that I was able to talk him into letting her [the hostage] go and I'm glad nobody got hurt, law enforcement, him or his hostage. It could have ended very badly."

Exposed to COVID at work? File a WC claim

By **SHERRY HALBROOK**

If you were exposed to COVID-19 at work, file a workers' compensation claim, even if you think the deadline for filing such a claim has passed. Get busy, collect your documentation and file your claim now.

That was the advice two top workers' comp attorneys gave members at a special health and safety Zoom training that PEF provided June 16. The attorneys were Robert Grey, Esq. of Grey & Grey LLP and Alex Dell, Esq. of the Law Firm of Alex Dell, PLLC. The training was led by PEF Director of Health and Safety Geraldine Stella. PEF Director of Field Services Katherine Vorwald also helped answer questions submitted by members.

Even if your COVID-19 infection was asymptomatic, "You should file a claim to protect you if you experience any illness or injury in the future," Dell told members on the call.

The attorneys said doctors and researchers are still learning about the potential long-term effects of COVID-19, and some patients who initially seemed asymptomatic may later experience serious ailments that appear to be related to their earlier infection.

Dell explained that workers' compensation provides two kinds of benefits: medical and monetary, and the financial benefit may be temporary or permanent.

The attorneys said that while the NYS Workers' Compensation Board (WCB) is usually firm about enforcing filing deadlines, the pandemic has caused the board be more flexible, but that is likely to be only temporary; so workers who have or who had COVID that they caught on the job should waste no time filing their claim.

"Pockets of skepticism may grow" as the pandemic fades, Dell said.

Grey said you have two years to file your claim, and he added, "I'm pessimistic we'll be able to file claims late. Please file, even if late, to get long-term protection."

"A lot of our members have had their WC claims denied," Stella said.

"The state Insurance Fund is entitled to deny it," Grey said. "We go to the WCB and it decides. We have had no adverse decisions (on COVID claims), and statewide (negative decisions) are fewer than .01 percent."

Both Dell and Grey encouraged workers to hire a lawyer to represent them and help them file a claim and present their case to the WCB.

You need to prove to the WCB that you are a worker who had exposure to COVID on the job or that it was present in your work environment, and that you contracted COVID-19, Grey said. "The higher the infection rates in your area, the more likely you contracted it at work."

If you received care from your personal medical provider and it was billed to your health insurance, that can complicate your claim, but it does not preclude a successful claim.

"The facts are really important," Dell said, "and we may not want you to put every fact out there (in your filing)."

"You do not pay a (WC) attorney directly," Dell said. Your attorney will be paid from any monetary award in an amount approved by the WC judge.

"People are receiving decisions in the mail and need a lawyer to explain to them what it means," Dell said. "You may also be entitled to disability retirement and Social Security."

Stella said PEF "does not normally recommend attorneys to members, but COVID changed that. The attorney will tell you if you do not need them. And the attorneys we recommend know about your contract and state-worker rules."

Vorwald reminded members that PEF Field Services are their first line of defense and they should notify their field representative as soon as they are told not to report to work, so the rep can help them file a timely grievance.

More Information

[PEF OSH Fact Sheet: What You Need to Know about Workers' Compensation and COVID-19](#)
[Contact information for the attorneys quoted in this story](#)



Ailing members need your leave donations

The following PEF members have reported a need for leave donations due to the need for medical treatment or recuperation from illness or injury.

Donations are made from annual leave and donors must retain at least 10 days of annual leave after donating. To donate leave, obtain a leave-donation form from your personnel or human resources office and submit it to that office. You may donate leave to employees at both the agency where you work and to those working at other state agencies.

To help facilitate donations, we list an HR contact number for each person needing donations on the list below.

- **James Benoit** is an information technology specialist 3 at the state Office of Information Technology Services in Albany. Call 518-457-4272;
- **Edward Carey** is a supervising computer operator at the state Office of Information Technology Services in Albany. Call 518-457-4272;
- **Lisa Colbert** is an infection control nurse at Sunmount Developmental Disabilities Services Office in Tupper Lake. Call 518-359-4158;
- **Heather Crunden** is a nurse practitioner at SUNY Binghamton in Binghamton. Call 518-457-4272;
- **Nora Fulton** is a teaching and research center nurse 2 at SUNY Upstate Medical Center in Syracuse. Call 315-464-4943;
- **Eric Huntington** is a project manager 3 at the state Office of Information Technology Services in Albany. Call 518-457-4272;
- **Julie Hutchinson** is a nurse 2 at Rochester Psychiatric Center in Rochester. Call 585-241-1900;
- **Laura Lama** is a senior photographer at the state School for the Blind in Batavia. Email *protected email*;
- **Crystal Perry** is a nurse 2 psychiatric at Hutchings Psychiatric Center in Syracuse. Call 315-426-3600;
- **Jaquaia Reid** is a licensed social worker 2 at Bronx Psychiatric Center in New York City. Call 929-348-4024;
- **Lydia Seales-Fuller** is a nurse 2 psychiatric at Hutchings Psychiatric Center in Syracuse. Call 315-426-3600;
- **Christine Thayer** is a manager ITS 1 data at the state Office of Information Technology Services in Albany. Call 518-457-4272; and
- **Paula Wilcox** is a teaching and research center nurse 2 at SUNY Upstate Medical Center in Syracuse. Call 315-464-4943

The rules for making and receiving leave donations (such as leave recipients may not have had any disciplinary actions or unsatisfactory performance evaluations within their last three years of state employment) are set forth on pages 181 and 182 of the 2016-19 PS&T Contract. If you, or a PEF member you know, need leave donations because of a medical issue, you may contact The Communicator to request publication of that need. Send requests to thecomunicator@pef.org, or call 800-342-4306, ext. 271. Be sure to provide your contact information.





