

1 Red Changes made by SWPAC/Executive board are noted with deletions in single brackets  
2 [ ] and additions with one underline.

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4 Green changes made by the Legislative Office are noted with deletions in double brackets [[  
5 ]] and additions with double underlines.

# 6 7 Federal Legislative Agenda 20[[19]]20

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9 New York State Public Employees Federation, AFL-CIO

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11  
12 Affiliated with the American Federation of Teachers, AFL-CIO  
13 And Service Employees International Union



22  
23 [[Adopted at the 40<sup>th</sup> Annual Convention  
24 October 21-24, 2019  
25 Lake Placid, New York]]

26  
27 Adopted at the 41<sup>st</sup> Annual Convention  
28 September 15-18, 2019  
29 Albany, NY

30  
31 Adopted by the SWPAC on 7/17/19  
32 Adopted by the Executive board on 8/7/19

33  
34 **Wayne Spence, President**

35 Kay Wilkie, *Secretary-Treasurer*  
36 Adreina Adams, *Vice President*  
37 Sharon DeSilva, *Vice President*  
38 Randi DiAntonio, *Vice President*

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40  
41  
42  
43 PEF Legislative Department, 90 State Street, Suite 1029, Albany, NY 12207  
44 (518) 432-4003/1-800-724-4997  
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*President's Letter to be inserted here January 2020*

1 **Federal Funding for State Positions and Projects**

2 **A third of New York States' All Fund's Budget is made up of federal funding, which**  
3 **includes approximately \$34 Billion in federal Medicaid dollars. The importance of federal**  
4 **funding to New York State is significant. Federal funding is directly tied to the quality of**  
5 **state services at various facilities and agencies, including, but not limited to DOH, OASAS,**  
6 **OMH, SUNY Hospitals, DOCCS, SED, DOT, DEC, DOL, OCFS, and OTDA.** The Public  
7 Employees Federation urges New York State Federal representatives to ensure that New York State  
8 applies for all federal funding to which it is entitled in order to support the professional workforce  
9 and the services they provide.

10 PEF opposes the transfer of funding from state agencies to private contractors or so-called  
11 “shadow” government agencies, and also opposes the federal funding of any not-for-profit or other  
12 entities, including academic and research foundations providing services or programs currently or  
13 previously performed by public agencies and employees.

14 PEF strongly supports the use of state employees for all federally funded positions. PEF is in favor  
15 of mandating that a cost benefit analysis be completed before public agency jobs and services are  
16 considered for contracting out. PEF is also in favor of public highway construction projects being  
17 inspected by state engineers and technicians employed by the same agencies paying for the projects.

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

20 **PEF supports the use of federal funding for state [dollars that are spent on] projects [in New**  
21 **York State go to businesses within New York State and those] that pay prevailing wage and use**  
22 **union labor when possible.**

23  
24 **Workforce Innovation and Opportunity ACT (WIOA)**

25 [July 22, 2016 marked the two-year anniversary of President Obama’s signing of the Workforce  
26 Innovation and Opportunity Act (WIOA) into law. PEF supports this landmark legislation that is  
27 designed to strengthen and improve our nation’s public workforce system; help get Americans with  
28 significant barriers to employment, into high-quality jobs and careers; and help employers hire and  
29 retain skilled workers.] In June of 2016, The U.S. Departments of Labor and Education collectively  
30 issued five rules to implement the *Workforce Innovation and Opportunity Act (WIOA)* (Pub. L. 113-128).

31  
32 PEF worked hard to secure the following language for the safety of our members:

- 33 • WIOA maintains the Wagner-Peyser Act Employment Services as a distinct program, does  
34 not undermine Civil Service/merit staffing regulations and includes funding for development  
35 opportunities/training for employment staff services.
- 36 • WIOA secures dedicated workforce and labor union slots on workforce boards and makes  
37 efforts to support state vocational rehabilitation services that are essential to opening doors  
38 to employment for people with disabilities.
- 39 • WIOA does not move the Rehabilitation Services Administration (RSA) from the  
40 Department of Education to the Department of Labor.
- 41 • WIOA includes specific authorization levels from 2015 to 2020. These levels result in a 17%  
42 increase in FY 2020 over the FY 2014 funding level. These funding levels are guidelines for  
43 the Congressional appropriators to use when they make yearly funding decisions.

