Legislative

The PEF State & Federal Legislative Office is responsible for pursuing the legislative and political agendas established by PEF under the direction of the President and in cooperation with the Regional and Statewide Political Action Committees and the Executive Board.

Legislative - STATE

Our efforts to advance the passage of PEF's budget and legislative priorities continued throughout the 2019 legislative session. Key legislative issues were continually monitored and resulted in daily, direct lobbying in support of bills that would positively impact PEF members and in opposition to those that would negatively impact them.

2019 Legislative Session (January—June 2019)

Legislative office staff attended the Governor's Office State of the State/budget briefing, the Fiscal Policy Institute's budget briefing, the AFL-CIO budget briefings and the Joint Legislative Budget Hearings to get various stakeholders' positions on the State Fiscal Year 2019-20 Budget.

Listed below is the status of the PEF bills that the Legislature took action on during the 2019 session:

LEGISLATIVE ACTION ON BUDGET BILLS THAT PEF OPPOSED:

The following budget actions were taken by the Legislature in response to PEF's concerns:

1. **Design-Build Expansion and Extension**
   
   This bill would expand the provisions of current law to enable the Dormitory Authority, the Urban Development Corporation, the Office of General Services, the Department of Health, the Olympic Regional Development Authority and the SUNY Construction Fund to award a contract to a single entity for both the design and construction (design-build) aspects of a project. The types of capital projects for which design-build contracts can be used would be amended to also include buildings and appurtenant structures. This bill would make design-build permanent.

   Design-build allows for privatization of public work that has been traditionally performed by state employees. Important capital projects should be performed by state workers since they focus on the safety and well being of our taxpayers instead of corporate profits.
The Legislature allowed only a two year extension of the existing program with no expansion to cover more agencies or types of structures.

2. **Use of Public-Private Partnerships (P3s)**
   This bill would allow the Department of Environmental Conservation (DEC) to enter into agreements with private entities for the maintenance of state owned educational or recreational facilities. These partnerships are yet another way for the State to skirt civil service issues and use private groups to do the work that should be done by State employees.

   The Legislature rejected this proposal and it was not included in the enacted budget.

3. **Non-Competitive and Labor Class to Compete in Promotional Examinations**
   This proposal would circumvent the merit and fitness system to allow someone that did not receive a competitive class appointment to be allowed to be promoted into the competitive class. PEF has opposed similar proposals in the past.

   The Legislature rejected this proposal and it was not included in the enacted budget.

4. **Authorizes Time-Limited Job Try-Outs for Public Assistance Recipients**
   This section would allow public assistance recipients to work for up to 90 days in anticipation of gaining employment where a vacancy is expected. This program is to include public sector entities. While this program is well intentioned, for the state, it could be used to circumvent the merit and fitness qualifications of Civil Service exams.

   The Legislature rejected this proposal and it was not included in the enacted budget.

5. **Closure of up to Three State Prisons within 60 Days**
   This proposal would allow the Governor to close up to three Department of Corrections and Community Supervision (DOCCS) facilities provided that 60 days notice is given. Current law requires 12 months notice so that appropriate planning for inmates, staff and host communities can take place.

   The Legislature amended the proposal to allow the closures with 90 days notice to legislative leaders.
6. **Retiree Health Care Premium Contributions**
   The Governor proposed increasing the percentage of retiree health care costs for State employees hired on or after April 1, 2019. Retirees’ contributions would be based on years of service. The sliding scale formula would cover 50% of premiums for those with 10 years of service and increase up to 84% of premiums for those with 30 years of service.

   The proposal would have taken effect on April 1, 2019, to the detriment of new employees hired on or after that date. This proposal creates another reason for potential employees to not enter State service at a time when the State is already facing a recruitment and retention problem with many agencies.

   The Legislature rejected this proposal and it was not included in the enacted budget.

7. **Freeze on Medicare Part B Reimbursement**
   This bill would amend section 167-a of the Civil Service Law to provide that, effective April 1, 2019, State reimbursement to eligible retirees and their dependents for the Medicare Part B standard premium shall be not exceed $135.50 per month. While this represents an increase for some, the language provides that any future increases would be subject to negotiations in the state budget, meaning they are far less likely to happen.

   The Legislature rejected this proposal and it was not included in the enacted budget.