PEF headquarters ribbon cutting

PEF held a ribbon-cutting ceremony Thursday morning to celebrate the newly renovated headquarters building in Latham. PEF Secretary-Treasurer Kay Alison Wilkie was joined by PEF President Wayne Spence to cut the ribbon. Executive Director Todd Kerner and various department directors and PEF staff were also on hand for the brief ceremony. Renovations include infrastructure and data security upgrades, such as new HVAC systems, new electrical and plumbing systems, and scan card building access, as well as updated conference room facilities. PEF used unionized workers and firms whenever possible for both the IT upgrades and the construction.

Nurses tell legislators chronic understaffing puts state health services on critical list

By **SHERRY HALBROOK** and **KATE MOSTACCIO**

The pandemic has brought the crucial role of health care professionals, and nurses in particular, into sharp focus. Political leaders, including the governor, have lavished praise on these essential workers for their skill, dedication and professionalism during a year of extreme challenges. But little action has followed the rhetoric, and on May 25 PEF provided its nurses a way to tell state legislators their stories and focus on the desperate needs and challenges they face daily to save lives and care for those who are suffering.

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Beyond the personal suffering, many nurses said understaffing at their worksites and agencies is reaching critical mass. The lack of adequate staffing creates the problem of mandatory extra shifts and overtime, and it makes the work more dangerous for staff and patients. Nurses are sometimes forced to work double and even triple shifts, and they may be “floated” to work in hospital units with which they are unfamiliar.

Low pay is contributing to the understaffing issue, the nurses said. One nurse said she recruited three new nurses for her facility, but when they finished orientation and found they were not being paid as much as they had been told they would earn, they immediately quit.

"They are hired, they're in orientation for two days and after they spend a short time on the floor, they run out screaming! One new nurse ran away on her lunch break and never came back," a nurse at a psychiatric center said. "They just run away."

PEF Region 4 Coordinator Bobbi Stafford said newer hires are in state pension Tiers 5 or 6, where benefits are too weak to incentivize retention. "We can recruit, but we can't retain," she said.

PEF leaders told lawmakers that nursing vacancy rates are very high. For instance, 25 percent to 80 percent of nursing positions are vacant at some state correctional facilities. And at the Office for Persons with Developmental Disabilities, about 400 of the 1,700 jobs are vacant. One reason for such high vacancy rates is that the state Division of Budget has not been releasing waivers to allow hiring, even though the hiring freeze was supposedly lifted.

One nurse said she had worked for the state for 25 years when she was finally promoted to a grade 21, but then took a demotion to go back to a grade 19 because she just "couldn't keep going." Nurses usually start at a grade 14 and then move to a grade 16.

"I've been in health care for over 30 years and there have never been enough nurses," said a nurse administrator at a state psychiatric center. "As a nurse administrator, I'm responsible for 160 patients and 40 staff, but I'm also working the floor when there are not enough RNs. That's unsustainable. We really need to value our nurses and show them they are important. I worked six and seven days a week during COVID and I still haven't recovered fully mentally or physically. We need to attract people and we need to show them that they are important and they are valued."

"Stony Brook is the lowest-paid facility on Long Island," said PEF Region 12 Coordinator Nora Higgins. "We're not greedy, hungry people, but on Long Island our taxes and the cost of living are phenomenal. I work in the NICU (neonatal intensive care unit) and our kids are very fragile, very sick. Their ET tubes slip out very easily. When it hits the fan you want to be able to say, 'Hey Chris, I need you.' But, with the constant rotation of people, you don't know who you're working with. Not only their job skills, you don't even know their names. Next week, in four months, they'll be gone. Northwell is paying \$20,000 to \$30,000 more (than SUNY Stony Brook.)"

PEF urges its nurses and other members to continue to speak out now on these issues and advocate for passage of the bills to address some of these issues. [You can find the bills here](#). Remember the 2021 legislative session is scheduled to end in mid-June, so try to call or email your legislators as soon as possible. This is a critical period to make a strong impression.

COVID caught OPWDD in perfect storm of underfunding, understaffing, no plan

By **SHERRY HALBROOK**

PEF Vice President Randi DiAntonio represented the union's members as a panelist on a roundtable discussion held via Zoom by the state Senate Disabilities Committee June 3 that focused primarily on state residential facilities for people with developmental disabilities.

DiAntonio and other panelists gave state legislators a vivid picture of the many steep challenges they face. The senators, both Democrats and Republicans, also expressed strong concerns of their own about the issue and their support and appreciation for the dedicated service of PEF members and others struggling to meet the public's needs.