44 PEF will continue to advocate **to maintain this language and** these increased funding levels.

## 1 **Transportation Funding**

2 PEF succeeded in its lobbying efforts to secure increased federal funding for transportation through  
3 the passage of the Fixing America's Surface Transportation (FAST) Act.

- 4 • The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway and  
5 motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety,  
6 rail safety, research, technology, and statistics programs. The \$305 billion in funding  
7 includes \$281 billion in contract authority, \$25 billion for transit and train programs, and  
8 \$275-300 million for the Transportation Infrastructure Finance Innovation Act (TIFIA).
- 9 • PEF supports new, sustainable funding for the Highway Trust Fund to allow states  
10 to fix their deteriorating bridges and highways.
- 11 • [[The FAST Act, signed by President Obama on December 4, 2015 (Pub.L.No.114-  
12 94), is the first federal law in over a decade to provide long-term funding certainty for  
13 surface transportation infrastructure planning and investment.
- 14 • The FAST Act maintains a focus on safety, keeps intact the established structure of  
15 the various highway-related programs continues efforts to streamline project delivery  
16 and, for the first time, provides a dedicated source of federal dollars for freight  
17 projects.
- 18 • With the enactment of the FAST Act, states and local governments are now moving  
19 forward with critical transportation projects with the confidence that they will have a  
20 federal partner over the long term.]]

21  
22 PEF supports increased transportation funding, increased accountability of private contractors and  
23 legislation that would require public-funded infrastructure construction projects be managed and  
24 inspected by public employees and require agencies to do a cost/benefit analysis before contracting  
25 out services with private sector vendors. (H.R.1099)

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

29 PEF opposes privatization of services provided by public employees.

## 30 **Food Safety Modernization Act (FSMA)**

31 In 2015, the Food and Drug Administration (FDA) published final regulations of five of the seven  
32 major FSMA rules. These five FSMA rules establishes deadlines for food companies to embrace  
33 new manufacturing processes, and requirements for testing, monitoring, record keeping and  
34 reporting in order to ensure that safety is built into every link of the food chain. The Food Safety  
35 Modernization Act (FSMA) became effective in 2016.

36 PEF supports full funding of the FSMA to ensure compliance and full staffing requirements at the  
37 state level.

38 PEF opposes the practice of privately hired third party inspections and audits to determine  
39 compliance with Federal regulations. Companies contracted by food processing establishments to  
40 conduct such inspections compromise the integrity of the inspection process and can impact the  
41 safety of the food product which will lead to products that can harm citizens of NY State. This  
42 process of paying for inspections also puts smaller foods processing establishments at a competitive  
43 disadvantage due to the need to pay for inspections and audits that were free and previously  
44 conducted by state inspectors.

## 1 Fair Labor Standards Act (FLSA)

2 In 2014, [President Obama signed a Presidential Memorandum directing] the Department of Labor  
3 [to] updated [the] regulations defining which white collar workers are protected by the Fair Labor  
4 Standards Act's (FLSA) minimum wage and overtime standards.

- 5 • [The Presidential Memorandum instructed the Department of Labor (DOL) to seek ways to  
6 modernize and simplify the regulations while ensuring that the FLSA's intended overtime  
7 protections are fully implemented. The Department of Labor published a Notice of  
8 Proposed Rulemaking (NPRM) in the Federal Register on July 6, 2015 (80 FR 38515) and  
9 invited interested parties to submit written comments on the proposed rule by September 4,  
10 2015.
- 11 • The Department of Labor received over 270,000 comments in response to the NPRM from  
12 a variety of interested stakeholders. The feedback the Department of Labor received helped  
13 shape its Final Rule.
- 14 • On May 18, 2016, President Obama and DOL Secretary Perez announced the publication of  
15 the Department of Labor's final rule updating the overtime regulations, which will  
16 automatically extend overtime pay protections to over 4 million workers within the first year  
17 of implementation. The Final Rule focuses primarily on updating the salary and  
18 compensation levels needed for Executive, Administrative and Professional workers to be  
19 exempt. Key Provisions of the Final Rule include:

20  
21 (1) Sets the standard salary level at the 40th percentile of earnings of full-time  
22 salaried workers in the lowest-wage Census Region (South) [\$913 per week; \$47,476  
23 annually for a full-year worker];

24  
25 (2) Sets the total annual compensation requirement for Highly Compensated  
26 Employees (HCE) subject to a minimal duties test to the annual equivalent of the  
27 90th percentile of full-time salaried workers nationally (\$134,004);

