A LOOK INSIDE THIS ISSUE:

Workers are heading back to the picket lines - p4

New public art created by union workers on display at Socrates Sculpture Park - p16

NYC Labor Unions Jeer ‘Out Of Control’ Healthcare Costs - p41

#WeAreUnionStrong
Jeremy M. Goldberg will be assuming the role of New York's acting CIO, an official with the Office of Information Technology Services (ITS) confirmed Wednesday.

Goldberg most recently served as the deputy secretary to Gov. Andrew Cuomo for General Government, Technology and Innovation and the state's budget office.

He will be stepping into the position most recently filled by Joseph J. Rabito, who was named the interim director of ITS following the retirement Robert Samson in August, ITS spokeswoman Alicia Biggs confirmed in an email.

In an August email to ITS staff, Rabito told employees that the agency would be working closely with Goldberg and the state’s budget office to successfully complete projects. At that time, Rabito charged staff with adopting a forward-thinking mindset to help close the gap between emerging technology used in the private sector and antiquated legacy systems within government services.

Before coming on board with the Cuomo administration in May, Goldberg led the NYCx program as the deputy chief technology officer and managing director. NYCx is an annual competition for companies to showcase tech-based solutions to common city challenges, such as transportation and Internet connectivity.

Goldberg has worked in the public sector for the past eight years, breaking into civil service with the city of San Jose.
Union membership in the US has fallen dramatically over the last generation. In 1980, one in five workers were in a union, but today it’s just one in 10. Despite that, data shows being in a union is still very effective in protecting the rights of workers and their earnings.

Data on full-time wage and salary workers comes from the Bureau of Labor Statistics (BLS). The bureau’s numbers on weekly earnings show a clear and consistent fact: members of unions earn more than non-members. The earnings of those represented by unions were almost identical to the earnings of those who are members (for the charts below, I used membership). Women who are members of unions earn $10 more per week than men who aren’t members of a union.

The racial pay gap is so large that although union membership has a big impact, it still does not quite bridge the difference. Black union members earn $63 less each week than their white counterparts who are non-union. Hispanic workers who are non-union have some of the lowest earnings in the country – just $657 per week, almost half of what white union members can expect.
Workers Are Heading Back to the Picket Lines
Despite job growth, employees face daunting precarity—and they’re fed up.

Bryce Covert - The Nation - December 2, 2019

American workers are fed up. So fed up that they’re taking one of the most radical steps available to them: refusing to work.

This year kicked off with public school teachers in California going on strike to demand higher pay, more support services, and smaller class sizes. In October, Chicago’s teachers followed suit, staging their longest strike in decades. Then teachers in Little Rock, Arkansas, struck for just the second time in the city’s history. In between the teachers’ strikes, 46,000 General Motors workers walked off the job for 40 days, the longest strike by autoworkers in half a century, to call for higher pay, better benefits, investment in American plants, and a path to full-time status for temporary workers—all meant to reverse the belt-tightening implemented during the Great Recession. A number of other workers, from nurses to Uber drivers to grocery store employees, have also walked off the job to make demands of their bosses.

We won’t have the official numbers for how many Americans went on strike this year until 2020. But workers have clearly continued last year’s trend of insisting that they deserve a share of the spoils from the longest US economic expansion on record.

More workers went on strike last year—485,200 of them—than at any time since 1986, the year The Oprah Winfrey Show debuted and Microsoft went public. There were 20 major strikes in 2018, the most since before the recession.

Teachers walked off the job in Arizona, Colorado, Kentucky, Oklahoma, and West Virginia to demand better pay and better resources for their students. Fifty thousand hospitality workers voted to strike in Las Vegas, and hotel workers walked picket lines in Chicago. Fast food workers continued their fight for a $15 minimum hourly wage and the right to unionize and had a new demand: that their employers address the sexual harassment they experience at work. McDonald’s workers conducted the first national strike over sexual harassment in the country’s history.

Until the 1980s, American workers regularly staged hundreds of major strikes each year to try and compel employers to treat and pay them better. But in the decades since, that tradition was all but snuffed out, particularly fading during the Great Recession, when people feared losing their jobs. The nadir was in 2009, with just five strikes involving a mere 12,500 people.

If last year and this year have shown anything, it’s that American workers have decided they can’t afford to be afraid anymore. On the surface, they seem to be doing well. The economy has been expanding for a decade now, with healthy job growth and falling unemployment. Work appears to be plentiful.

So why would Americans put down their chalk, wrenches, and spatulas or close their laptops to take to the picket lines? For one thing, wages have barely budged, increasing just 3 percent this year—far less than would be expected with so many people back at work.

More than 40 percent of workers are stuck in low-wage jobs, making less than $18,000 a year at the median. No wonder, then, that four in 10 Americans would struggle to cover an unexpected expense of $400 and 17 percent can’t pay all their current bills.
The healthy employment numbers also mask the insecurity many feel. Nearly a fifth of workers have schedules that vary based on their employers’ demands, not their own needs. While the number of uninsured Americans has dropped in recent years, even those with insurance aren’t always saved from financial hardship, given that last year nearly a quarter of all adults went without medical care because they couldn’t pay for it. Over 30 percent of private-sector workers don’t have access to retirement benefits through their jobs. If they need time off, they’re unlikely to get paid for it: About 40 percent don’t have paid sick leave, about 25 percent don’t have paid vacations, and a mere 12 percent have paid family leave.

During the last recession, many employers argued that they had to cut back on jobs, pay, and benefits to make it through dire financial times. Lots of workers felt they had no choice but to swallow those edicts, keep their heads down, and hope for the best.

But a decade of healthy economic growth hasn’t loosened the purse strings. Workers keep fueling the economic expansion without reaping the rewards. Refusing to work is the sharpest tool they have to carve out a fair share of the economic pie. They’ve finally been pushed to wield it.
AFL-CIO Condemns GOP Multi-Employer Pension Proposal

Steve Wishnia - Labor Press - December 3, 2019

WASHINGTON—The AFL-CIO’s pension panel has roundly condemned proposals made by two leading Senate Republicans to shore up the nation’s endangered multiemployer pension funds that would cut benefits by up to 19%.

The federation’s Retirement Security Working Group said Dec. 2 that the proposals contained in a white paper released Nov. 20 by Finance Committee chair Charles Grassley (R-Iowa) and Sen. Lamar Alexander (R-Tenn.), chair of the Health, Education, Labor and Pensions Committee “will not only injure the retirees and active participants it purports to help, it also will precipitate the collapse of all multiemployer pension plans.”

About 125 multiemployer plans say they are in “critical and declining” condition—projected to become insolvent over the next 20 years—endangering the retirement benefits of more than 1.3 million workers.

The Teamsters said they were “actively reviewing the proposal and its impact on Teamster funds” and had been “working with Congress to find a bipartisan solution.” The union has endorsed the Butch Lewis Act, a bill passed by the House in July that would set up a federal agency to give low-interest loans to endangered pension funds until they can stabilize themselves.

The Butch Lewis Act’s logic is that the reason most of the endangered plans are in such bad shape is that they have too few active workers contributing to their funds to cover what’s owed to current and future retirees. Those plans, particularly in trucking, mining, construction, and entertainment, have suffered from employers going out of business and the growth of nonunion companies, as well as investment losses in the Great Recession of 2008-09. The bill’s hope is that the long-term loans would enable those funds to cover their obligations until the number of retirees has shrunk enough for them to be viable again.

“I’m glad to see Republicans in Congress have come forward with a pensions proposal of their own,” the bill’s Senate sponsor, Sherrod Brown (D-Ohio) said in a statement Nov. 20. “I have concerns with some of the provisions put forth by Republicans, but I look forward to working together with Chairman Grassley and Senator [Rob] Portman to find a bipartisan solution.”

UMWA International President Cecil E. Roberts, however, denounced the Grassley-Alexander proposals. “This is not a starting point for negotiations,” he said in a statement Nov. 29. “It is a multibillion dollar tax increase on working families—especially retired Americans living on fixed incomes—their employers and their unions. Retirees covered by the UMWA Pension Fund, for example, would be subject to a 10% tax on pensions that average a little under $600 per month.”

That tax would come from the Grassley-Alexander proposals to have plan beneficiaries pay more of the cost of PBGC premiums. They would raise basic PBGC premiums from $29 a year per participant to $80, but assess troubled plans more based on the severity of their distress, possibly increasing their premiums more than sixfold. “Any multiemployer pension legislation should, at a minimum, do no harm,” the AFL-CIO responded. “This proposal fails that basic test. Instead, it is punitive in nature, imposing hefty new costs that even healthy plans will be unable to survive.”

The UMWA is advocating a separate bill, the Bipartisan American Miners Act, introduced early last month by Senator Joe Manchin (D-W.Va.), Shelley Moore Capito (R-W.Va.), and Majority Leader Mitch McConnell (R-Ky.). It would use surplus funds from the federal program to reclaim land around abandoned mines to aid the UMWA’s 1974 Pension Plan, which has 92,000 participants.
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Grassley and Alexander both object to any federal aid. “Given that the plans represent private-sector financial contracts, the costs of reforms should be born principally by the stakeholders within the multiemployer system,” they said.

The AFL-CIO, noting that their proposals contained “no federal financial assistance whatsoever,” compared them to “the over $700 billion that the government provided to the banks and Wall Street in 2008, and other corporate tax giveaways in recent years.”

“Retired miners, their families, and widows do not have the luxury of waiting to see if Congress can eventually come up with a comprehensive solution to the multiemployer pension crisis that treats retirees fairly,” Roberts said. “1,200 stand to lose their health care at the end of this year, 12,000 more will lose health care within a few short months, and more than 82,000 will likely see drastic cuts to their pensions a few months after that.”
New York State AFL-CIO to State Legislators –  
“Don’t Leave App-Based Workers Behind.”  

AFL-CIO News - December 5, 2019

Albany – New York State AFL-CIO President Mario Cilento testified today before the New York State Assembly Standing Committee on Labor at a public hearing on Workers in the Gig Economy.

Cilento stressed to lawmakers that it is imperative workers in the gig economy be considered employees and must not be left behind when it comes to worker protections and rights.

“Let me be very clear, any legislation passed must ensure that app-based workers are employees and receive all the same rights and protections as all other employees in this state, including the right to organize,” Cilento said.

“One of the false arguments from app companies is that by classifying workers as employees, workers will lose schedule flexibility. That is simply not true. For example, part-time workers are classified as employees and have flexible schedules. In addition, there is nothing that precludes app companies from continuing the practice of flexible scheduling,” Cilento added.