Sen. Michael Martucci (R-42), ranking member of the minority party on the committee, expressed deep frustration with his largely fruitless efforts to get facts and data from the state Office for People with Developmental Disabilities (OPWDD).

"Our overworked (state) staff cannot stand any more cuts (to funding, services or staffing)," Martucci declared at the onset of the event.

Martucci was somewhat mollified when OPWDD Commissioner Ted Kastner spoke and provided some of the data and further said he would meet personally with Martucci to answer his questions.

Kastner gave the agency's view of how hard and quickly it rushed to address the pandemic and state shutdown of non-essential services that began in March 2020. As an agency with a large direct-care mission, many of its services and personnel were considered essential throughout the ensuing months. Nevertheless, OPWDD shut down its day-treatment programs on March 18, 2020, and visitation and outings for individuals in its care six days later because "they seemed to be a primary vector for transmission (of the infection). Prevention of transmission was key to all of our efforts," he said.

The commissioner said that he also reassigned nearly 100 internal affairs personnel to do contact tracing and answer the sudden onslaught of calls coming in on the agency's hotline from staff and members of the public seeking information about what was being done and what they could do to avoid infection and maintain needed services. As clients became infected and the need to isolate them grew, Kastner said



he directed 100 of the unused day-treatment sites to be converted to temporary residential housing.

In addition to limited institutional residential care, Kastner said the state funds and oversees a combined total of approximately 1,025 group homes operated in local communities by state personnel and by voluntary not-for-profit agencies. They house up to 35,000 individuals, and 85 percent of them were vaccinated by May 14, he reported. Kastner further reported that of the 10,163 residents who became infected with COVID-19, 668 have died, which calculates to a six percent mortality rate.

Martucci asked why the death rates were so high and Kastner responded that the individuals in their care are a "very high-risk population" and they often have other co-morbidities or health issues that make them more vulnerable and require frequent close contact with the persons caring for them. Also, transmission is easier in congregate care settings, even for otherwise healthy people.

The senators questioned why infected individuals continued to be housed by the state or private agencies. Kastner responded that his order included "anti-discrimination

language” and that the group homes could refuse to keep or take the infected individuals if they did not have a nurse or capacity to care for them. “We told them, ‘We’re here to help you.’” He added, “We always did the very best that we could.”

Sen. Mannion asked, “Did any workers die of COVID?”

Kastner said, “Yes, but I don’t have that number specifically.”

Kastner praised “the heroic efforts of direct-support professionals. We are immensely indebted to their dedication.”

Sen. Roxanne Persaud (D-19) asked why many staff were required to stay on duty while they were infected, and did not even receive payment for it in some cases. She said that she was told by some of her constituents that they were directed to remain with a COVID-positive patient for up to three weeks.

“It must have been the local agency’s policy,” Kastner responded.

Persaud also asked Kastner, “Are you offering any incentive to staff to be vaccinated?” He said, “We’re conducting public meetings on how to use federal funds.”

Kastner also said his agency’s data shows that new positive cases are now running about 10-15 per week for the 128,000 developmentally disabled individuals in its database.

PEF VP DiAntonio said the challenge of quickly and effectively responding to the pandemic was far more difficult because OPWDD did not have adequate infrastructure, in terms of staffing and resources, to be properly prepared for such a contingency.

“No plan was in place and coordination was very disjointed, with frequently changing guidelines,” DiAntonio said. Staff members at both the state and private agencies were constantly left “waiting for centralized decisions in Albany.”

Equally dangerous was the widespread lack of adequate personal protective equipment (PPE), such as masks, gowns, gloves, and cleaning supplies. “People were told to wear the same mask for a week, and to reuse gowns,” she said. Even now, more than a year into the pandemic, “They still have not authorized N95 masks for personal care (of individuals) and there is still no formal, consistent fit testing process in place.”

Nearly all of the panelists stressed the importance of adequate staffing to keep both individuals and staff members safe and to provide effective care.

Panelist Tom Alvanah, president of NY Disability Advocates’ interagency council on developmental disabilities, said private agencies caring for individuals with developmental disabilities were no better prepared than the state for the pandemic.

“We have an impending staff disaster. One-third of these agencies had just 30 days of cash on hand (when the pandemic struck), and another one-third have closed.”

Noting that she is a social worker who has worked for OPWDD for 23 years, DiAntonio said she has seen the agency’s workforce gradually depleted by 4,500 positions and the closure of 3,000 beds as part of “a systemic effort to shrink (the agency’s) footprint. And as it shed staff, the state has used it as a reason to suspend services, close residential beds and group homes. During the height of COVID, these shortages led to redeployments and floating of staff, which contributed to increased transmission and exposure to infections.

Peter Zummo, a member of the Executive Council of the NY Alliance for the Developmentally Disabled, said that as the parent of an individual with developmental disabilities, he has been dismayed and demoralized seeing staffing reduced at the group home where his son lives.