28  
29 (3) Establishes a mechanism for automatically updating the salary and compensation  
30 levels every three years to maintain the levels at the above percentiles and to ensure  
31 that they continue to provide useful and effective tests for exemption. The Final  
32 Rule also amends the salary basis test to allow employers to use nondiscretionary  
33 bonuses and incentive payments (including commissions) to satisfy up to 10 percent  
34 of the new standard salary level; and

35  
36 (4) **Sets the effective date of the final rule as December 1, 2016.** The initial  
37 increases to the standard salary level (from \$455 to \$913 per week) and HCE total  
38 annual compensation requirement (from \$100,000 to \$134,004 per year) were  
39 effective on that date. Future automatic updates to these thresholds will occur every  
40 three years, beginning on January 1, 2020.]

41  
42 PEF supports the benefits promised by the Fair Labor Standards Act. **PEF opposes the**  
43 **diminution or rolling back of any benefits created through this act.** When these benefits are  
44 denied, it should be permissible to seek legal redress in federal court.

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1 **Hatch Act**

2 PEF supports the reform of the Federal Hatch Act to allow state **government** employees, **whose**  
3 **positions are federally funded**, the unfettered opportunity to participate in political activity of  
4 their choosing, which is a constitutional right, and is simply a matter of fairness.

5 The Hatch Act creates federal workforce protections from partisan political influence, and seeks to  
6 ensure the non-partisan administration of laws. The Hatch Act:

- 7
- 8 • Provides enforcement by the Office of Special Counsel (OSC); limits certain partisan  
9 political activities of federal employees; and applies to all civilian employees in the Executive  
10 Branch, except the President and Vice-President of the United States;
  - 11 • Does not apply to federal retirees;
  - 12 • Prohibits political activity while a federal employee is on duty or in any federal building, or  
13 using any federally owned or leased vehicle for such purposes;
  - 14 • Prohibits the wearing or displaying of political items and sending emails or postings on social  
15 media that advocate for or against a partisan political party, candidate or group; and
  - 16 • Allows federal employees, while not on duty or in the federal workplace, to contribute to the  
17 campaign of a candidate or to a political party or organization.
- 18  
19

20 **Social Security Privatization**

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

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

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

28 **Disability Determination Process**

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

31 PEF opposes the following changes:

- 32 • **[Establishing a Quick Step Decisions Process;]**
- 33 • Establishing Regional Areas of Expertise;
- 34 • **[Adding additional Medical Personnel as part of the determination teams;]**
- 35 • Creating a Federal Reviewing Official Position;
- 36 • Moving Medical Consultants into regional expert review units; and
- 37 • Requiring Medical Consultants to obtain board certification

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

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

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

4 PEF opposes repeal of FUTA.

## 5 **Block Grants**

6 PEF is opposed to proposals that consolidate or reduce government programs in block grant  
7 funding streams that impact the New York State workforce and the services they provide to the  
8 residents of New York State.

## 9 **National Health Care Insurance**

10 PEF supports the expansion of Medicare and any legislation that would provide not for profit, single  
11 payer health care to all Americans.

12 PEF supports the following health care reform principles:

- 13 • Affordability- health care costs must be brought under control. Surprise/balance billing  
14 should be prohibited from impacting patients.
- 15 • Choice- every American should have the freedom to choose their health care provider,  
16 including a health care public option.
- 17 • Improving quality- reform should include provisions to improve the quality of health care in  
18 America, with a strong public health focus.
- 19 • All Americans must have quality health care.
- 20 • Equity-reforms to the healthcare system must address systemic inequalities in care  
21 and outcomes.

22 PEF opposes taxing employer-provided health benefits. PEF opposes the ACA tax on high-  
23 quality health plans (the so-called “Cadillac” tax). PEF opposes federal cuts that diminish the  
24 quality of care provided by the state workforce.

## 25 **Medicaid**

26 Reducing funding to Medicaid programs can lead to decreases in health care for low-income elderly  
27 individuals, people with disabilities, and parents and children, and will deteriorate the fiscal  
28 conditions of New York and other states.

29 PEF supports improved funding of Medicaid and opposes cuts and/or re-distribution of funds that  
30 diminish the quality of services provided by the state workforce.

## 31 **Medicare Privatization**

32 PEF is opposed to the privatization of Medicare which would reduce benefits and increase out of  
33 pocket expenses.

## 34 **Medicare Prescription Drugs**

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

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

38

1 **Medicare Reimbursement**

2 PEF opposes attempts by the federal government to reduce Medicare reimbursement to  
3 rehabilitation hospitals and services, which provide an essential public service.

