

# FEDERAL LEGISLATIVE AGENDA 2010

New York State Public Employees Federation, AFL-CIO

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56th Presidential Inauguration – Photo by Ken Brynien



*The New York State Public Employees Federation represents more than 59,000 professional, scientific and technical workers, most of whom work in state government agencies throughout New York. PEF is the second largest state-employee union in the state, and is affiliated with the American Federation of Teachers and the Service Employees International Union.*

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2010

# FEDERAL LEGISLATIVE AGENDA

## NYS PUBLIC EMPLOYEES FEDERATION

### **Federal Funding for State Positions**

The Public Employees Federation urges New York State federal representatives to ensure that New York State applies for all federal funding to which it is entitled in order to support the professional workforce and the services they provide.

PEF opposes cuts in domestic spending or temporarily decreasing or eliminating the Federal Withholding Tax in order to refinance reconstruction in the Gulf of Mexico.

PEF opposes the transfer of funding from state agencies to private contractors or so-called “shadow” government agencies, and also opposes the federal funding of any not-for-profit or other entities, including academic and research foundations providing services or programs currently or previously performed by public agencies and employees. PEF is in favor of mandating that a cost benefit analysis be completed before public agency jobs and services are allowed to be contracted out. PEF is also in favor of public highway construction projects being inspected by engineers and technicians employed by the same agencies paying for the projects.

PEF supports legislation to fully fund the Highway Trust Fund to insure timely inspection, regular maintenance and reconstruction of the Nation’s transportation infrastructure.

### **Workforce Investment ACT (WIA)**

The Workforce Investment Act expired on September 30, 2003. When it was enacted in 1998, the Job Training Act consolidated more than 60 programs into block grants allocated to the states. It also allowed adults to use vouchers for training and education

and establish one-stop career centers where recipients could learn about job leads, apply for aid and receive counseling.

PEF supports improved funding and continued adherence to the provisions of the Wagner-Peyser Act.

PEF opposes proposals to consolidate programs into block grant funding streams related to workforce and vocational training, the formation of Career Advancement Accounts (CAAs) that would be limited and result in a reduction of service to individuals trying to reenter the workforce.

### **Transportation Funding**

The Transportation Equity Act is a six year bill that will provide spending and create policy for surface transportation programs.

PEF supports increased transportation funding, increased accountability of private contractors and legislation that would require public-funded infrastructure construction projects be managed and inspected by public employees and require agencies to do a cost/benefit analysis before contracting out services with private sector vendors.

PEF also supports efforts to increase federal funding for mass transit, ride-sharing programs, and other measures to reduce traffic congestion, conserve precious fossil fuel resources, and create a sustainable transportation system.

PEF opposes privatization of services provided by public employees.

## **Fair Labor Standards Act (FLSA)**

It is imperative that state employees enjoy the benefits promised by the Fair Labor Standards Act. When these benefits are denied, it should be permissible to seek legal redress in federal court.

## **Hatch Act**

Reform of the federal Hatch Act to allow state employees the unfettered opportunity to participate in political activity of their choosing, which is a constitutional right, is simply a matter of fairness.

## **Social Security Privatization**

Members of Congress have proposed allowing younger workers to redirect a portion of their Social Security payroll taxes into individual private investment accounts. This is the first step toward privatizing Social Security, which will cost an estimated \$1 trillion in transition costs.

PEF is opposed to privatization of Social Security which could lower benefits, increase retirement age and eliminate the disability benefit.

PEF supports raising the Social Security tax cap in order to provide sufficient funding to maintain benefit levels equivalent to current levels for future social security recipients.

## **Taxing Employer-Provided Health Benefits**

Employer-provided health insurance is a tax-free benefit to employees. Proposals have surfaced by the White House and Congress to impose a new tax on employer-provided health insurance and treat these benefits as taxable income. This plan would be costly for workers, especially union members with valuable health insurance benefits.

PEF opposes taxing the value of employer-provided health care benefits as if it were income.

## **Disability Determination Process**

The Social Security Administration has proposed reforms to the disability determination process that would create longer delays and slow the determination process down.

PEF opposes the following changes:

- Establishing a Quick Step Decisions Process;
- Establishing Regional Areas of Expertise;
- Adding additional Medical Personnel as part of the determination teams;

- Creating a Federal Reviewing Official Position;
- Moving Medical Consultants into regional expert review units; and
- Requiring Medical Consultants to obtain board certification

## **Federal Unemployment Tax ACT (FUTA)**

FUTA authorizes the Internal Revenue Service to collect a federal employer tax used to fund state workforce agencies. FUTA covers the costs of administering the UI and Job Service programs in all states. In addition, FUTA pays one-half of the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.

Repeal of FUTA has been proposed in prior years and may be proposed again. If this tax is repealed, New York State would have to make up the difference by raising taxes and or cutting benefits.

PEF opposes repeal of FUTA.

## **Block Grants**

PEF is opposed to proposals that consolidate government programs into block grant funding streams that impact the New York State workforce and the services they provide to the residents of New York State.

## **National Labor Relations Act**

PEF is opposed to actions by the National Labor Relations Board in the reclassifying of charge nurses as “supervisors”, making them ineligible for union representation.

## **National Health Care Insurance**

PEF supports the expansion of Medicare described in Bill HR676 – The United States National Health Insurance Act. This legislation would provide not for profit, single payer health care to all Americans.

PEF supports the following health care reform principles:

- Affordability – health care costs must be brought under control.
- Choice – every American should have the freedom to choose their health care provider, including a health care public option.
- Improving quality – the bill should include provisions to improve the quality of health care in America, with a strong public health focus.
- All Americans must have quality health care.