The New York State AFL-CIO convened a work group of unions concerned about rights for gig economy workers two years ago, and then commissioned a report about the plight of gig workers in New York State. The report was published last spring by the Cornell University, School of Industrial and Labor Relations. The federation also coordinated with stakeholders, met with gig workers and plans to propose and advocate for enactment of comprehensive legislation this session that would ensure gig workers are treated equally.

“This has always been about app companies gaming the system to bolster their profits by simultaneously depriving workers of their rights, disadvantaging traditional employers who play by the rules and shifting their responsibility onto the government and ultimately the taxpayer.

“Gig workers perform the same jobs as workers classified as employees, yet do not have the same rights and protections. We will not rest until this injustice is rectified.”
LABOR TOOK ON “BAD BOSSES” LONG BEFORE #METOO

Kim Kelly- Newrepublic.com - December 5, 2019

“Will There Ever Be a #MeToo-Style Movement for Bad Bosses?” New York magazine asked readers in a tone-deaf fog of obliviousness last month.

The piece itself was fairly benign, addressing the long-standing and profoundly dubious cult of the genius boss.

The trouble was with the headline—which, it must be noted, was almost certainly chosen by a New York editor, not the writer, feminist author Rebecca Traister. Just moments after the piece was blasted out on Twitter, Labor Twitter blasted right back. As veteran labor journalist Sarah Jaffe replied in an apt tone of disbelief, “It’s called the labor movement?”

A hasty headline change ensued (though the original lives on in aeternum via the article’s URL).

But the original slight to decades of concerted organizing and strike actions to curb the reckless conduct of bosses across a wide range of fronts still rankles, and for good reason.

To be sure, #MeToo activism has spurred greater awareness of sexual harassment and assault in the workplace, but well before journalists were documenting the high-profile predations of Harvey Weinstein, Matt Lauer et al., much of the day-to-day struggle against the sexual trespasses of workplace managers came at the behest of many workers—particularly those who are women and nonbinary—fighting off the discriminatory and harassing behaviors of their bosses.

Traister’s article paid lip service to time-honored labor tactics like collective bargaining to win better working conditions. But it’s worth noting that, for many people, a safer workplace doesn’t just mean a stricter focus on OSHA or longer bathroom breaks; it means one that is free of sexual harassment and violence.

Hotel workers have been on the front lines of this particular fight for years—and it has taken a toll. Between 2005 and 2015, hotel and restaurant workers filed at least 5,000 sexual harassment complaints with the Equal Employment Opportunity Commission, the federal agency tasked with enforcing laws against workplace discrimination.

As Sandra Kensbock, the lead author of a 2014 study on sexual harassment in the hotel industry, wrote, “We found guest-initiated sexual harassment to be pervasive and normalized within the hotel workplace. The low status of hospitality workers renders them particularly vulnerable, with the power held by the instigator being a critical component of sexual harassment.”

As recently as 2018, Annelise Orleck, professor of history at Dartmouth College and author of We Are All Fast-Food Workers Now, told The Guardian that 66 percent of hotel workers say they have experienced sexual harassment. What’s more, many hotel workers are immigrant women of color—a status that makes it likely they’ll face retaliation for reporting abuses at work. (This threat is especially great for undocumented workers, who risk being targeted by U.S. Immigration and Customs Enforcement deportation raids.)

Despite such challenges, hotel workers represented by unions like Unite Here have made impressive strides, using collective bargaining efforts and public pressure campaigns to call out management abuses. These initiatives have yielded one of the most significant, tangible workplace wins of the #MeToo era: the panic button.
The panic button is elegant in its simplicity.

Hotel workers, particularly housekeepers and cleaners, are often on their own while performing their labor—a vulnerable position in view of the gendered, and often racial, power dynamics at play between them and the guests whose rooms they’re cleaning. As the AFL-CIO noted on its blog, “There is a clear power imbalance between men who pay for hotel rooms and the women, often immigrants or women of color, who clean their rooms alone.” So Unite Here workers in hotels can now carry a panic button—a GPS-enabled device that can be easily concealed in clothing—to alert and direct hotel security guards whenever they feel unsafe on the job. It’s akin to the line of devices marketed to seniors that transmit the message “I’ve fallen and I can’t get up,” except here its main purpose is to shut down creeps and protect workers from harm.

Hotel staff in several cities have been outfitted with panic buttons over the past several years. Thanks to Unite Here Local 6 in New York City, each of its hundreds of unionized hotels installed panic buttons back in 2013. Seattle, Chicago, Miami, Washington, D.C., and Santa Monica, California, followed suit, as did the states of Illinois and New Jersey.

But their adoption has spiked significantly since 2017, when Sandra Pezquada, a former dishwasher at a California luxury resort, came forward with a groundbreaking lawsuit about the sexual harassment she’d endured on the job. Her suit coincided with the rise of the #MeToo movement, and Time magazine profiled her in 2017 as one of the lead persons of the year in its collective “Silence Breakers” package, which was devoted to rampant sexual harassment in the American workplace. Pezquada eventually settled her sexual harassment lawsuit for $250,000. Her case echoes the 2011 ordeal suffered by Nafissatou Diallo, a hotel worker who accused Dominique Strauss-Kahn, the former managing director of the International Monetary Fund, of sexual assault. But unlike Diallo, Pezquada wasn’t dragged through a media circus or maligned for bringing down a rich and powerful man. This time, in the midst of the #MeToo uprising, people listened.

After the Culinary Union—a Nevada labor powerhouse—included a demand for panic buttons in its 2018 contract negotiations with several major casino operators, the device began to spread throughout many of the city’s hotels.

The change came not a moment too soon in a city where a survey conducted by Unite Here’s Culinary and Bartender Unions of more than 10,000 Las Vegas casino workers found that 27 percent of hotel housekeepers said they had been sexually harassed on the job, and 53 percent said a guest had done something to make them feel uncomfortable or unsafe.

Though workers are skeptical that management will follow through without the legal obligation of a union contract, the Marriott, Hyatt, IHG, Wyndham, and Hilton hotel groups have also pledged to provide their workers with panic buttons by 2020.

Of course the threat of sexual harassment and assault on the job is by no means confined to the hotel industry.

And workers are fighting back with renewed focus and militance. According to the Fight for $15 campaign, four in 10 women working in fast-food restaurants experience sexual harassment on the job, and industry leader McDonald’s has become a particular flashpoint in the struggle.

For now at least, the fast-food industry remains largely nonunion—but McDonald’s workers have found an ally in the Time’s Up Legal Defense Fund, whose deep pockets have helped fund multiple legal challenges lodging charges of widespread on-the-job harassment that workers have mounted against McDonald’s.
Earlier this year, the fund joined with the ACLU and Fight for $15 campaign to file 23 new complaints against the corporation, including 20 that were sent to the EEOC—the third round of such complaints that workers have sent in as many years. Deprived of traditional union-backed measures to hold management liable for its actions, these workers have had to use unorthodox means to force the company into accountability—itself a key argument for unionizing the industry—for what they describe as a culture of retaliation, fear, violence, and abuse.

According to NPR, as of November 21, female employees of the fast-food giant have filed more than 50 claims, and charges of harassment against male co-workers and bosses are pending against McDonald’s in the courts as well as at the EEOC. Beyond the charges of sexual harassment, workers have also mounted complaints alleging that the company failed to protect them from aggressive or violent customers.

In one recent lawsuit filed by 17 workers from the Chicago area, the plaintiffs described several instances in which a customer climbed on top of the counter waving a gun.

The company has responded to these allegations by stating, “McDonald’s takes seriously its responsibility to provide and foster a safe working environment for our employees, and along with our franchisees, continue to make investments in training programs that uphold safe environments for customers and crew members. In addition to training, McDonald’s maintains stringent policies against violence in our restaurants.”

The company has also pointed to a new suite of anti-harassment training programs it has rolled out in response to the many sexual harassment lawsuits levied against it, saying that, “There is a deeply important conversation around safe and respectful workplaces in communities throughout the U.S. and around the world, and McDonald’s is demonstrating its continued commitment to this issue.”

Over the past several years, workers have drawn attention to the problem by staging rallies, strikes, and protests in cities where McDonald’s has major operations.

The most recent such action came last May in New York; there, demonstrating workers were joined by supporters, longtime Fight for $15 allies, and several current and former presidential candidates, including Senator Bernie Sanders, Governor Jay Inslee, Julián Castro, and New York Mayor Bill de Blasio. One of the biggest roadblocks that workers face in their quest for justice is also the reason why it’s been so difficult to unionize their industry.

Like many large fast-food corporations, McDonald’s operates on a franchise model. Individual operators run more than 90 percent of its locations, and corporate headquarters cannot force them to take any specific action or adopt any specific policies. (And if workers wanted to form a union, the company’s dispersed ownership structure means that they’d need to organize each individual location, one by one.) That’s why, for now, public pressure and solidarity remain the most effective weapons McDonald’s workers can wield against the McBosses.

The company has made gestures toward rectifying the problem and “encouraged” its franchisees to cooperate—but in November, McDonald’s chief executive, Steve Easterbrook, was fired in the wake of reports that he was violating company policy by having a relationship with a subordinate.

The irony ran thick. As Tanya Harrell, a McDonald’s worker and Fight for $15 leader based in New Orleans, told The New York Times when the news of Easterbrook’s departure broke, “It’s clear McDonald’s culture is rotten from top to bottom. McDonald’s needs to sit down with worker-survivors and put them at the center of any solution.”
Outside of fast food, other restaurant-industry workers are organizing on a more local level. In Philadelphia earlier this year, workers joined forces to launch the Coalition for Restaurant Safety and Health (CRSH) project to provide free anti-harassment trainings to restaurant employers and workers in order to combat the intolerably high rates of sexual harassment in the industry. The worker-led coalition includes a variety of legal and workers’ rights organizations, as well as the Philadelphia chapters of Unite Here, the Restaurant Opportunity Center, and Philadelphia Against Sexual Violence, and has also partnered with a number of popular restaurants.

In addition to the trainings, CRSH is currently conducting a survey asking restaurant workers to assess their experience based on how customers, co-workers, management, and owners treat them, in and outside of work. The coalition plans to publish the survey’s findings in April. “In my experience, hospitality workers are desensitized to harassment for a few reasons, including pervasive objectification and dependence on tip work,” says Hanna Garrity, a longtime restaurant worker and the lead on CRSH’s Workers Committee. “In my years as a server, I have experienced sexual harassment in many different restaurant spaces, so I wanted to be a part of a mission that was striving to create safer spaces in the hospitality industry for everyone.”

Garrity emphasizes that lawsuits and legal challenges aren’t a one-size-fits-all solution for every labor dispute, and that building worker power—and protecting fellow workers—can take many forms. “We are taking an organizing approach to sexual harassment, instead of a purely legal approach, to build worker solidarity and worker power,” she explains. “The experience of being sexually harassed is disempowering, and the legal system is disempowering. But if workers come together, we can demand training or better policies, and that can open the door to other fights.”