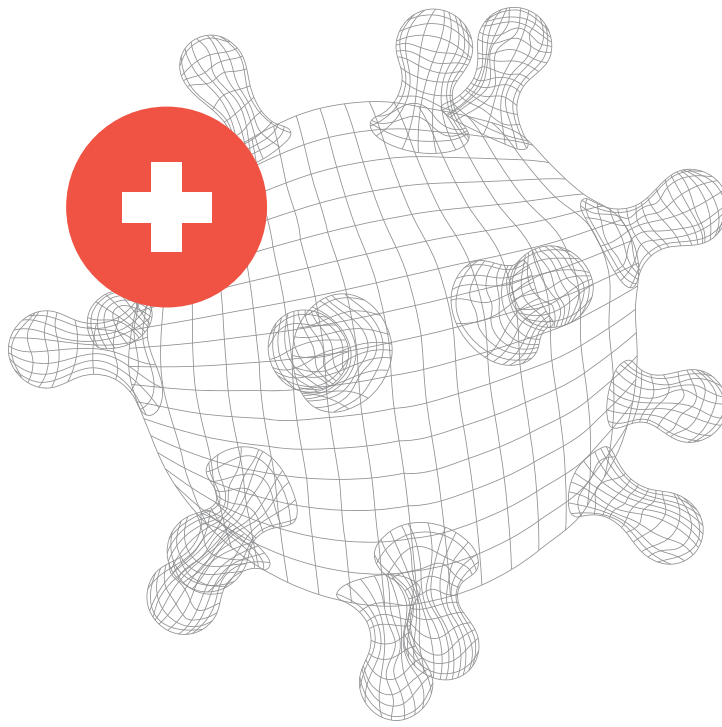
The direct-care staff “all stayed at their jobs throughout the pandemic, even though they are not paid a living wage,” Zummo said. “Millions of (federal) dollars are coming into the state, and OPWDD is cutting funding. My son has had no services for the last 15 months. He just sits and watches TV. He hasn’t even been allowed to have family visit him.”

Sen. Martucci shared his outrage. “Now is not the time to be making cuts to these services,” he said. “I have tremendous concerns about the abbreviated quarantine period. I’ll follow up with the commissioner.”

Kathy Bunce of the Statewide Family Advocacy Network of NYS said, “The pandemic shines a light on a very long problem of underfunded services. It was the perfect storm. Without funding and staffing, we have no future. Family members go door-to-door handing out fliers looking for staff. We need to stop these crazy cuts. Now is the time. They are essential workers. We need to fund the future.”

Panelist Karen Nagy of Eastern NY Developmental Disabilities Advocates said, “The cuts are completely opposed to the human rights of these individuals. Our workforce is in crisis. Without staff, all of the other expenses are worthless. Nothing else will matter.”

Sen. Mannion told the many panelists, “Thank you to your members for giving their lives to care for these people.”



State benefits that can help you weather financial hardships

By KATE MOSTACCIO

The pandemic hit everyone hard in a variety of ways. For some, loss of employment or reduction in employment left them unable to meet rental payments and while the government instituted eviction moratoriums, that protection is set to expire August 31, 2021. Some people were unable to make utility payments or mortgage payments, or faced unexpected funeral expenses.

There are a few programs available that might help.

New York State Emergency Rental Assistance Program (ERAP)

The ERAP program provides economic relief to low and moderate-income households at risk of experiencing homelessness or housing instability by providing rental arrears, temporary rental assistance and utility arrears assistance, according to the [ERAP website](#).

New Yorkers are eligible who meet the following criteria:

- Household gross income at or below 80 percent of the Area Median Income, which differs by county and household size. [Click here for limits](#).
- On or after March 13, 2020, a member of the household received unemployment benefits or experienced a reduction in income, incurred significant costs or experienced financial hardship directly or indirectly due to COVID-19.
- The applicant is obligated to pay rent at their primary residence and has rental arrears at their current residence for rent owed on or after March 13, 2020.

- The household must be at risk of experiencing homelessness or housing instability, demonstrated by rental arrears on or after March 13, 2020.

Benefits for approved households include:

- Up to 12 months of rental arrears payments accrued on or after March 13, 2020.
- Up to three months of additional rental assistance if the household is expected to spend 30 percent or more of their gross monthly income on
- Up to 12 months of electric or gas utility arrears payments for arrears on or after March 13, 2020.

[Apply here.](#)

COVID-19 mortgage relief under the CARES Act

Homeowners with federally backed mortgages may be eligible for a COVID hardship forbearance.

Since March 2020, millions of homeowners have received forbearance under the CARES Act, allowing them to temporarily pause or reduce their mortgage payments, according to the [Consumer Financial Protection Bureau](#).

To be eligible, homeowners must experience hardship directly or indirectly due to the COVID pandemic and have a loan backed by HUD/FHA, VA, USDA, Fannie Mae or Freddie Mac loans. For loans which aren't backed by the federal government, individual lenders are generally required to discuss payment relief options with borrowers.

The deadline for HUD/FHA, USDA or VA loans requesting an initial forbearance is June 30, 2021. For Fannie Mae or Freddie Mac, there is no current deadline.

An initial forbearance typically lasts three to six months. Homeowners can request extensions.

To get the ball rolling, visit the [CFPB website](#) and find out who services your mortgage.

Emergency Broadband Benefit Program (EBBP)

With hybrid schooling and working from home, access to reliable internet during the pandemic has been vital.

The Federal Communications Commission's Emergency Broadband Benefit Program provides a temporary discount on monthly broadband internet bills for qualifying households with low income.