8. **End Income Related Monthly Adjustment Amounts (IRMAA) Reimbursement**
   Effective January 1, 2020, the State would stop the automatic reimbursement of the Income Related Monthly Adjustment Amounts (IRMAA) for Medicare premiums incurred on or after January 1, 2019 for higher income State retirees. Higher-income retirees currently receive a greater subsidy for New York State Health Insurance Program (NYSHIP) than the amounts received by lower and middle-income retirees. Impacted retirees stand to lose anywhere from $649 to $3,900 per year.

   The Legislature rejected this proposal and it was not included in the enacted budget.

9. **Segregated Confinement Reform**
   This proposal amends the Correction Law to allow New York State to continue to advance special housing unit (SHU) reform in its correctional facilities. As written, the bill would provide additional infrastructure investments to give incarcerated individuals
the opportunity to significantly reduce their time in SHU. Additionally, new programs would be created to address underlying behavior in individuals while altering their day-to-day living conditions.

While the sponsor memo asserts that this proposal was modeled after a successful program utilized in Colorado, key components of that program do not appear to have made it into this one. Specifically, in Colorado, formerly violent special housing incarcerated individuals are allowed out of their cells, in restraints, to participate in programs. Without the restraint component, PEF is concerned for the safety of our many members working in DOCCS facilities.

The Legislature rejected this proposal and it was not included in the enacted budget.

10. Voluntary Jail-Based Restoration to Competency Programs
   This proposal would amend Section 730.10 of the Criminal Procedure Law (CPL) to authorize the establishment of jail-based restoration to competency programs, for felony defendants pending judicial hearings, within two locally-operated jails, subject to the facility’s consent.

   The proposal calls for the creation of a pilot program of residential mental health units within local jails. Correctional facilities are not the appropriate locations to rehabilitate individuals requiring mental health services. State mental health facilities or other well-equipped hospitals or centers are where these individuals should be restored to competency.

   The Legislature rejected this proposal and it was not included in the enacted budget.

11. Geriatric Parole
   This proposal would allow for the parole of an inmate age 55 or older who is no longer able to provide self-care within a correctional facility due to a chronic or serious condition, disease, syndrome, or infirmity. An inmate must have served at least half of their sentence in order to be eligible for this special consideration.

   This proposal, while compassionate as a concept, would in reality simply allow convicted criminals to be released back into the community well ahead of their scheduled release dates. Financial considerations, such as the lack of Medicaid funding for inmates, should not be the determining factor when parole is considered. Furthermore, this proposal will only increase the caseload of our already overburdened Parole Officers.
The Legislature rejected this proposal and it was not included in the enacted budget.

**BILLS PASSED BY BOTH HOUSES**

1. **Cost/Benefit Analysis**  
   A.5459 (Bronson)/S.6048 (Breslin)  
   Requires a cost/benefit before a state agency lets a contract for consultant work valued at $750,000 or more.

2. **Transfer of Membership for Certain Stony Brook Employees**  
   A.8008 (Abbate)/S.6110-A (Savino)  
   Allows certain nurses from SUNY Stony Brook to transfer from the option retirement system to ERS, if they make the state whole.

3. **World Trade Center Disability Retirement**  
   A.8278-C (Weprin)/S.5898-D (Gaughran)  
   This bill would allow for Tier 3 and 4 PEF members to receive the same ¾ disability retirement as their uniformed colleagues (fire, police, sanitation) received who were involved in the World Trade Center rescue, recovery or cleanup operations.

4. **Income Earned in Retirement**  
   A.2858-B (McDonald)/S.1866-B (Breslin)  
   Increases the amount of money a retiree may earn in a position of public service from $30,000 to $35,000.

5. **Extension of Deadline for Application of Accidental Death Benefits**  
   A.7892 (Abbate)/S.6313 (Gounardes)  
   This bill would extend from two years to five years the deadline for filing an application for accidental death benefits for a member of the retirement system.

6. **Additional Sexual Harassment Protections**  
   A.8421 (Simotas)/S.6577 (Biaggi)  
   Removes the “severe and pervasive” standard for sexual harassment cases, covers harassment based on all protected categories and ensures that the Human Rights Law covers all governmental employees for all forms of discrimination and harassment.

7. **Extension of Injunctive Relief**  
   A.7502 (Abbate)/S.5831 (Gounardes)
This bill extends the expiration of injunctive relief for improper practice cases for two additional years, through June of 2021.