PEF opposes taxing employer-provided health benefits.

## Medicaid

The outcome of reducing funding to Medicaid programs not only can lead to decreases in health care for low-income elderly individuals, people with disabilities, and parents and children, but will deteriorate the fiscal conditions of New York and other states.

PEF supports improved funding of Medicaid and opposes cuts to the program.

## Medicare Prescription Drugs

The costs of prescription drugs could be lowered if Congress authorized the Medicare plan to negotiate with manufacturers the price of the drugs used in the plan.

PEF supports proposals that would lower the costs of prescription drugs.

## Medicare Reimbursement

PEF opposes attempts by the federal government to reduce Medicare reimbursement to rehabilitation hospitals such as Helen Hayes Hospital. These hospitals provide an essential public service.

## Safe Nursing and Patient Care

PEF supports legislation that would prohibit health care facilities from requiring a Registered Nurse (RN) or Licensed Practical Nurse (LPN) to work mandatory overtime hours.

PEF opposes the use of mandatory overtime as a staffing tool.

PEF also supports legislation that establishes a federal safe patient handling standard to prevent injuries to RNs' and other health care providers by requiring the elimination of manual lifting of patients through the use of mechanical devices.

## Flexible Spending Accounts

PEF supports amending the Federal Tax Code to allow retirees to participate in a pretax healthcare flexible spending account and to allow rollover of unused funds.

## Pension and Annuity Income Exclusion

PEF supports amending the Federal Tax Code to allow a \$20,000.00 pension and annuity income exclusion per tax year for senior citizens or retirees once they reach the age of 59 ½ years old.

## Veterans' Benefits

PEF supports legislation that would increase federal funding for Veterans' Administration medical centers, military hospitals,

rehabilitation centers, housing and outreach programs.

PEF also supports increased disability and death benefits for veterans and increased death benefits for dependents of active duty military personnel including the National Guard, the Reserves and New York State Guard.

PEF opposes further cuts to other areas of the Veterans' Administration budget.

## Campaign Finance Reform (S27 Reform Act of 2005)

Our prime concern is this legislation may impact state and local political activity by converting a state wide union working on state and local issues to a federally registered political action committee that must comply with fundraising restrictions and register and report to the Federal Election Commission. For example, will the proposed legislation turn state and local PACs that support or oppose state candidates, into federal PACs if they spend over \$1,000 on voter registration or get-out-the-vote activities in a year when a federal candidate appears on the ballot?

Also, will this legislation subject a union to a 35% federal tax on public issue communications within a year of a federal election? Currently, such communications and activities are not subject to tax when they are paid for by a union's separate tax exempt account. However, the legislation may prohibit tax exempt funds for these expenditures and may result in unions paying a 35% Speech Tax. Unions that are denied the use of their non-federal political accounts may be taxed at the highest corporate tax rate on their political spending, while business typically can continue to spend for political purposes in tax-neutral ways.

PEF supports the right to allow unions to have a voice in endorsing the best state elected officials for their members.

## Pay Equity for State Employees

PEF supports legislation that would make it a policy of Congress that the total compensation of state and local employees in agencies receiving Federal funds be based on the principles that:

1. There be equal pay for substantially equal work done by public employees and private contractors those agencies have contracted with; and
2. The pay and per diem rates of State and local government employees should be no less than the prevailing wage for similar or substantially similar work done within the State or locality.

## **Trade Agreements**

PEF supports trade that improves working conditions, lifts wages and living standards, and creates job growth in the United States. American workers should face fair competition in the workplace. PEF will oppose any trade agreement where labor and environmental standards are NOT enforced in the same manner as commercial obligations, or that undermines important domestic laws and regulations, promotes privatization of essential public services, such as healthcare, education, transportation, and perpetuates offshore production.

PEF supports efforts to improve global competitiveness of workers and firms by substantially transforming, expanding and fully funding Trade Adjustment Assistance Programs in order to assist our nations manufacturing, services and technology workers affected by technology and trade trends; master this century's employment challenges; and invest in innovative research, education and technology initiatives to foster commercialization into the industries and jobs of the future.

PEF opposes any and all foreign trade agreements that negatively impact the unionized workforce in the United States of America.

## **Environmental Protection**

The federal government has rolled back safeguards that protect our drinking water, air quality, public lands and public health. Current environmental policies and deep budget cuts have resulted in the federal government providing fewer dollars to state governments for important state environmental and environmental infrastructure programs. PEF opposes political interference with scientific reports produced by employees of federal agencies.

PEF supports full federal funding of environmental programs in New York State and opposes the diminishing of existing environmental laws and regulations.

## **Internet Tax**

In 1998, Congress adopted a moratorium on states collecting taxes from internet services. There are several proposals in Congress to expand the definition of internet access and include telecommunications services to the moratorium, thereby blocking the states ability to collect taxes for such services drastically diminishing state revenue. Expanding the definition of "Internet Access" to include new technologies could cost state and local governments billions in revenues they are already collecting.

PEF opposes any expanded definition of "Internet Access".

## **Homeland Security**

PEF supports the proportionate distribution of Homeland Security funds based primarily upon an assessment of risk.

## **LM-30 Reporting**

PEF is opposed to the rule change that imposes burdensome reporting requirements on union officers, stewards and leaders.

## **Employee Free Choice Act**

PEF supports the Employee Free Choice Act to allow workers to exercise their right to unionize without unfair intimidation by their employers.

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