Households with income at or below 135 percent of the federal poverty guidelines and households that experienced a substantial loss of income since February 29, 2020, due to job loss and furlough and have a total household income in 2020 at or below \$99,000 for single filers and \$198,000 for joint filers qualify. [Check if you qualify here.](#)

Eligible households receive a discount of up to \$50 per month; a discount of up to \$75 per month for households on qualifying tribal lands; or a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers.

Find out if you are eligible [here](#).

COVID-19 Funeral Assistance

For funeral expenses related to COVID-19, the FEMA Funeral Assistance Program is providing reimbursements up to \$9,000 for deaths after January 20, 2020.

To be eligible, the death certificate must indicate the death was attributed to COVID-19 and the applicant must be a U.S. citizen, non-citizen national or qualified alien who incurred funeral expenses after January 20, 2020.

Documentation required includes an official death certificate, funeral expense documents and proof of funds received from other sources, if applicable.

[Learn more here.](#)



New York State Deferred Compensation Plan

A Plan for Your Future

EAP sponsoring webinars on NYS Deferred Compensation Plan

The New York State Employee Assistance Program (EAP) is sponsoring two webinars on the New York State Deferred Compensation Plan (NYSDCP) on July 13.

The NYSDCP is a supplemental retirement plan, also known as a 457(b) plan, and the mission is to help state and local public employees achieve their retirement savings goals and help bridge any potential financial gap in retirement.

At 10 a.m. July 13, EAP will host the “Countdown to Retirement Webinar,” a free educational webinar to explain important considerations to think about for those approaching retirement. The presentation will discuss longevity, income sources, asset consolidation, and withdrawals/required minimum distributions. To register, [click here](#).

At noon that day, an “Enrollment Webinar” will explain the benefits of enrolling and participating in the NYSDCP and how it can help you save for and live in retirement. The presentation will go over the basics of investing and the investment options, pre-tax contributions, and an overview of the easy and secure online enrollment process. To register, [click here](#).

If you are unable to attend, you can schedule an individual consultation. [Click here](#).



Can you help?



PEF members are rallying around Region 8 PEF retiree Frank Kasper whose apartment and car in Watervliet were destroyed recently by a fire. Kasper retired from the state Labor Department in April 2020. He lost everything but his life and his dog in the fire.

Kasper's friend Jimmy McDonald has created a [Go Fund Me page here](#) to raise funds to help Kasper begin to rebuild his life.



Sign up **TODAY** for the eCommunicator

Keeping PEF members current on PEF news, emailed to your mobile device or home computer monthly.

www.pef.org/ecommunicator-signup/

Former PEF VP Thomas A. Comanzo, 1951-2021

Former PEF Vice President Thomas A. Comanzo, 70, passed away unexpectedly on June 17, 2021. Born in Niskayuna, N.Y., he was the son of Anthony and Clara Nasuti Comanzo. A graduate of Mt. Pleasant High School in Schenectady, Tom went on to graduate from Siena College.

A New York State employee, Tom retired in 2016 after 41 years of service. Tom was very active in PEF, serving as vice president from August 1, 2009 to July 31, 2012 and Region 8 Coordinator from 2006-2009.

"Tom's passion was evident to everyone who worked with him," said PEF President Wayne Spence. "He was the epitome of a union man, always fighting to make working conditions better for his colleagues. We mourn his passing and send our best wishes to his family during this difficult time."

Following his retirement Tom remained active in the Region 8 political action committee. A communicant of the former Our Lady of Angels Church, Tom was the former president of the parish council and a lector and eucharistic minister, and involved in the Blessed Sacrament Church food pantry. He was also a great lover and patron of the arts.

He is survived by his cherished wife of 46 years, Susan Sugrue Comanzo, his beloved daughter, Johanna (Fred) Cole, his sister-in-law, Rosemary Clenahan, and his nephew, Bryan



Image via deseret.com

(Griffan Randall) Clenahan. Tom is also survived by many friends whom he considered family.

Along with his parents he was predeceased by his brother, Joseph Comanzo.

Memorial contributions may be made in Tom's memory to Proctors Collaborative, 432 State St., Schenectady, N.Y. 12305.



Division 167 awards three scholarships

By KATE MOSTACCIO

With the cost of education high across the country, PEF Division 167 awarded three \$400 scholarships to the children or grandchildren of Division members.

To be eligible for the 2021 Educational Grants, applicants must be the child or grandchild of a PEF member employed at Western New York Children's Psychiatric Center or Western New York DDSO/DDRO, entering as a freshman or continuing higher education up to and including a doctorate.

Council Leader Stephanie McLean-Beathley announced this year's three grant recipients:



Madison Kaifas-Steiner is the daughter of Dana L. Steiner, a speech-language pathologist. She is going into her senior year at Lemoyne College in Syracuse, where she is majoring in psychology. Madison was awarded the Lemoyne Board of Trustee's scholarship and the NY Promise Scholarship for her four years at Lemoyne. She has also been in the ROTC Army program at Syracuse University, and for her junior and senior years she was granted the ROTC scholarship. This summer, Madison is participating in advanced camp military training at Fort Knox in Kentucky. In high school, she was a JV and Varsity cheerleading athlete. She served as president of the Kenmore East High School National Honor Society during her senior year. Madison participated in the International Baccalaureate Program at Kenmore East High School. She also coached track and field Special Olympics at Kenmore East High School and volunteers with programs to assist the developmentally disabled population.