8. Insurance Coverage for Mental Health Treatment  
A.670-A (Bronson)/S.6212-A (Kennedy)  
This proposal requires blanket health insurance policies to provide coverage for outpatient treatment by licensed mental health providers, including mental health counselors and licensed clinical social workers.

9. Protection from Prescription Drug Formulary Changes  
A.2969-A (Peoples-Stokes)/S.2849 (Breslin)  
This bill would prevent prescription drug formulary changes during a contract year. The bill was amended to clarify that it shall not supersede a collective bargaining agreement or the rights of labor organizations to collectively bargain changes to formularies.

10. Protection from Excess Hospital Charges  
A.264-B (Cahill)/S.3171-A (Krueger)  
This legislation adds hospital emergency services charges to the list of out-of-network charges that can be resolved through an independent dispute resolution process.

11. Removal of Whistleblower Disincentive  
A.375 (Steck)/S.2736 (Skoufis)  
This bill would eliminate a disincentive for whistleblowers by allowing them to also bring another claim against an entity.

12. Change in Age Requirement for Civil Service for Those Who Served in the Military  
A.8348 (Ortiz)/S.6483 (Brooks)  
This proposal would increase from six to seven the number of years of military service that can be deducted from one’s age to calculate maximum age requirements for certain civil service appointment or promotional examinations.

13. Prohibits Wage Differentials Based on Protected Classes  
A.8093-A (McMahon)/S.5248-B (Biaggi)  
This bill would mandate equal pay for substantially similar work. It would further prohibit differential pay based on any protected class, including age, race, sexual orientation, disability and marital status.  
SIGNED INTO LAW—JULY 10, 2019

14. GENDA  
A.747 (Gottfried)/S.1047 (Hoylman)
Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute.

**SIGNED INTO LAW—JANUARY 25, 2019**

15. **Farm Laborers Fair Labor Practices Act**  
   *A.8419 (Nolan)/S.6578 (Ramos)*  
   This long fought-for measure provides farm workers with a variety of rights, including collective bargaining, a weekly day of rest, overtime pay, workers’ compensation and unemployment benefits.  
   **SIGNED INTO LAW—JULY 17, 2019**

16. **Climate Leadership and Community Protection Act**  
   *A.8429 (Englebright)/S.6599 (Kaminsky)*  
   This bill requires an 85% greenhouse gas (GHG) emissions reductions below 1990 levels by 2050, with interim goal of 40% reduction by 2030. It would also require 70% renewable energy by 2030 and 100% emissions free power by 2040.  
   **SIGNED INTO LAW—JULY 18, 2019**

**BILLS THAT PASSED ONE HOUSE**

17. **Prohibits the Formation of a Subsidiary of a Public Authority without Prior Approval of the Legislature**  
   *A. 3089 (Colton)/S.3090 (Ranzenhofer)*  
   This bill would amend section 2827-a of the Public Authorities Law, to eliminate the exception to the general prohibition against public authorities establishing any new subsidiary corporation without prior statutory authority.  
   This bill passed the Senate. It was referred to the Assembly Corporations Committee.

18. **“O” Closure Approval**  
   *A.7961 (Gunther)/S.5772 (Carlucci)*  
   This bill requires legislative approval for the closure of certain Office of Mental Health, Office of People with Developmental Disabilities or Office of Children and Family Services facilities and institutions.  
   This bill passed the Senate. It was referred to the Assembly Mental Health Committee.

19. **Supplemental Military Retirement Allowances for Members of Public Retirement Systems of the State**  
   *S.3968 (Brooks)*
This bill intends to provide veterans who have retired from public service in the state with a veterans pension benefit similar to that which active veteran public employees are entitled to receive. This bill passed the Senate. It was referred to the Assembly Governmental Employees Committee.

**20. Beneficiary Pension Benefit Option**  
*A.7553-A (Zebrowski)/S.5763-B (Skoufis)*  
This bill would allow beneficiaries of members who died within 30 days of filing a retirement application to choose pension benefits. This bill passed the Senate. It was referred to the Assembly Ways & Means Committee.

**21. Statute of Limitation for Retaliatory Action**  
*A.8394 (Rozic)/S.6204 (Hoylman)*  
This bill would extend the statute of limitations from one year to two years relating to a civil action by an employee who has been the subject of a retaliatory personnel action. This bill passed the Senate. It was referred to the Assembly Labor Committee.