That’s one big lesson labor has taken from #MeToo—and vice versa. Sexual harassment and violence in the workplace is a pervasive, horrific problem that continues to rear its ugly head in every possible industry. But by marshaling resources and approaching from every angle—through unions, through legal funds, through grassroots organizing—it can be defeated. As hundreds of low-wage, marginalized, but determined and disciplined workers across the country have made clear, time’s up.
Nearly 700,000 will lose food stamps with USDA work requirement change

Phil McCausland - NBC News - December 5, 2019

The Trump administration Wednesday formalized work requirements for recipients of food stamps, a move that will cause hundreds of thousands of people to lose access to the Supplemental Nutrition Assistance Program or SNAP.

Agriculture Secretary Sonny Perdue and Brandon Lipps, the deputy undersecretary for the USDA’s Food Nutrition and Consumer Services, spent about 18 minutes on a call with reporters outlining the changes to the rule that will take effect April 1.

“We’re taking action to reform our SNAP program in order to restore the dignity of work to a sizable segment of our population and be respectful of the taxpayers who fund the program,” Perdue said. “Americans are generous people who believe it is their responsibility to help their fellow citizens when they encounter a difficult stretch. That’s the commitment behind SNAP, but, like other welfare programs, it was never intended to be a way of life.”

The USDA rule change affects people between the ages of 18 and 49 who are childless and not disabled. Under current rules, this group is required to work at least 20 hours a week for more than three months over a 36-month period to qualify for food stamps, but states have been able to create waivers for areas that face high unemployment.

During the call Wednesday, the USDA said that about 688,000 people would lose access to food stamps. That’s down from its earlier estimate that 750,000 people would be affected.

The USDA said that this was an extension of President Donald Trump’s April 2018 executive order, called “Reducing Poverty in America by Promoting Opportunity and Economic Mobility,” that aimed to create more work programs and limit public assistance.

This work requirement rule would save the government $5.5 billion over five years, the USDA said.

The agency said that it found 2.9 million adults on the SNAP rolls were able-bodied and did not have dependents, and it said 2.1 million were not working.

Sen. Debbie Stabenow, D-Mich., the ranking member of the Senate Committee on Agriculture, Nutrition and Forestry, said this rule would do little to help anyone find work. All the rule change does is strip people from accessing the benefit, she said.

"This Administration is out of touch with families who are struggling to make ends meet by working seasonal jobs or part time jobs with unreliable hours," Stabenow said. "Seasonal holiday workers, workers in Northern Michigan’s tourism industry, and workers with unreliable hours like waiters and waitresses are the kinds of workers hurt by this proposal."
Union Fever: Local Organizing ‘Is Spreading In Ithaca’

WNY Labor via - Matt Butler & Edwin J. Viera/Ithaca.com - December 5, 2019

(ITHACA, NEW YORK) - After a prolonged era of falling Labor Union interest and participation, it appears Workers’ organizing efforts are gaining momentum, both nationally and locally.

A wave of Unionization efforts has appeared in Tompkins County, most notably over the last year or two, which has seen a wide range of Workers from Adjunct Faculty at Ithaca College to Baristas at Gimme! Coffee successfully Unionize, with several more efforts either in progress or failed for any number of reasons.

Union-centric headlines have been frequent even just over the last few months, with around 50,000 Workers at General Motors staging one of the largest Worker Strikes in recent history, organized by the United Auto Workers (UAW). That work stoppage ended in late October after over a month of negotiations.

Locally there’s been nothing that has reached that extent, but Unions have certainly been more visible and vocal recently, whether it be the Trade Unions alleging that Cornell neglects local Organized Labor or Ithaca Coffee Company Workers calling for a boycott of the company for Anti-Union tactics or GreenStar Workers holding demonstrations outside of downtown locations.

“Something ‘is happening’ in the United States, and globally,” said Ian Collin Greer, a Senior Research Association in Cornell’s Industrial Labor Relations (ILR) School. “This is a time ‘when there’s a lot of labor activism taking place all over the world.’ It’s ‘young’ Workers ‘taking the lead and it seems like there’s a lot going on at once.’”

Greer said most economists would consider the country’s low unemployment rate as a motivating factor, since people are less fearful of losing their jobs under those conditions.

A stronger contributor, though, is that younger people generally just seem less tolerant and more apt to confront perceived mistreatment at work by management.

In Ithaca and Tompkins County, Greer said, it also helps that the public is mostly inclined to support the efforts of Workers to Unionize and that the term “Union-Busting” still carries some punitive weight here, he said, which isn’t necessarily true elsewhere.

“I ‘don’t know if I’ve ever been anywhere that’s as favorable to Organized Labor as Tompkins County,’” Greer said. “Ithaca’s ‘about as Union-Friendly as towns in the United States get.’”

Greer noted the existence of the Tompkins County Workers Center and Legal Assistance of Western New York as examples of places that work quite a bit with people who are Unionizing to help them navigate the logistical and legal aspects of it.

That’s not especially common elsewhere, he said, especially not in a place of this population size."

Page 14 - PEF News Clips - December 15, 2019
Democrats Must Win Back Working-Class Voters

Brendan Flanagan - Real Clear Politics - December 5, 2019

Our nation is less than a year away from voters heading to the polls to either change the direction of our country or reelect President Donald Trump. Regardless of who Democrats nominate as our candidate, one question must remain top of mind among party strategists – how do we win back working-class voters?

It’s an important question to ask as Democrats’ support among white, working-class voters has been on the decline since 2008. This was fully evident during the 2016 election when Donald Trump was propelled into the White House by winning these voters in key states such as Wisconsin, Michigan, and Pennsylvania.

It may seem obvious that our party is on the right side of issues that working-class Americans care deeply about, especially given many of Trump’s failed policies and actions during his years in office. These range from his administration rolling back regulations that protect worker pay and safety to nominating anti-worker individuals to key positions at the U.S. Department of Labor and the National Labor Relations Board. But the failure of Democrats to deliver on key issues for working-class voters, including labor law reform and card check legislation, also played an instrumental role in driving working-class voters away from the Democratic Party over the past few years.

Recent actions by some Democrats have not helped our party gain traction with this bloc of the electorate. We can see an example of this in California, where a rising Democratic star, state Rep. Lorena Gonzalez Fletcher, has received national media attention regarding her pro-union record and alleged support for farmworker rights. However, farmworkers in the state recently launched a six-figure ad campaign to highlight how Gonzalez Fletcher opposed legislation that would have given them more collective bargaining rights.

Furthermore, the Democratic-led California Agricultural Labor Relations Board refused to honor the votes of these workers, ignoring the voices of thousands who had voted to decertify the United Farm Workers union. The ALRB kept those votes locked away for over five years while farmworkers protested. It wasn’t until after an appellate court in California overruled the ALRB that they were finally forced to allow the vote totals to be announced. To make the optics on this situation even worse for Democrats, it was a Republican lawmaker who ended up proposing legislation to assist these farmworkers.

Such duplicity has not gone unnoticed. Many unions have been taking their time before endorsing a 2020 Democratic presidential candidate. One union leader in Nevada recently stated, “At the end of the day, the candidates aren’t speaking about issues of how people survive,” resulting in many unions slow-rolling endorsements for Democratic candidates this election cycle.

Thankfully, party leaders in key battleground states, like Pennsylvania Rep. Conor Lamb, are ringing the alarm bell, urging the 2020 presidential candidates to champion working-class issues. Even AFL-CIO leader Richard Trumka, head of the largest union in the country, highlighted how Democrats have some work to do when it comes to winning over working-class voters. “More often than not, the Republican Party is bad for workers,” he said. “This president is bad for workers. But let’s be honest about the Democratic Party’s record.”

Such candor is a good start. However, if we expect to win back the White House in 2020, it is ultimately up to the candidates to take working-class issues seriously and prove to these voters that they will have their backs once elected.
New public art created by union workers on display at Socrates Sculpture Park  
Bill Parry - QNS.com - December 9, 2019

Socrates Sculpture Park in Long Island City has hosted extraordinary pieces of art since a coalition of artists and community members transformed an East River landfill and illegal dumpsite into an open studio and exhibition space in 1986.

Of the 15 sculptures that are currently on display as part of the 2019 Socrates Annual, only one is a piece of public art created by union electricians and members of the Workers Art Coalition (WAC), a group of construction workers and artists who bring representations and creative expressions of blue-collar workers into public culture.

“We are thrilled to host a collaboration of Workers Art Coalition and Local 3, I.B.E.W at Socrates Sculpture Park,” Socrates Sculpture Park Curator and Director of Exhibitions Jess Wilcox said. “The piece that they’ve created, ‘Muscle Memory,’ is a powerful reminder that the conditions of production are critical to the meaning, reception and impact of a work of art.” The trades workers, WAC members along with students and alumni from the Harry Van Arsdale Jr. School of Labor Studies installed a one-of-its-kind spiral sculpture of joined electrical conduit using industry-grade electrical equipment and solar panels.

“It feels good to design, collaborate and participate in something in public space that shines a light on a particularly interesting group of people and workers who are constantly underappreciated and misunderstood,” Paul Vance, a member of Local 3 and WAC, said.

People like Lowely Cheung, a Local 3 member since 2012 who emigrated from Hong Kong at the age of 17.

“The union provides me with a living wage job; that is the ‘bread’ part for me and working on art projects is the ‘roses’ part of life,” Cheung said.

And Sue Sheinen, a Local 3 member since 2008 with family members in the union.

“Thank you for including me in this art project,” Sheinen said. “Socrates is a great place I have enjoyed for many years. I think it’s great that Local 3 gets to show its collaborative and creative side.”

Utilizing a process of “distributed authorship,” the sculpture is a collaborative process that reflects tradespersons’ skills and equipment as well as modern urban landscape that is always in the background. The sound component, produced by WAC and derived from interviews with Local 3 members in tandem with the Library of Congress, adds another dimension.

“Harry [Van Arsdale Jr.] set up the Educational and Cultural Trust Fund for more than skills enhancement but also the benefit of culturally enhancing the union’s members,” Local 3 Director of the Educational and Cultural Trust Fund Michael Yee said. “This project is the perfect example of that. By connecting what these members do in their trade to create this artwork, they’ve enriched their cultural and artistic passions as well. It also ties the conduit, which is one of the common parts of the industry, with emerging renewable energy.”

The solar panels provide the energy to illuminate ‘Muscle Memory’ at night. The 2019 Socrates Annual will remain on display through March at the park located at 32-01 Vernon Blvd.
A majority of City Council Members appear to be following the lead of Speaker Corey Johnson in enthusiastically supporting the move by their staff to form a union, based on City Hall interviews and email exchanges with most of them and their representatives.