Andrew Gorny is the son of Diane Gorny, a senior physical therapist. Andrew is a graduate of St. Joseph's Collegiate Institute in Kenmore and a member of the National Honor Society. While at St. Joseph's, Andrew was active in concert band, jazz lab band, swing choir band and pit orchestra. He competed in indoor and outdoor track and field, and was captain for his junior and senior years. Andrew is an active Boy Scout, attaining the rank of Eagle in April 2021. For his project he worked on constructing three benches with patios at the Saint Christopher Parish campus. Andrew volunteered with Ellicott Creek Fire Company, St. Christopher's Summerfest, Vacation Bible School, Lenten Fish Fry and Science Camp. Outside of school, Andrew enjoys basketball, reading and football. He will be staying close to home and studying mechanical engineering at the University of Buffalo.



Aiden North is the son of Kelly Anne Scanlon, a CPV coordinator, and the grandson of the late Judi Scanlon, a PEF member killed on the job. Aiden is a senior at the University of Buffalo, majoring in psychology. In high school, Aiden was involved in track, National Honor Society and chorus. He received numerous scholarships closing out his senior year. Aiden is an Eagle Scout and for his final project created 20 cubies for campers at Cradle Beach. He is also a first-degree black belt.



Letters to the Editor

Likes contract deal

To the Editor:
Great JOB, Mr. President!

JULIA BATCHELOR
Fulton

Would retiree get retroactive pay?

To the Editor:
If you retired in 1/2021, do you get retro payment for the raise?

LENA BORDONARO
Endicott

Editor's note: Yes. If the tentative agreement is ratified, you would receive retroactive pay for the period you worked after April 1, 2019. Also, your monthly pension benefit would be increased because your final average salary will be increased by the retroactive raises.

Are these the same thing?

To the Editor:
Please explain performance enhancement vs longevity.

ANDREW MILLER
Rome, NY

Editor's note: If ratified by members, performance awards under the 2019-2023 PS&T Tentative Agreement reward five, 10 and 15 years of service at top of grade for eligible employees with satisfactory performance. These performance awards are sometimes referred to as longevity bonuses.



Would new contract benefit retirees?

To the Editor:

Hi. Quick question, as I did not see info in my reading of contract or related articles.

I am a state PEF retiree (since 2016). Did retirees gain anything in this contract besides being part of negotiated cost increases?

I have been a loyal PEF member for over 30 years and lived through many of the 0% years. Curiosity has the best of me at this moment.

BOB EWING

Wynantskill

Editor's note: *State law does not allow the union to bargain on behalf of its retired members. However, members who retired after the last PS&T contract expired April 1, 2019, would receive retroactive pay and benefits for the period they remained in state service after that date. Since the writer of the letter above retired in 2016, he would not be eligible for any retroactive pay or benefits.*

How soon can we vote and get our money?

To the Editor:

When is the vote and when would we get retro pay?

Thanks.

FRITZ SCHERZ

Verona

Editor's note: Ballots were mailed July 2 by the American Arbitration Association to PEF members in the state's PS&T bargaining unit. They must be returned to AAA by July 26 and will be counted July 27.

Information is not yet available on how soon retroactive pay would be received by members if the tentative contract is ratified and signed.

Congratulations on outstanding job

To the Editor:

Congratulations to the PEF Contract Team and to President Wayne Spence.

You both did an outstanding job on behalf of the PEF membership! Thank you!

JOHN J. TIMMEL

Saluting members on their retirements

By **SHERRY HALBROOK**

PEF's gratitude and best wishes go out to its members who are retiring and moving on to the next chapter of their lives.

The union hopes they will join PEF Retirees and remain active and valued participants in the PEF family.

This month, we salute:

- **Raynald Asselin**, PEF Division 190, state Department of Taxation and Finance;
- **Joel Berkowitz**, PEF Division 244, Brooklyn Developmental Disabilities Services Office;
- **Michael Blue**, PEF Division 263, Office of the State Comptroller;
- **Bernard Carey**, PEF Division 180, Buffalo Psychiatric Center;
- **Helen Esposito**, PEF Division 281, state Department of Labor;
- **Matthew Merchant**, PEF Division 169, state Department of Environmental Conservation; and
- **Lawrence Ricci**, PEF Division 169, state Department of Environmental Conservation.

Are you or PEF members you know retiring? Please send information for this column to thecommunicator@pef.org.

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NEW + EXISTING PEF MEMBERS

SIGN NOW!





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on Instagram!
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Here are the facts about Social Security

Social Security affects us all. If you're a member of the so-called Silent Generation or a boomer approaching retirement, you probably know this (and you may even be impressed by how efficient the Social Security system is). But if you're a Millennial or from Gen X or Gen Y, you may believe that Social Security won't be around when you retire. Think again. Here are some myths about Social Security that refuse to die, along with facts to dispel them.