4 **Safe Nursing and Patient Care**

5 PEF supports legislation that would prohibit health care facilities from requiring a Registered Nurse  
6 (RN) or Licensed Practical Nurse (LPN) to work mandatory overtime hours. PEF supports  
7 legislation that would require Medicare participating hospitals and health care facilities to  
8 implement safe staffing levels and/or create staffing committees whose sole responsibility is to  
9 establish safe staffing at the workplace, wherein at least 55% of the committee members must be  
10 direct care nurses.

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

12 PEF supports legislation that will require the implementation of an OSHA standard, which  
13 covers Medicare participating hospitals and other healthcare facilities, to reduce workplace  
14 violence experienced by healthcare and social service workers. (H.R.1309/S.851)

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

18 PEF supports the National Nurse Act. (H.R.1597/S.696)

19 **Flexible Spending Accounts**

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

22 PEF supports amending the Federal Tax Code so the dependent care tax exemption is more inline  
23 with actual child care costs and tied to inflation in the year the exemption was deducted on the  
24 federal tax form.

25 PEF also supports amending the Federal Tax Code so that all prescription drugs, regardless of  
26 country of origin, and over the counter vitamins and supplements, qualify as reimbursable medical  
27 expenses in the pretax health care flexible spending account law.

28 **Pensions and [[Annuity Income Exclusion]] Secure Retirement**

29 PEF supports amending the Federal Tax Code to [allow] exclude all pension and annuity income  
30 [exclusion per tax year] from the annual tax returns for senior citizens or retirees [once they reach  
31 the age of] 59 ½ years of age and older [old].

32 PEF also supports legislation that will make defined benefit retirement plans more economically  
33 feasible for companies to adopt and continue to adequately fund and support. (H.R.397)

34 **Veterans’ Benefits**

35 PEF supports legislation that would increase federal funding for Veterans’ Administration medical  
36 centers, military hospitals, rehabilitation centers, housing and outreach programs.

37 PEF supports the elimination of any and all federal offsets for veterans/survivors.

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

41 PEF opposes further cuts to other areas of the Veterans’ Administration budget.  
42



1  
2 **National Labor Relations Act**

3 PEF is opposed to actions by the National Labor Relations Board [in the] **to** reclassify[ing] **any**  
4 **employees that would render** [of charge nurses as “supervisors”, making] them ineligible for  
5 union representation. **PEF opposes any action that would diminish the rights of any worker.**  
6  
7

8 **Pay Equity for State Employees**

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

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

16  
17 **Trade Agreements**

18 PEF supports trade that improves working conditions, lifts wages and living standards, and creates  
19 job growth in the United States. American workers should face fair competition in the workplace.  
20 PEF will oppose any trade agreement where labor and environmental standards are NOT enforced  
21 in the same manner as commercial obligations, or that undermines important domestic laws and  
22 regulations, promotes privatization of essential public services, such as healthcare, education,  
23 transportation, and perpetuates offshore production.  
24

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

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

33 **Environmental Protection**

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

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

41 **Homeland Security**

42 PEF is opposed to the Federal Government preventing employees of the Department of Homeland  
43 Security from joining a union.

1 **[[Employee Free Choice Act]]Public Service Freedom to Negotiate Act**  
2 PEF supports the **[[Employee Free Choice]] Public Service Freedom to Negotiate** Act to  
3 allow workers to exercise their right to unionize without unfair intimidation by their employers.  
4 **(H.R.3463)**

## 5 **Immigration Reform**

6 PEF supports immigration policies that provide a pathway for earned legalization for current  
7 undocumented immigrants, without deportation.

## 8 **Federal Dollars Spent on New York State Projects –moved to page 1**

## 9

## 10 **Maximizing Voter Participation and Protection**

11 PEF supports legislation that **[would direct Congress to enact a new coverage formula, similar to**  
12 **section (4b) of the Voting Rights Act of 1965, which was excluded by the Supreme Court.]**  
13 **encourages voter participation, ensures that all votes are counted, and protects the sanctity**  
14 **of the electoral process.**

## 15 **Minimum Wage**

16 PEF supports an increase to the Federal minimum wage **to \$15 per hour** which is more reflective of  
17 a living wage. **(H.R.582) PEF supports the elimination of the tip allowance given to any**  
18 **employer.**

19