Organizers started their card campaign on Nov. 18 and said they were making steady progress toward getting union cards from 51 percent of the workforce of 775 people who are split between two divisions: those belonging to the central Council staff under Mr. Johnson and those employed by the 50 other Council Members in their lower Manhattan offices and in their districts.

Johnson Lays Out Rules

Speaker Johnson has pledged to support voluntary recognition of the union and sent out an internal email on Nov. 22 offering Council Members and staff managers legal guidance for how they were to conduct themselves in a workplace in the midst of a union organizing drive.

He stated, “I am writing to ensure that everyone knows that under applicable law, Council staff are entitled to form, join, and participate in a union of their own choosing. Any deliberate discouragement or interference with staff’s ability to exercise those rights in this regard is prohibited. All Council Members, their Chiefs of Staff, Division Directors, and other supervisors should be particularly aware of this prohibition and ensure that they do not engage in any form of retaliation against any staffer who seeks to unionize.”

Early on, he, Council Member I. Daneek Miller, who also chairs the Council’s Labor and Civil Service Committee, and Council Members Ben Kallos and Costa Constantinides backed the organizing drive, which is believed to be the first for legislative staffers nationwide.

‘Staffers Excited’

“So, we are right now not seeking member support—it’s totally about the staff,” said Zara Nasir, a City Council staffer who is on the organizing committee. "We have six people on the core committee and 50 more people on the organizing committee and it is growing day by day.” Ms. Nasir, a member of the Progressive Caucus, continued, “There’s been tons of internal support. People are very excited.”

The organizing effort had been underway behind the scenes for months and surfaced as the Council deliberated in the case of Council Member Andy King, who twice in two years had allegations that he sexually harassed and abused his staff substantiated.

The internal Council probe was sparked by the discovery that in violation of its workplace policies, he terminated a staffer who had accused him of sexual harassment in 2015, a charge that was upheld in 2017.

Included in the latest round of substantiated charges were allegations that Mr. King “repeatedly intimidated and punished staff” to prevent them from cooperating with the internal probe, and “routinely required” staffers to use their personal vehicles to chauffeur him.

At the Council’s Oct. 29 meeting, it imposed a 30-day suspension without pay on Mr. King along with a $15,000 fine and installment of a monitor over his office’s operations until the end of his term. A motion to expel him failed, 34-12.
Tough ‘Power Dynamics’

Several of the Council Members who spoke with this newspaper in support of the union effort said they viewed it through the prism of past experience as Council staffers.

“I was a staff member for seven years and it is a very difficult job being a staff member to a Council Member who is all-powerful,” said Council Member Antonio Reynoso. “I want to be clear. The power dynamics are expansive when it comes to a staff member to a Council Member.”

Other Members cited their own families’ roots to frame their support for staff.

“As someone who was born and raised in a union family and whose father was on the executive board of the Printers and Pressmen Union, it is who I am to support the rights of workers to unionize and organize, and that includes the men and women who work for the City Council,” said Council Member Jimmy Van Bramer.

“And as a former shop steward, American Federation of Television and Radio Artists member, and Council staffer, I support the current staff in their campaign to form a union,” wrote Council Member Justin Brannan.

‘A Historic Opportunity’

“I think this is an historic opportunity to establish the City Council as the first unionized legislature in America,” said Council Member Richie Torres.

Of the Council’s three Republican members, only Council Member Eric Ulrich endorsed the union drive. City Council Minority Leader Steven Matteo and Council Member Joseph Borelli’s position was “to take no position,” according to Peter Spencer, Chief of Operations for the Minority Leader.

The Daily News reported that at a Nov. 19 closed-door meeting, “a handful of City Council Members railed against staffers’ efforts to unionize.”
The exhibition City of Workers, City of Struggle: How Labor Movements Changed New York, mounted at the Museum of the City of New York, does almost everything it needs to do in telling the story of a critical mass movement that microcosmically mirrors the large forces that have shaped the nation’s economic and political history. This story is told through a variety of media: photographs, wood engravings, lithographs, digital reproductions, plus a host of pieces of material culture.

Because of the complexity of this saga, there’s also a good deal of reading to do here. The show provides a wealth of didactic information breaking down into discrete themes (such as “Workers and Racism,” “Red Scare,” “Disaster and Ferment”) what might have been a tedious lock-step march through a chronology of the development of labor movements in New York. To my eyes, all of it is fascinating, especially the pointedly contemporary viewpoint taken by the author of the majority of the wall texts and captions, the show’s curator Steven H. Jaffe. This perspective is sensitive to the plights of those typically ignored by canonized historical accounts: women, African-Americans, non-English speaking people, non-European immigrants, and the poor.

From the start, Jaffe avoids the gooey, milquetoast center of insipid contemporary political sentiment. Instead the first wall text encountered positively declares “In unions there is strength.” But the show doesn’t just rely on platitudes; it breaks down all the convoluted and contrary forces and factions that made the labor movement from the early 19th century through now. Much of this I did not know. I discover that in the 1820s and ’30s, a cadre of master artisans who trained journeymen for in-demand manufacturing skills (millinery, plumbing, clothing design and production, etc.) resisted what they called “wage slavery” — which was the prospect of being hired on as a salaried worker in a factory. At the same time, some of these masters turned their workshops into factories that paid regular wages to workers for an emerging mass market, rather than training them to become their own potential independent business owners. This historical vignette demonstrates that in these early stages of industrialized production, there was a rapaciousness to the supposedly entrepreneurial spirit, which ultimately disadvantaged many to benefit a few. The conditions of factory work, with its low pay and agonizingly long hours, spurred the creation of several unions that were short lived in the mid-19th century. And though many wage laborers desired unions to protect them from the schemes of mercenary and pitiless employers, competition among the various ethnic and gender groups complicated the effort. In fact, unions began to cohere around a male, European-American profile, thus both demonstrating the need for worker alliances and forcing those left out to form alternative ones.

According to Jaffe’s research, male unionists agitated for wages that could support women staying at home, rather than be undercut by competition from lower-paid female workers. Women had to band together to create their own means of economic empowerment, which included developing strike committees and networks of friends and kin who shared resources and advice. I read that in a similar fashion, African-Americans were systematically excluded from labor unions with few exceptions and thus were forced to rely on their own benevolent societies, churches, schools, and social networks to find and keep gainful employment.

For non-European immigrants, the 20th century made their fates seesaw around the fulcrum of labor organizations. In the early 1930s groups organized around a shared status, such as the Chinese Hand Laundry Alliance, were formed to shared legal services and death benefits and protect members against discrimination. A decade later it became the largest occupational society among the Chinese. But then decades after that its ranks were decimated by FBI arrests and deportations brought about by the “Red Scare.” And then by the 1960s and 1970s surviving members of that group would join the Asian American Civil Rights movements.
This is the other strategic choice that makes this exhibition engrossing: it effectively demonstrates that the
evolution of the labor movement was not a story with an inevitable ending, but a passage with pitfalls, failures,
switchbacks and outcomes that could not have been predicted. There are demonstrations, fires, and pernicious
economic disasters that caused some unions to lose steam, and then other crucial moments, like the Great De-
pression, engendered profound labor reform. There are the challenges of new tools appearing in factories, surges
in union membership that made these organizations powerful voting blocs and political machines, and then
there is the post-1960 crisis when New York City lost over 650,000 manufacturing and port jobs. Throughout
this history the controversial tool of the strike is deployed — sometimes in instances such as the 2005 New York
City transit strike that cripple the city’s ability to function. The labor movement in New York is shown to be
complex, fractious, and even reactionary, but absolutely crucial to forcing capital to concede to the labor force
in collective bargaining, arbitration to settle disputes, and access to healthcare. On this foundation, the workers
movement has continued to organize action and has impelled employers in many cases to provide paid family
leave, a safe working environment, guaranteed sick leave, and a minimum wage. Workers like me stand on the
shoulders, not of giants, but of principled women and men who made giant steps.

Besides the visual representations, that is, the photos, engravings, paintings, lithographs, and digital reproduc-
tions, other ephemera include postcards, menus, membership cards, sheet music. Additionally, there are inter-
active consoles that deliver information through quizzes and polls and games that mean to illustrate physical
labor. The responsive gadgetry is the only place where the exhibition falters. The headphones that accompany
the makeshift switchboard have a spotty connection, and I couldn’t figure out what to do with the plug-in wires.
However, the electronic version of a sewing machine was curiously challenging in its game of following a curv-
ing seam as the appliance lays down imaginary thread.

City of Workers, City of Struggle made me recall a poem from the collection What Work Is by Phillip Levine.
“Coming Close” brings to mind the necessity of understanding labor, not as an abstracted notion, but as a corpo-
real, lived experience, so that one can understand how it can either nourish and demean the soul. Levine writes:

You must come closer
to find out, you must hang your tie
and jacket in one of the lockers
in favor of a black smock, you must
be prepared to spend shift after shift
hauling off the metal trays of stock,
bowing first, knees bent for purchase,
then lifting with a gasp, the first word
of tenderness between the two of you

That gasp, that sense of realizing what the task requires of us and of our bodies, that moment of simultaneous
awareness of realizing how hard the work will be even as we marshal our forces to do it — that is the initial,
difficult part for a process in which the other parts may be even more arduous. This exhibition reminds me that
most of us will only get through by cooperation, by banding together and pooling our strengths. When there are
enough of us putting our hands to the task, then an entire city or nation will move a few inches off the ground.

City of Workers, City of Struggle: How Labor Movements Changed New York continues at the Museum of the
City of New York through January 5. It was curated by Steven H. Jaffe with the help of Sarah Henry and Rebecc-
a Jacobs.
Why Rochester students walked out of classes: 'We will be the voice for our schools'

Rochester Democrat and Chronicle - December 10, 2019

Hundreds of students across the Rochester City School District protested the recent proposed layoffs of more than 200 district employees Monday.

World of Inquiry junior Maya Waller, one of two students who organized the protest at the school, was among more than 100 teens who walked from World of Inquiry at Scio and University to the district office on West Broad Street.

"We care about our teachers," she said while walking on Main Street Monday morning.

"It's not right that their mismanagement of money is negatively impacting teachers, staff and students (who) weren't there to make the decision anyway."

Several teachers accompanied the chanting teens as they walked on sidewalks through downtown Monday morning.

"We are showing our district, we're showing our teachers that no matter what, we will be the voice for our schools," she said. "We're showing them what we want, and we know we're the most powerful voices our district has."

Waller said she was pleased to see so many students "making their voices heard."

More than 500 East High School students, roughly half the student body, also voiced their concerns about the proposed layoffs on Monday morning.