**STATEWIDE AND REGIONAL POLITICAL ACTION COMMITTEE (PAC) ISSUES**

Legislative staff attended the Black and Puerto Rican Caucus Conference, as well as the Somos El Futuro Conference.

The statewide Political Action Committee (SWPAC) and the Executive Board approved the 2020 drafts of the state and federal legislative agendas. These draft agendas will be presented to the Convention delegates. Endorsements of local and state candidates also took place through the prescribed process at SWPAC and Executive Board.

Legislative staff attended meetings in various regions throughout the state. Training took place to help Regional Directors and Regional PAC members with PAC PAL (Political Action Liaison) and learn more about lobbying and the legislative process. Staff also participated in the monthly PEF SWPAC meetings as well as the AFL-CIO political directors and lobbyists meetings held during the legislative session. Topics covered during the AFL-CIO meeting include the Taylor Law (*Janus* decision), design-build and nurses’ issues.
Legislative – FEDERAL

PEF supports legislation that will protect the jobs of PEF members and the vital services our members provide to New York State residents and opposes federal budget proposals or legislation that adversely impact state and local governments. PEF continues to lobby members of the New York State Congressional delegation to ensure that New York State applies for all federal funding to which it is entitled to in order to support our professional workforce. PEF staff traveled to Washington, D.C. to collaborate with SEIU and AFT on legislative initiatives and priorities. PEF staff, along with PEF members, participated in the annual National Association of State Highway and Transportation Unions (NASHTU) legislative conference. PEF lobbied members of the House and Senate on issues important to our DOT members.

PEF strongly supports the use of state employees for all federally funded positions. PEF is also in favor of mandating that a cost/benefit analysis be completed before public agency jobs and services are considered for contracting out. PEF supports increased transportation funding and accountability of private contractors, and legislation that requires that publicly funded infrastructure construction projects be managed and inspected by public employees.

PEF strongly opposes cuts to domestic programs and will continue to aggressively lobby to secure funding for Medicaid, Social Security, education, disability determination services, housing, transportation fair labor standards, veterans’ benefits, pay equity for state employees, immigration reform, the investment of infrastructure, education, job creation, affordable health care, safe nursing and patient care standards, mental health services, Medicare protection for seniors and those with disabilities, and other federal programs that impact our members.

PEF opposes the privatization and outsourcing of state services that transfer federal funding from state agencies to private contractors. PEF also opposes federal funding for services provided by not-for-profit organizations, academic research centers, or other entities that replace the valuable services provided by public employees.

FEDERAL BUDGET

Federal funds make up approximately one-third of New York State’s budget, or roughly $61.6 Billion of New York State’s FY 2019 $177 Billion all funds budget. Some of the highlights include $41.9 Billion for Medicaid; $12.5 Billion for other health and human services programs; $4.1 Billion for education; $1.6 Billion for transportation; $1.1 Billion for public protection and $.4 Billion for all other funding.
On December 22, 2018, the longest government shutdown (35 days) began. Short-term funding measures were approved on January 25. Funding for the remainder of the fiscal year, through September 30 was approved on February 15. In early August, Congress and the President agreed to a budget deal which suspends the debt ceiling through July 31, 2021. This deal limits the possibility of another government shutdown, but still requires individual appropriation bills by September 30 in 2019 and 2020. The agreement also raises spending by $320 billion over the two years with $77 billion in spending offsets.

**FEDERAL LEGISLATION**

PEF continues to monitor and support legislation which would positively impact our members. Some examples of positive legislation include:

**S 546/HR 1327 Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act**
This bill fully funds and makes permanent the 9/11 Victim Compensation Fund for first responders and others who suffered injury and illness related to the terror attacks and rescue and recovery efforts. It makes whole anyone who claims were reduced due to a lack of funding.
**SIGNED INTO LAW—JULY 29, 2019**

**HR 1099 Safety, Efficiency and Accountability in Transportation Projects Through Public Inspection Act of 2019**
This bill, introduced by Rep. Jose Serrano (D, NY-15) at the request of PEF, requires that public employees shall perform the construction inspection functions on all design-build projects or 2-phase contracts.