Myth 1: Social Security is going broke

The facts: As long as workers and employers pay payroll taxes, Social Security will not run out of money. It's a pay-as-you-go system: Revenue coming in from FICA (Federal Insurance Contributions Act) and SECA (Self-Employed Contributions Act) taxes largely cover the benefits going out.

Social Security does face funding challenges. For decades it collected more than it paid out, building a surplus of \$2.9 trillion by the end of 2019. But the system is starting to pay out more than it takes in, largely because the retiree population is growing faster than the working population, and living longer. Without changes in how Social Security is financed, the surplus is projected to run out in 2035.

Even then, Social Security won't be broke. It will still collect tax revenue and pay benefits. But it will only have enough to pay 79 percent of scheduled benefits, according to the latest estimate. To avoid that outcome, Congress would need to take steps to shore up Social Security's finances, as it did in 1983, the last time the program nearly depleted its reserves. The steps then included raising the full retirement age (see Myth 2), increasing the payroll tax rate and introducing an income tax on benefits (see Myth 8).

Myth 2: The Social Security retirement age is 65

The facts: Full retirement age, or FRA — the age when a worker qualifies to file for 100 percent of the benefit calculated from lifetime earnings history — is currently 66 and 2 months. Those born in 1955 reach the milestone this year (or the first two months of next year). Over the next five years it will increase by two months at a time, settling at 67 for those born in 1960 and after.

The 65 threshold was a longtime Social Security truth that became a myth. When Social Security was created in 1935, 65 was set as the age of eligibility. In later decades the minimum eligibility age was lowered to 62, when people could claim a reduced benefit, but 65 remained the standard for full retirement.

That changed with the 1983 overhaul, which raised the retirement age to reduce Social Security's costs. The increase is being phased in over time; 2002 was the last year in which people turning 65 could claim their full benefit.

Myth 3: The annual COLA is guaranteed

The facts: Since 1975, Social Security law has mandated that benefit amounts be adjusted annually to keep pace with inflation. But there is no requirement that this cost-of-living adjustment (COLA) produce a yearly increase.

The COLA is tied to a federal index of prices for select consumer goods and services called the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). Benefits are adjusted annually based on changes in the CPI-W from the third quarter of one year to the third quarter of the next. In 2020, the index showed a 1.3 percent increase in prices, so 2021 benefits grew by that amount.

But if the index doesn't show a statistically measurable rise in prices — if there's effectively no inflation — then there's no adjustment to benefits. Since the current formula was adopted, this has happened three times, in 2010, 2011 and 2016. Whether or not it produces a benefit increase, this process is automatic; it does not involve the president or Congress. They would have to take separate action to change the COLA.

Myth 4: Members of Congress don't pay into Social Security

The facts: Members of Congress came under the Social Security umbrella in 1984, along with the rest of the federal workforce, as part of the sweeping changes to the program enacted the previous year. Before that, senators and representatives did not pay into Social Security and were, instead, fully covered by a pension plan called the Civil Service Retirement System (CSRS). Those in office on Jan. 1, 1984, were allowed to remain in CSRS, but only in conjunction with Social Security. (If you're curious, two senators and five House members remain from those days.)

Those elected since then are covered by Social Security as well as a pension program that replaced CSRS. Either way, members of Congress pay into Social Security just like most American workers.

Myth 5: The government raids Social Security to pay for other programs

The facts: The two trust funds that pay out Social Security benefits — one for retirees and their survivors, the other for people with disabilities — have never been part of the federal government's general fund. Social Security is a separate, self-funded program. The federal government does, however, borrow from Social Security. Here's how: Social Security's tax revenue is, by law, invested in special U.S. Treasury securities. As with all Treasury bonds, the federal government can spend the proceeds on a variety of programs. But as with all bondholders, Treasury has to pay the money back, with interest. Social Security redeems the securities to pay benefits. In addition, Social Security has on demand Treasury bills that can be redeemed immediately upon request.



This borrowing fuels the notion that the government is raiding or even stealing from Social Security and leaving it with nothing but IOUs. But the government has always repaid those loans in full, and the interest increases Social Security's assets, to the tune of more than \$80 billion in 2019 alone.

Myth 6: Undocumented immigrants drain Social Security

The facts: Noncitizens who live and work in the U.S. legally can qualify for Social Security under the same terms as native-born and naturalized Americans, but undocumented people are not allowed to claim benefits.

There is evidence that undocumented workers actually improve Social Security's bottom line. Some do obtain Social Security numbers under false pretenses, and payroll taxes are withheld from their wages even though they are not eligible to later collect benefits. A report by Social Security actuaries said that undocumented immigrants made a net contribution of around \$12 billion to the program in 2010 and that their earnings would likely continue to "benefit the financial status" of Social Security.

Myth 7: Social Security is like a retirement savings account
The facts: The government does not stow your payroll tax contributions in a personal account for you, to be paid out with interest when you retire. Your benefit is based on how much money you earned over your working life, not on how much you paid into the system. As noted above, those contributions fund benefits for current retirees (and their survivors, and people with disabilities). When you retire, those still working will cover your benefits, and so on.