Some teens marched a double loop through neighborhoods near the school, located at East Main Street and Culver Road on Monday, as others gathered outside the school, which houses middle and high school students.

Madison Smith, a senior at East High who organized the school's protest with eighth-grader Sarah Adams, said when she saw teachers crying about the news in school last week, she knew it was time to take action to try to change district officials' minds about the proposed cuts.

"Stay away from the classrooms and cut from the higher-ups," she said. "Take cuts from somewhere else ... not our teachers (who) we need."

Smith said she hopes the students support will make a difference.

Adams said she didn't expect such a large turnout.

"Fight for our teachers, because they fight for us," she said.

Waller said she and others at World of Inquiry plan to coordinate with students from other City School District schools, including East High and School of the Arts, before upcoming school board meetings regarding the proposed layoffs.
What they're protesting

Notices went out last week to 152 teachers and 218 district employees in all, effective Dec. 31. Of those, the union counted 112 teachers at district elementary schools.

The layoffs are part of district efforts to address $30 million in overspending last year, and an equal or greater projected shortfall in the current year. Combined with the elimination of dozens of vacant positions, the district expects to save $10.4 million, and avoid $3.7 million in potential costs from new hires.

East High School Superintendent Shaun Nelms said at least eight East High teachers last week received letters of notifications that their jobs were in jeopardy. Many of the teachers are new to the building and are dedicated educators, he said. There were a lot of tears and frustration as they talked about what's next.

But, Nelms said, "until the school board votes on Dec. 19, none of the cuts are permanent." However, "at the end of the day, the budget deficit has to be addressed."

Nelms said he learned of Monday's protest through social media as well as the student organizers.

"I'm very proud of the students for taking charge," he said. "Hopefully the students have learned valuable lesson about using their voice to make change, and that they have a democratic responsibility for advocating for themselves and others. And they are doing that."

Deb MacPherson, mother of an East High student and a teacher at the Leadership Academy for Young Men in Charlotte, said she was in awe of the student protesters.

"It takes children who are affected by trauma and who live in trauma and makes it all worse," she said. "Sometimes school is the only place for them — the only safe place, the only place they feel loved, and you have destroyed that. We're going to feel it for a very long time."

Iman Abid, director of the Genesee Valley chapter of the New York Civil Liberties Union, said Monday's protests were the direct result of the district's "decision that the jobs of teachers and education of our children are not of significant concern."

"Funding cuts should not target the very people who are the backbone of our public school system and ensure that students go on to have bright futures, especially not when the district sees fit to spend millions on police in schools," she said. "At a time when we should be investing in our education system, this decision takes us incredibly backward."
NYS AFL-CIO Launches Digital Ad Campaign to win protections for app-based workers

AFL-CIO News - December 10, 2019

Albany - The New York State AFL-CIO launched a digital ad campaign today to raise awareness to the fact that workers in the gig economy are lacking the same basic worker protections as all other workers. You can see the ad here.

The targeted digital ads are part of the state federation’s campaign to get legislation passed that will ensure app-based workers in the gig economy are considered employees and are not left behind when it comes to worker protections and rights.

“The ads point out that because app companies misclassify their workers as independent contractors, the workers are deprived of statutory rights and protections including: minimum wage, overtime, workers compensation, unemployment benefits, the right to join a union and protection against discrimination and sexual harassment,” said Mario Cilento, president of the New York State AFL-CIO.

The state federation commissioned a report about the plight of gig workers in New York State. The report, published last spring by the Cornell University, School of Industrial and Labor Relations, documented widespread concerns from gig workers who said of their app-based job, “Not regular pay. No benefits.”

Others raised concerns about sexual harassment stating, “I had a group of four young men in my car. They then proceeded to ask if it was okay if they [engaged in sexual acts] in my car…then, just two weeks ago, I had a passenger, [who] tried to friend me on Facebook.”

Some app-based workers complained about not having any formal process to appeal disciplinary actions and negative ratings writing, “…they deactivated my account, I called, texted, sent emails to find out what happened, no one ever got back….I was left there hanging.”

The concerns are among several included in the Cornell report. Cilento vowed that the labor movement will not rest until gig economy workers are considered employees to ensure fairness and equality among all workers.

“These workers are being taken advantage of by app companies that are focused on increasing their profits by simultaneously denying workers their rights, placing an undue burden on traditional employers who follow the rules and shifting their responsibility onto the government and ultimately the taxpayer,” Cilento added.

The ad campaign will continue to run throughout the legislative session.
NEW YORK, N.Y. – More than three years after workers at a small Bronx nursing home voted to join 1199SEIU, they’re still trying to win their first contract agreement with the chain that owns it.

“We just feel like we’ve been getting the runaroud,” Constance Allen, a certified nursing assistant and phlebotomist, told LaborPress Dec. 10 as about 25 people picketed outside the Centers Health Care chain’s headquarters in Wakefield, about two blocks past the 2 subway line’s northern terminus.

Allen ticks off the things the 44 workers at the Hope Center, a facility in the west Bronx that specializes in HIV care and addiction recovery, want improved: “Health benefits. Underpaid. Understaffed. We barely have supplies.”

Most of the workers make the city’s $15-an-hour minimum wage, the union says, but the bigger issue is health care. Management is refusing to join the Greater New York Benefit Fund — 1199SEIU’s health-care plan.

“We don’t have any benefits,” says licensed practical nurse Patricia Cross. “We’re working every day with blood, urine, feces, and patients with full-blown HIV.”

Centers Health Care offers health insurance, she says, but she cancelled it because the copayments and deductibles were too high and not many providers accept it. She says she hasn’t seen a doctor in more than a year. The company has promised better health benefits in 2021, Cross adds, but has not guaranteed that it will offer them next year.

“Their insurance is so expensive only two people have it,” says Irwin Bluestein, an 1199SEIU lawyer who’s part of the negotiating team. “They’re ignoring us. It’s shockingly callous. They could get a deal, but they won’t.”

Centers Health Care was unavailable for comment. Its offices were closed for the day, with purplish construction paper covering the glass on the doors. A man who stopped by briefly and identified himself as a company staffer declined to give his name or answer questions. An attempt to leave a message on the company’s voicemail was futile because its mailbox was full.

Centers Health Care has more than 40 nursing homes, “post-acute” care centers and adult day-care centers in New York State, with a few more in New Jersey and Rhode Island. It also runs home healthcare services.

Understaffing and lack of supplies endanger both workers and patients at Hope Center, workers say. “One nurse and one CNA carry the whole night shift,” says Cross. Many of the 66 patients are HIV-positive, so “anything can go awry at any time,” Allan adds.

Francois Badenock, the facility’s one driver, says that when he is scheduled to take a patient to a doctor’s appointment, he often has to wait for as much as an hour for a CNA to be available to accompany them. When he’s not driving, he does building services and reception.

Centers Health Care management wants to have up to half the workforce be temporary workers, hired through agencies or on a per-day basis, says Julio Vives, a vice president of 1199SEIU’s nursing-home division.
Management often fails to provide basic supplies such as masks, needles, and “sometimes even linens,” he told the picketers, and the diapers given incontinent patients are of low quality.

Workers say they also want the facility to use syringes with retractable needles, in which the person administering the injection can push a button to make the needle retract—like a ballpoint pen, Cross explains—to protect them from getting stuck and risk being infected with HIV or the MRSA staphylococcus bacteria, which is resistant to several commonly used antibiotics. Three workers have been stuck with needles, she says.

Retractable needles cost about 25 cents apiece more than regular needles, says Bluestein.

“We’re fighting for justice, basically,” says licensed practical nurse Dane McCalla. “Every health-care worker should have coverage.”
Mayor de Blasio, Chancellor Carranza Rename Queens Elementary School to Honor Héctor Figueroa

Bill Parry - Labor Press - December 10, 2019

NEW YORK—Mayor Bill de Blasio and Schools Chancellor Richard A. Carranza today announced the renaming of PS 398, a Jackson Heights, Queens elementary school to be The Héctor Figueroa School. The renaming honors the late union leader and 32BJ SEIU President who passed away earlier this year.

"Héctor Figueroa was the embodiment of the fight for fairness and justice. His legacy lives on across the entire City – from workers who now have benefits they deserve to those who continue to draw inspiration from his mission," said Mayor Bill de Blasio. "Now, children from this school will see his name daily and learn how to take action for what is right."

"This school community could not have made a more perfect choice to name their school after a Jackson Heights leader who was so dedicated to equity in our schools and our workplaces. As our students learn about the world they'll also learn that everyone's voice deserves to be heard, just like Héctor believed deeply. I couldn't be prouder to celebrate that and honor his legacy," said Chancellor Richard A. Carranza.

"I am proud, and a little sad, to celebrate PS 398 taking on the name of my dear brother Héctor Figueroa," said Kyle Bragg, President of 32BJ. "Héctor loved Queens as a place where families from all over the world learned to call each other neighbors, friends, and family. That's why we are so glad his name and legacy will have a chance to live on in the county he called home, where he was so happy to raise his family and work to make things better for all families."

Héctor Figueroa was an international labor movement leader and president of the Local 32BJ of the Service Employees International Union (SEIU), which represents more than 175,000 security guards, school cleaners and handypersons, doormen, and airport workers. Figueroa was a leader in the Fight for 15, a grass-roots effort led by fast-food workers which started in New York City and grew into a nationwide campaign for a higher minimum wage. Born in Ponce, Puerto Rico, Figueroa came from a family of educators; his father was a school principal and his mother was a teacher and principal.

Open for the first time in the 2019-20 school year, The Héctor Figueroa School currently serves 117 Pre-K and Kindergarten students. The Jackson Heights neighborhood of Queens has been home to the Figueroa family for years, and will grow to serve 476 students in grades Pre-K through fifth grade. Principal Erica Ureña-Thus engaged school community in this process, which highlighted significant figures from the Jackson Heights community. Students, teachers, and families votes and decided to officially rename the school in his honor.

The state-of-the-art building is fully ADA-accessible, fully air-conditioned, and includes:

Art, music and science resource rooms
Reading and speech rooms
An early childhood playground and rooftop playground for upper grades
A gymnatorium
A community meeting room

The 476 seats at PS 398 The Héctor Figueroa School will help alleviate overcrowding in District 30 as part of the more than 2,100 new seats created in Queens for the 2019-2020 school year.
Senator Majority Leader Andrea Stewart-Cousins said, "Hector Figueroa dedicated his life to improving the lives of millions of New Yorkers and Americans. Hector fought tirelessly, not only for his union brothers and sisters, but also for causes like immigrant rights, social and economic justice, environmental protection, and workplace safety. This deserving honor will help ensure future generations of children will know his name and learn from his legacy of service."