**S 696/HR 1587 National Nurse Act of 2019**
This bill was re-introduced in 2019 and is co-sponsored by several members of New York’s Congressional delegation. The bill would provide outreach and education; guidance and leadership activities that will increase public safety; identify national health priorities; encourage volunteerism of nurses. PEF is supportive of legislation that strengthens the relationship between nurses and health related national organizations which allows for the expansion of services throughout the state to increase public safety.
S 1357/HR 2581 Nurse Staffing Standards for Hospital Patient Safety and Quality Care Act of 2019
This bill establishes direct care registered nurse-to-patient staffing ratio requirements in hospitals and requires them to implement and submit to HHS a staffing plan that complies with specified minimum nurse-to-patient ratios by unit. Hospitals must post a notice regarding nurse-to-patient ratios in each unit and maintain records of actual ratios for each shift in each unit. PEF supports legislation that seeks to improve the safety of patients and nurses, the quality of nursing care and nursing staffing levels.

HR 397 Rehabilitation for Multiemployer Pensions Act of 2019
This bill makes defined benefit retirement plans more economically feasible for companies to adopt and continue to adequately fund and support. This bill establishes the Pension Rehabilitation Administration within the Department of the Treasury and a related trust fund to make loans to certain multiemployer defined benefit pension plans.

S 851/HR 1309 Workplace Violence Prevention for Health Care and Social Service Workers Act
This bill requires the Department of Labor to address workplace violence in the health care and social service sectors. Specifically, Labor must promulgate an occupational safety and health standard that requires certain employers in the health care and social service sectors, as well as employers in sectors that conduct activities similar to the activities in the health care and social service sectors, to develop and implement a comprehensive plan for protecting health care workers, social service workers, and other personnel from workplace violence.

S1129/HR 1384 Medicare for All Act
This bill establishes a national health insurance program that is administered by the Department of Health and Human Services (HHS). Among other requirements, the program must (1) cover all U.S. residents; (2) provide for automatic enrollment of individuals upon birth or residency in the United States; and (3) cover items and services that are medically necessary or appropriate to maintain health or to diagnose, treat, or rehabilitate a health condition, including hospital services, prescription drugs, mental health and substance abuse treatment, dental and vision services, and long-term care. The bill prohibits cost-sharing (e.g., deductibles, coinsurance, and copayments) and other charges for covered services. Additionally, private health insurers and employers may only offer coverage that is supplemental to, and not duplicative of, benefits provided under the program.
S 150/HR 582 Raise the Wage Act
This legislation would create a federal minimum wage of $15/hour within six years for most workers. It would also increase wages for tipped workers, newly hired workers under the age of 20 and individuals with disabilities.
PASSED THE HOUSE—JULY 18, 2019

S 1306/HR 2474 Protecting the Right to Organize Act of 2019
This bill amends and modernizes the National Labor Relations Act (NLRA) by strengthening federal laws to protect workers and close legal loopholes which deprive workers of their right to organize for better wages, benefits and working conditions. It would also establish a process for mediation and arbitration to help the parties achieve a first contract.

HR 303 Retired Pay Restoration Act
This bill would allow for the receipt of both military retired pay and veterans' disability compensation with respect to any service-connected disability. Individuals who were retired or separated from military service due to a service-connected disability shall be eligible for the full concurrent receipt of both veterans' disability compensation and either military retired pay or combat-related special pay.

S 1394/HR 1154 Public Safety Employer-Employee Cooperation Act
This bill creates the right for public safety officers to bargain over working conditions such as hours, wages and terms of conditions of employment. The bill also provides for binding interest arbitration as a mechanism to resolve an impasse in collective bargaining negotiations. Finally, the bill creates the right of enforcement of all rights and responsibilities agreed to between employer and labor organization by either a.) State administrative agency or b.) any court of competent jurisdiction.

S 1970 /HR 3463 Public Service Freedom to Negotiate Act
Protects the freedom of public service workers such as public school teachers and municipal employees to join together in a union and collectively bargain for fair wages, benefits and working conditions. Recognize unions selected by a majority of employees. The legislation also provides access to a dispute resolution mechanism (such as mediation or arbitration); recognizes the right of union members to utilize voluntary payroll deduction for union dues; and, prohibits public employers from requiring rigged recertification elections and establishes a private right-of-action, allowing workers to file suit in court to enforce their labor rights.

S 2302 The America’s Transportation Infrastructure Act (ATIA)
Authorizes $287 billion in funding from the Highway Trust Fund for the nation’s highway surface transportation programs over five years, representing a roughly 27 percent increase over
the levels authorized in the previous legislation, the Fixing America’s Surface Transportation (FAST) Act of 2015, which is set to expire in September 2020.