You might think of it less like saving for retirement — there are other vehicles for that — and more like an earned benefit the government promises to pay so you have at least some income in your later years. Emphasis on "some": Contrary to another common misperception, Social Security is not meant to replace your entire work income. On average, it provides about 40 percent of a beneficiary's pre retirement earnings. The formula for calculating benefits is weighted so that they replace a larger percentage of income for lower-wage workers and a lower percentage for upper-income earners.

Myth 8: You don't pay taxes on Social Security benefits

The facts: This was true until 1984. The Social Security overhaul passed by Congress and signed by President Ronald Reagan the year before included a provision that made a portion of Social Security benefits taxable, depending on your income level.

You will pay federal income tax on up to 50 percent of your benefits if your income for the year is \$25,000 to \$34,000 for an individual filer and \$32,000 to \$44,000 for a couple filing jointly. Above those thresholds, up to 85 percent of benefits are taxable. Below them, you don't owe the IRS anything on your benefits. (Roughly speaking, Social Security counts as income the money you get from work, pensions and investments; nontaxable interest; and half of your Social Security benefits.)

Myth 9: An ex-spouse's benefits come out of your own

The facts: If you are divorced, your former spouse may be eligible to collect Social Security benefits on your earnings record (and vice versa). As with benefits for a current spouse, these can be up to 50 percent of the benefit amount you are entitled to at full retirement age.

But those ex-spouse (or spouse) benefits don't reduce your Social Security. They are distinct payments and have no effect on what you receive each month, even if both a current and a former spouse (or multiple former spouses) are collecting them. You get the benefit you're entitled to, based on your earnings history and the age when you file for Social Security.

Myth 10: You lose benefits permanently if you keep working

The facts: Social Security does have a rule, called the "earnings limit" or "earnings test," that can temporarily reduce the benefits of people who still work. But it doesn't apply to all working beneficiaries and is not permanent.

The rule only covers people who claim benefits before full retirement age and continue working. In this circumstance, Social Security withholds a portion of benefits if earnings from work exceed a set cap, which changes every year and differs depending on how close you are to full retirement age.

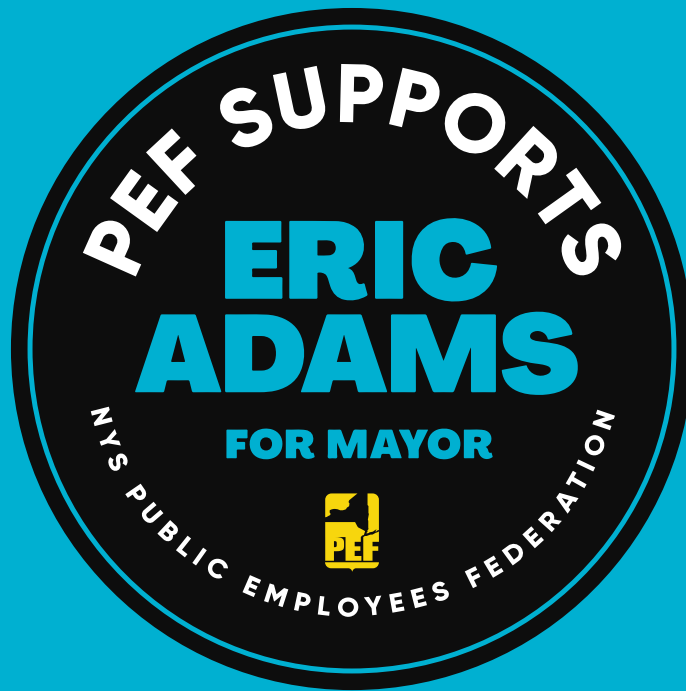
In 2021, your benefit is reduced by \$1 for every \$2 in income above \$18,960, if you won't hit full retirement age until 2022 or later. If you reach FRA in 2021, the formula is \$1 less in benefits for every \$3 in earnings above \$50,520. On the date when you hit FRA, the earnings test goes away — there's no benefit reduction, regardless of your income. Social Security also adjusts your benefit upward so that over time, you recoup the money that was withheld.

Learn more

Social Security is enormous and complex, paying out nearly \$93 billion a month to some 65 million retirees, people with disabilities and their family members. It's wildly popular, supported by more than 90 percent of U.S. adults across the political spectrum, according to a recent AARP survey. And it's critical to older Americans' financial health, with four out of five of those polled expecting to rely on Social Security during their later years.

If you want to know more about how Social Security Works, I recommend the book by the same name. *Social Security Works!* Why it isn't going broke and how expanding it will help us all. It was written by Nancy J. Altman and Eric R. Kingston and is available at www.thenewpress.com.

Please stay safe, informed and engaged. Join the PEF RETIREES when it's your time to retire. We advocate for a secure retirement for all!





July 1, 2021

PEF Region 11 leaders with State Comptroller Thomas P. DiNapoli at his first in-person event in New York City. Region 11 PAC Chair Charles Roland, SUNY Downstate Council Leader Joan Rosegreen, recently retired Parole Officer and Union Steward Daryl Stevenson, PEF Executive Board member Gwendolyn Culpepper, and PEF Region 11 Coordinator Bernadette O'Connor.



June 25, 2021

President Spence and #PEF COPE Coordinator Don Morgenstern meeting members at SUNY Stony Brook to talk about the contract, telecommuting and health and safety issues.