"Héctor Figueroa was a champion for social justice and the rights of all people," Assembly Speaker Carl Heastie said, "As the son of two educators, he would have been proud to know that this state-of-the-art school carrying his name will give kids in Queens a quality education and the building blocks they need for a bright future. I hope that these students will be inspired by his legacy of fighting for justice and human rights."

"Héctor Figueroa was a giant in the labor community and a powerful voice for hard-working women and men in New York. His death was a big loss for this City but renaming PS398 in his Queens neighborhood in his honor is a fitting tribute. I look forward to seeing future students thriving at a school named after this important social justice leader and my good friend," said Speaker Corey Johnson.

Public Advocate Jumaane D. Williams said, "Héctor Figueroa was an extraordinary leader, a dedicated champion of working people, and an exceptional man. His commitment to the well-being of New Yorkers, within 32BJ and beyond, was absolute, as was his compassion for the struggles many faced. I applaud the city for naming this elementary school in his honor so students and community members can continue to uphold and advance his remarkable legacy."

"Héctor Figueroa was a true champion of the rights and dignity of workers, and he fought tenaciously for families to be able to enjoy better lives," said Queens Borough President Melinda Katz. "It is fitting that his legacy will be kept alive by the renaming of this school, where children in the borough he proudly called home will be afforded the quality education they will need to succeed in both the workplace and in life."

"Hector Figueroa was a giant in this city And throughout the labor movement. Renaming this school will create a permanent memorial to Hector, and also help future generations remember his life, legacy and impact. Thank you Mayor de Blasio and Chancellor Carranza for honoring Hector by renaming this school," said Bronx Borough President Ruben Diaz Jr.

"Héctor Figueroa was a champion for working people and tireless voice for justice in the labor movement. It is an incredible testament to his impact on New York City that PS 398 in Jackson Heights will be renamed in his honor. The students of PS 398 are some our city's next generation of leaders — and they and all New Yorkers will forever see Héctor's name and example as the bright beacon it ought to be," said New York City Comptroller Scott M. Stringer.

"Héctor Figueroa was a model New Yorker who put everything on the line for working-class families and the success of the labor movement. He taught me what it meant to lead with my values, and how to use my voice to speak truth to power. What better way to memorialize his legacy than by sharing his name and story with the students of the city he loved so much. May we all carry on his vision and continue his fight for justice," said Senator Alessandra Biaggi.

"Héctor was a friend, colleague, and proud Queens resident whose dedication to the more than 160,000 property service employees along the Eastern Coast of our country made him a hero to many and one of the most important figures in the American labor movement," said Senator Leroy Comrie. "Héctor understood that the labor movement is about strengthening communities and that no institution is better suited to do that than our public school system. I am glad that The Héctor Figueroa School will carry on his legacy in name and in spirit here in Queens for generations to come," said Senator Leroy Comrie.
"Héctor Figueroa never shied away from taking a principled stand when it came to issues of equality and justice, so it's apt that a school educating New York City children, many who will become leaders of their communities, will carry his name, and with it, a piece of his legacy," said Senator John Liu.

Senator Andrew Lanza, Ranking Member of the Senate Labor Committee said, "Naming this school in honor of Héctor Figueroa is fitting and appropriate. Héctor was a true champion in the fight to create good job opportunities for the people of our State. I cherish the many discussions I had with him which were marked by intelligence and civility. I commend the Mayor for this well deserved tribute."

Senator Liz Krueger said, "Héctor Figueroa was an inspiring champion of working people and a tireless advocate for improving the lives all those who labor. It is fitting that kids at PS 398, who may one day pick up the mantle of his fight for justice, will pass under Héctor's name every day on their way to class. Thank you to Mayor de Blasio and Chancellor Carranza for honoring Héctor's great contribution to the people of our city."

"I commend Mayor Bill de Blasio and Chancellor Richard Carranza for honoring Héctor Figueroa's work and legacy by renaming PS 398 The Héctor Figueroa school," said Senator Shelley B. Mayer, Education Committee Chair. "Héctor Figueroa was a fearless fighter for working people. There is so much that students can learn from his life story and from his strong sense of justice and equity. Héctor Figueroa's spirit will live on in the Jackson Heights community and in the hearts of every worker and family whose life he made better."

"Héctor Figueroa was a larger than life fighter for justice. Naming a public school for him is a powerful way to honor his legacy," said Senator Andrew Gounardes.

"This honor of a school-naming in Queens is an appropriate one for Héctor Figueroa, whose tireless fight on behalf of working families across this city lifted up so many. I'm grateful to the Chancellor and the Mayor for this meaningful gesture honoring Héctor's memory," said Senator Robert Jackson.

"It is so appropriate to name PA 398 in Héctor Figueroa's memory. The son of educators, a leader of working men and women and a homegrown Queens hero, future generations will be able to say with pride "I am a graduate of the Hector Figueroa School," said Senator Toby Ann Stavisky.

Senator James Sanders Jr. said, "It is only fitting that we pay homage to Héctor Figueroa, who was one of the top labor leaders in the country and spearheaded many efforts to ensure workers received better pay and had safer working conditions. It is heartbreaking that he passed away at such a young age. He had so much vision and passion and many more goals I am sure he wanted to accomplish. I hope this school renaming will serve as a reminder to every one of his amazing life."

"Héctor Figueroa was a pillar of the labor community and a leader in our state without equal. Those who loved him certainly miss him and I know they will appreciate the very apt recognition of Hector's life in our school system, where the next generation of New Yorkers will learn the lesson he taught us all too well: ¡Sí se puede!" said Senate Deputy Leader Michael Gianaris.

Senator Jessica Ramos said, "Throughout his lifetime, Héctor Figueroa fought selflessly for all working people. He marched on the frontlines and encouraged us to believe in the collective power of laborers. This is a wonderful way for our community to preserve Figueroa's legacy as a brilliant economist and champion for equality, while honoring his name and teaching the students of P.S. 398 about Figueroa's amazing influence in the world."

Senator Luis Sepúlveda said, "Héctor Figueroa was a valiant fighter for labor rights in New York City and across the country. His vision and commitment to justice and equity profoundly shaped and led the labor rights movement, achieving historic progress and touching countless individual lives and communities."
Honoring Hector's noble legacy with the renaming of PS 398 embodies the ideals and values he stood for and would want our youth and future generations to thrive in."

Assembly Member Michael DenDekker said, "It is truly fitting that PS 398Q be renamed after my long-time constituent and brother in labor, Héctor Figueroa. Students that are attending this school for years to come will learn of the tireless work of Mr. Figueroa, who strove to improve social and economic conditions for all working men and women."

"I cannot think of a more deserving person, leader, advocate and educator than Héctor Figueroa to re-name PS 398Q after. Hector's legacy for this city and working families will live on forever through the building and molding of young minds. I am honored to watch history in the making," said Assembly Member Alicia Hyndman.

"Héctor Figueroa was a terrific, warm and genuine person who made enormous contributions on behalf of workers in New York and around the country, and I am delighted to see a school being named in his honor. What a fitting tribute to a leader who is sorely missed, and whose legacy will continue," said Assembly Member Deborrah Glick.

"Héctor Figueroa was a giant in the labor movement and an inspiration to Latinos across New York and beyond," said Council Member Antonio Reynoso. "The son of educators, Héctor knew the importance of education and used his prominence to help empower the working class. Now, the renaming of PS 398 will pay homage to this remarkable man while serving as a reminder to generations of immigrant families that through education, anything is attainable."

"Héctor lived and breathed the movement – from his youth he was immersed in the language of labor justice and was raised to believe that a better world was possible, and must be fought for. Having been the son of two school principals, naming PS 398 in his honor is a fitting tribute to carry on his legacy," said Council Member Robert E. Cornegy, Jr. "Through a lifetime of service and fortitude, Héctor left an enduring mark on this fabric of this great City. He was a principled fighter, and this naming will inspire young people to follow his lead by standing up and speaking out for what is right and just. " I knew Héctor Figueroa to be a kind and gentle person who treated everyone with great respect and fought hard on behalf of his members," said Council Member Barry S. Grodenchik. "The naming of PS 398Q is a beautiful tribute to his memory."
"Héctor Figueroa was a man of the people devoted to making sure working-class New Yorkers had a fair chance at a good life here in our great City," said Council Member Ben Kallos. "What better role model can our children have than that of a man who worked to bring fairness and respect to New Yorkers who through their work make this City a great place to live. Hector was a natural-born leader who through his work improved the lives of countless workers. He was a friend and I am proud our City is honoring his legacy with the P.S. 398 The Héctor Figueroa school."

"Héctor drove change by bringing New Yorkers together and always putting them first. In renaming P.S. 398 in his honor, his spirit and commitment will live on and inspire our youngest New Yorkers to change the city around them, just as Héctor did," said Council Member Keith Powers.

"Héctor Figueroa was a remarkable community leader and champion for working people, and I want to commend Mayor Bill de Blasio and Chancellor Richard A. Carranza for recognizing his legacy with the re-naming of PS 398 in Queens. As the President of the Local 32BJ SEIU, Mr. Figueroa embodied the passion and dedication that is needed to create equality in the workforce. The re-naming of PS 398 as The Héctor Figueroa School is a testament of his life's work that will undoubtedly have a positive impact on future generations of New Yorkers," said Council Member Mathieu Eugene.

"No one spoke of the concerns of working people like my dear friend, the late Héctor Figueroa," said New York City Council Member Jimmy Van Bramer. "Héctor led one of the most powerful labor unions in the City, was a force in local, state and national politics and led the expansion of his union to include more than 175,000 workers. But every time I sat with him, it was like sitting with an old friend. In a time in which there is much to be cynical about, Hector showed a disarming sincerity that was deeply affecting. He cared about the struggle of working people like few in politics, government or unions did. We lost a legend. While he would probably not love having a school named after him, it is a fitting honor for a man who so deeply loved learning and teaching everyone he met."

"I couldn't think of a better way to honor the life and legacy of Héctor Figueroa than the renaming of a brand new school that will provide students of color exciting new opportunities to be the best and brightest New York City has to offer," said Council Member Donovan Richards. "Héctor came from a family of educators, which is why he was so good at teaching all of us where the right side of an issue was and how organizing was the best path forward. I am a better elected official today because of him and I know this new school will ensure that the students of Queens will be better at paving the path for NYC to move forward. I'd like to thank Mayor de Blasio and Commissioner Carranza for honoring Héctor in such an appropriate manner."

"Re-naming P.S. 398 for Héctor Figueroa gives its students and the community a permanent reminder of a role model for leadership and compassion. Kind and caring, Héctor exercised exceptional leadership at the helm of the largest building trades union in the United States, evidenced by a membership increase of 50,000 under his watch. His human compassion drove him beyond the ranks of his members to stand with workers in other industries for decent wages and working conditions. Héctor Figueroa was a true hero of working people. We are upholding Hector's example for students to learn from and to follow in his footsteps in whatever career they choose," said Council Member Fernando Cabrera.

"Héctor Figueroa was a stalwart labor leader and an outspoken advocate for 32BJ members and workers everywhere," said Council Member Paul Vallone. "The re-naming of the Héctor Figueroa School is a fitting honor to his tremendous legacy as an effective and passionate fighter for thousands of working Americans and their families."
"Héctor Figueroa was a lifelong champion for those who desperately needed one. I can't think of a more inspirational tribute to his life and legacy than a house of learning bearing his good name," said Council Member Kalman Yeger.

"Renaming a school in memory of someone is not only an honor but it also provides inspiration for the students that attend the school and for the people who live in the community," said Council Member Adrienne Adams. "Héctor Figueroa was a passionate fighter for working people everywhere and his legacy of excellence is what we want our students and community to represent. I am thrilled that PS 398 will carry Hector Figueroa's name so that we can continue to see ourselves in his greatness and others can rise to his example."

"Héctor Figueroa was deeply devoted to improving the lives of working people, and he remains an inspiration to so many activists and organizers continuing to lead their own fights for justice. By renaming P.S. 398 today, Mayor de Blasio both rightly honors Héctor's legacy, and creates an opportunity for young students to be constantly reminded that we can and must stand up for what is right," said Peter Ward, President of the New York Hotel Trades Council.

"Héctor Figueroa dedicated his entire professional life to seeking racial, social, and economic justice for all working people and their families," said New York City Central Labor Council, AFL-CIO President Vincent Alvarez. "He fought for a society that recognizes the dignity and honors the aspirations of all people, and it's fitting that children in one of our most diverse and vibrant communities will be able to grow and learn surrounded by Héctor's values."

George Miranda, Teamsters Joint Council 16 President, said, "Héctor Figueroa was a giant in the labor movement. He left behind a vibrant local union and a labor movement with a model for organizing the unorganized. The Department of Education's creation of the The Héctor Figueroa School is a fitting celebration of his legacy and love for New York's immigrant and working families."

"Héctor was an intellectual giant, an unwavering moral compass, and a human being who lived each moment with such humbleness and kindness, it would take you aback and melt your heart. Among all in the labor movement, he was just the real deal. I can think of no one more deserving and no legacy better to remind our children of how to have a life well lived. This is a beautiful gesture by the Mayor. I thank him deeply from my heart," said Bhairavi Desai of the New York Taxi Workers Alliance.

Gary LaBarbera, President of the Building and Construction Trades Council of Greater New York said,"Héctor Figueroa's legacy and tireless advocacy for working men and women will now inspire Jackson Heights' next generation to lead a life as gracious, committed, and honorable as Héctor led his."
How Can The Bosses Be ‘Neutral’ When They’re Spending $340 Million On Union-Busting Lawyers?

Joe Maniscalco - Labor Press - December 12, 2019

Several elected city and county officials showed their support for unionized Albany Medical Center Hospital nurses at a short rally and prayer vigil held Sunday afternoon outside City Hall.

The union has been negotiating with the hospital since the nurses voted 1,161-582 last year to organize. Today, roughly 2,000 of the hospital's 2,200 nurses are members of the New York State Nurses Association.

Albany Common Council President Corey Ellis said the nurses deserve fair treatment from the hospital as they pursue their first contract. He said the council and the Albany County Legislature would be putting forth proclamations this week in support of the nurses.

“They won their union election over a year ago and it shouldn’t have taken this long,” he said.

Joining Ellis from Albany city government were fellow Common Council members Owusu Anane, Tom Hoey, Kelly Kimbrough and Jack Flynn, as well as City Treasurer Darius Shahinfar. County legislators Paul Miller, Douglas Bullock and legislators-elect Dustin Reidy and Nathan Bruschi were also there to show support. About 50 people attended the rally. Albany Mayor Kathy Sheehan was not in attendance but Brian Shea, her chief of staff, said Sheehan was not aware of the event and is supportive of the nurses' union.

“All we’re asking is for Albany Medical Center to do the right thing,” said Anane. “There’s no excuse when our region’s largest hospital doesn’t have safe staffing levels.”

Hoey, who is also a union representative for State University of New York faculty members, tied the on-going negotiation to larger issues facing unions.

“Unions are under attack in the country and this is a perfect example of it in our own city,” he said.

The elected officials were joined by several union representatives from other unions and clergy members, including Rev. Peter Cook, the executive director for the New York State Council of Churches.

“It’s disturbing to us that our nurses are being treated so shabbily,” he said. “They have a right to negotiate a fair contract.”

The negotiations have been beset by accusations of unfair labor practices and has led to tensions between the union organizers and management. About 10 percent, or more than 200 nurses, signed a petition to de-certify the union.

Last week, Albany Medical Center CEO James Barba sent an email to hospital staff, condemning the union organizers who showed up to a fundraising gala for the children's hospital and distributed flyers.

The hospital has said the vacancies are fueled by a statewide nursing shortage. The union counters that they are fueled by uncompetitive wages, benefits and burnout from a growing workload. Albany Medical Center has said it bases its staffing levels on a variety of factors, including patient need, national benchmarks for academic medical centers, and nurse input.
A 2009 EPI study found that employers actually held captive audience meetings in a whopping 89-percent of union election campaigns conducted between 1999 and 2003.

But when asked last month if he felt that the rules governing organizing drives were tilted in favor of the bosses — King said, “I don’t see how it’s tilted in their favor.”

Interestingly, King has said that Housing Works is “happy to sign a neutrality agreement [with RWDSU] that is truly neutral” — but that he refuses to sign any neutrality agreement that “mandates my employees, on company time, sit through a 90 minute union indoctrination.”

Often times, there’s nothing ambiguous about the aims of union-busting bosses.

Beyond the millions of dollars spent on union-busting law firms — the EPI’s latest report finds that employers were charged with violating federal law in 41.5-percent of all union election campaigns in 2016 and 2017. Employers were charged with illegally firing workers; illegally coercing, threatening or retaliating against workers or illegally disciplining workers for supporting a union — in nearly a third of all NLRB-supervised elections.

“Employers routinely threaten, intimidate, and fire workers when they try to form a union at their workplace,” Celine McNicholas, co-author of the EPI report said in a statement. “Employers face few consequences because our current labor law fails to provide workers meaningful protections.”

McNicholas stressed that the findings should “sound the alarm for policymakers and underscore the need for significant labor law reform to hold employers accountable and restore workers’ rights to organize and collectively bargain.”

BAM staffers ultimately voted — 119 to 26 — to unionize with UAW Local 2110.

Whether or not Housing Works staffers vote to organize with RWDSU remains to be seen.
Crews seal gas leak that caused explosion, forced evacuations in Albany
Steve Hughes and Steve Barnes - December 12, 2019

ALBANY — City workers and National Grid crews spent three hours on Thursday trying to seal a massive gas leak that shut down parts of two main roads in the city and forced hundreds of workers to temporarily evacuate.

The rupture began when the city’s water department detected a small water leak Wednesday evening near James Street and Maiden Lane and went to repair it Thursday morning.

But at 9:35 a.m., the crew hit an 8-inch gas line or a structure connected to it right below the cobblestones as they began probing the ground, trying to find the main. That main was much shallower than they expected, said Joe Coffey, the commissioner of the city's water department.

“We were in the process of getting that top layer of dirt off when the gas line began to leak,” he said. “It’s obviously very disconcerting when a high-pressure gas line releases and you have a guy sitting in a machine.”

The rupture sent cobblestones flying toward the crew operating the excavator and pressurized natural gas spewing into the air at the intersection of James Street and Maiden Lane. No one was injured.

Emergency crews shut down North Pearl Street and Broadway from Columbia to State streets, as well as the smaller side streets in between, as firefighters began evacuating workers and residents from some nearby buildings. Some workers retreated to their cars or went home while others sat in local cafes.

Fire Chief Joseph Gregory said firefighters went through nearby buildings with meters to get readings on the levels of natural gas in the air but none reached dangerous levels.

The Capital District Transportation Authority also brought two buses to the scene for people to warm up in.

Elizabeth Gibson said she and her husband were leaving a local coffee shop on Broadway when they saw what they believed was rising steam. As they got closer, she said, they smelled natural gas.

"We ran because it was obviously a gas leak and I was scared it was going to explode," she told the Times Union. "The smell was absolutely overwhelming. We didn't feel the blast."

By the time they got to State Street, they could hear sirens.

Paul Bramah, who works overnights in an Albany bakery, said he stopped for breakfast at the Dunkin' on North Pearl Street and had nodded off in a booth when he was awakened and told to leave because of a gas leak.

"I went outside and there was already (police) tape and lights everywhere," said Bramah. "You could definitely smell it. I looked down toward Broadway, and you could see a very light mist, like a mist of steam."

Bramah said he asked a police officer about the source of the leak. "He said, 'Leak? You didn't feel the ground shake from the explosion?'"

Utility crews were able to seal a valve on one side of the ruptured pipe and then used a clamp to crimp the line to reduce the loss of service to surrounding areas. The leak was stopped at 12:37 p.m., roughly three hours after it began. The area around the leak was blanketed in a white coat of icy moisture that had collected.
“A lot of excitement today, which is normally not what we go through to do a water main repair,” Coffey said.

Not all of the buildings were evacuated and in some places, it was business as usual. In one window on Broadway, a man could be seen getting his teeth cleaned at a local dentist office as a plume of natural gas rose into the air just a few hundred feet away.

There were approximately 16 customers without gas Thursday, and National Grid was hoping to complete repairs by Thursday night, according to a spokesman. He added that officials from the utility company will have to go to each customer and re-light their service. Residents in the area are asked to 800-892-2345 if they smell gas during or after the repairs.
U.S. employers spend $340 million annually to thwart unions

Nicole Karlis - Salon News - December 12, 2019

After years of decline, the American labor movement is on the upswing: Google contractors in Pittsburgh unionized this year, along with several newsrooms, while other tech companies are in the middle of union struggles. Still, unions have a lot of ground to retake, as union membership among American workers has fallen by about 50 percent over the past 35 years; membership peaked in 1954.

Unions are, in general, extremely good for the economy: union workers are paid better, treated better, and retire better. So why the fall? According to new research by the Economic Policy Institute (EPI), America’s decline of unions is likely in part due to the hefty investments employers have put into thwarting unionization efforts, which is fueled by a shadow industry that even the federal government has little information about.

The EPI report, which was published on Wednesday, found that American employers spend an estimated $340 million annually on “union avoidance” consultants and firms to help them stave off union elections. Consultants often report being paid $350 per hour, or more. Some even clock in $2,500 daily rates.

"I think it is just alarming to me to see the numbers in front of your face that show how well some people are paid to make other people earn less, that to me is shocking,” Ben Zipperer, one of the authors of the report and an economist at the EPI, told Salon.

According to the report, some companies spend millions on union avoidance consultants each year. Laboratory Corporation of America spent an estimated $4.3 million between 2014 and 2018. Mission Foods spent $2.9 million between 2016 and 2017. The Trump International Hotel in Las Vegas reportedly spent $569,000 between 2015 and 2016.

In order to sift through the data and land on this estimate — which the researchers emphasize is just an estimate, and could be higher — they examined public forms filed with the U.S. Department of Labor’s Office of Labor-Management Standards (OLMS), including LM-20s, which are filed by consultants to the U.S. Department of Labor’s Office of Labor-Management Standards (OLMS) for each individual employer they contract with between for between January 1, 2015, and December 31, 2018.

They also examined LM-20s filed between 2012 and 2014 to gather details on consultant rates and contract terms, in addition to looking at LM-21s which are filed once a year by consultant firms, and which identify clients and subcontractors.

“The main goal of union avoidance consulting firms is to prevent a union election from taking place—and if that fails, to ensure that workers vote against the union,” the researchers state in the paper.

Recall, in November, The New York Times reported that Google hired a notorious anti-union consulting firm, IRI Consultants, amid brewing labor troubles at the company. Separately, when a third-party vendor for Google called HCL Technologies voted to join the United Steelworkers in September, HCL worker Joshua Borden told Salon the effort wasn’t free of tension. HCL hired a famous union-buster, Eric Vanetti, to “educate” the employees on their rights.

Zipperer told Salon it’s unclear if this spending is at a historic high, as this kind of data has always been a bit murky and often hard to access — which has made it nearly impossible to calculate the size of this industry. The most comprehensive review of research on the anti-union industry was conducted by the U.S. Department of Labor in 2011, but Zipperer said it only captured about 7 to 8 percent of the industry.
“We used it [the data], but we had to account for the fact that the data that exists vastly underestimates the size of the industry and that goes to this other problem,” Zipperer explained. “This speaks to the fact that not only does our labor law not protect people, and not only is there this shadow industry that we have little information about, but we can’t even collect or maintain the data to really get a handle on this — and the agencies that are supposed to be enforcing and making sure that the promise of labor law is upheld don’t even have the data to use themselves.”

The report also found that American employers are charged with violating federal law in 41.5 percent of all union election campaigns. The researchers estimate that one out of five union election campaigns involves a charge in which a worker was illegally fired for union activity. The EPI researchers looked at a set of 3,620 National Labor Relations Board election filings from 2016 to 2017, and 49,396 cases of Unfair Labor Practice charges filed against employers between 2015 and 2018. Additionally, they conducted a Freedom of Information Act request to obtain and review each Unfair Labor Practice (ULP) charge as, to their surprise, the National Labor Relations Board does not systematically track which ULP charges are filed during a union election campaign.

Zipperer said federal law violations are high because there is no real penalty for companies for breaking the law. For example, when an employer illegally fire employees for union support they are only liable for back pay of their work, but any wages the worker has earned while waiting to be reinstated are subtracted.

“There aren’t meaningful penalties associated with that, so it makes sense to pay lawyers and consultants really good money to help thwart a unionization attempt,” he said.

Researchers conclude the consequence of union suppression have contributed to extreme inequality in America, in addition to workers’ rights being attacked through legislation.

“Indeed, corporations have seen their interests advanced by policymakers, while working people’s interests have been largely neglected,” the researchers state. “Instead of advancing reforms that would rebalance an increasingly rigged system, lawmakers have repeatedly failed to prioritize measures that advance workers’ rights.”
VCF Deadline Extended to July 2021, Aiding Those Who Were Late

Bob Hennelly - The Chief Leader - December 13, 2019

The 9/11 Victim Compensation Fund has revisited its policy of imposing a two-year deadline for first-responders, survivors and their families to apply from the time a family member had died, or from the date their WTC condition had been certified, according to a VCF spokesperson, setting a new deadline of July 29, 2021. Several 9/11 compensation lawyers and WTC health-care advocates said the change throws a lifeline to thousands of people who had been previously denied benefits because of the two-year deadline.

Follows VCF Extension

The rollback of the time bar on wrongful-death and WTC-health claims came as a result of the passage this summer of the Never Forget the Heroes: James Zadroga, Ray Pfeifer and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act.

Prior to Congress’s re-authorization of the VCF, it was slated to close next year and was running out of money.

On July 29, President Trump signed the re-authorization making the VCF funding permanent and extending its life until Oct. 1, 2090.

“As a result, the Special Master has determined that all claims are timely filed if registered by July 29, 2021, which is two years from the date of enactment of the VCF’s Permanent Authorization Act,” a VCF spokesperson wrote in response to a reporter’s query. “The revised policy is intended to address the concerns about claimants who missed prior deadlines because they did not know that the VCF existed or was open to them, did not know that their conditions (or the death of their loved one) was related to 9/11 exposure, or did not realize that they were eligible to file a VCF claim or that the VCF would be available to provide relief on a more permanent basis.”

‘Good News for Group’

“It is a real victory for the 9/11 community that doesn’t usually get good news,” said John Feal, a 9/11 first-responder and founder of the FealGood Foundation, a 9/11 advocacy non-profit. “That two-year window was a real hindrance for people, and as we speak, all those major law firms—who told these people they couldn’t represent them because they were timed out—are racing to find their contact numbers.”

Michael Barasch, a leading WTC attorney, said in a phone interview that VCF Special Master Rupa Bhattacharyya’s decision “will enable the families of first-responders and survivors who died more than two years ago to now submit a claim and also allows a window to file for those that have gotten official notification of their World Trade Center illness” but had run afoul of the old deadline.

Matthew Baione, an attorney who also specializes in WTC claims, said the revised timelines would help those eligible better navigate what can be a confusing process.

“I had one client who thought the V in VCF stood for veteran,” Mr. Baione said, adding that the deadlines had in some cases prompted clients to opt for filing a formal appeal. “And that meant that under oath they had to testify about all the pain they went through, which had the effect of opening up those traumatic memories,” he said. As of Nov. 30, the agency has received 53,630 claims and approved 26,823, with 13,982 still pending. Initial award decisions have been reached in 25,995 claims, 1,086 of which were wrongful death. The fund has paid out just over $6 billion.
Scores of members from DC 37 AFSCME and SEIU 32BJ, two of the city’s largest unions, attended a packed City Council hearing Dec 12 where leaders and representatives testified about runaway charges in NYC’s largest private hospitals.

The unions presented testimony on the effects of skyrocketing costs for health care and asked the City Council to take action to curb practices by hospitals and health care providers that unreasonably ratchet up costs for needed care.

“The single factor that’s had the most profound, negative impact on healthcare coverage in NYC is the cost of in- and out-patient care provided by the City’s non-profit, private hospitals,” said District Council 37 Executive Director Henry Garrido.

“DC 37 and our brother and sister unions that make up the Municipal Labor Committee are doing our part to reduce hospital bills with changes in the design of our health plans. But the private hospital systems are not doing their part to contain costs.”

Garrido noted that under the current, incomprehensible system:

A hip replacement procedure can cost $83,000 at one hospital and $56,000 at another. Hospitals that serve Medicare and Medicaid patients receive lower prices in the private market, while hospitals that serve insured patients have higher prices.

On average, higher-priced hospitals in the NY metro area are 2.5 times higher than the lowest-priced hospitals. “Adding insult to injury is the fact that hospital executive compensation has soared along with the cost of care,” he continued. “In 2018, the top 10 highest paid hospital CEOs received combined salaries, perks and other compensation totaling more than $53 million.

At the same time, the city and state also offer the hospitals hundreds of millions of dollars in tax breaks.”

Several non-profit hospitals in the city allow some of their providers to charge well beyond the norm of what is reimbursed. For example, 32BJ’s Health Fund, which provides health care for 200,000 people who are members of the union or in their families, paid some out-of-network providers at Northwell hospitals – almost 60 times what was paid to in-network providers in other comparable hospitals.

“32BJ fights hard to ensure our members have access to high quality, affordable health care. Hospital systems that give privileges to out-of-network providers to deliver standard services are simply making it harder for costs to be contained and for working people to access the kind of care they deserve,” 32BJ SEIU Secretary-Treasurer Larry Engelstein testified. “Managing health care costs is therefore crucial to ensuring we can continue to win family-sustaining jobs for workers in New York City.”

Garrido made four recommendations to change the status quo:

1. **Increase Transparency:** Require hospitals to provide a price list of services and the prices they charge.
2. **Limit Executive Compensation:** Restrict the salaries of hospital executives.
3. **Tax Breaks:** Reconsider the tax breaks given to hospitals.
4. **Regulation:** Develop regulations that prevent hospitals from charging unjustifiably high prices.

DC 37 and SEIU 32BJ Join Forces to Demand Accountability from Private Hospitals

Mike Lee - DC37 News- December 13, 2019
Garrido made four recommendations to change the status quo:

Conduct an investigation into these private hospitals with high cost services that decline to treat uninsured and under insured, low-income and immigrant populations.

The City, along with the State, must re-evaluate its property tax exemptions to private hospital systems that are not willing to treat populations that can least afford their services.

Create a stakeholder group that includes labor unions, health care advocates, consumers, healthcare institutions and insurance providers to discuss the cost and quality of health care.

The City Council should monitor all hospitals (private and public) and health plans to measure disparities in pricing and care.

“The health care we have in our contract makes a huge difference in my life. It covers my two sons, and does not require any premium payments to come out of my paycheck,” said 32BJ member Luchiana Owens.

“It is important though that health care costs do not rise too fast. If health care costs are out of control, there is less room for wage increases, pension payments, training and other benefits members like me rely on to support our families and improve our lives.”
New York, NY – Two of the most powerful labor unions in the city and their allies are mad as hell at the skyrocketing cost of healthcare in this town and the “irrational” hospital billing that’s become the financial equivalent of “Russian roulette.”

City Council Members Mark Levine [D-7th District] and Fernando Cabrera [D-14th District] joined with members of 32BJ SEIU and DC37 ahead of a joint oversight hearing of the Committee on Health and Hospitals on Thursday, December 12, demanding that steps be taken to “rein in” costs for the good of the city, patients and workers. “You never know if you’re going to walk out [of the hospital] with healthcare debt in the thousands or tens of thousands of dollars — that is a burden on patients, it’s a burden on labor unions and our city — and we are sick and tired of it,” Levine said. The Health Committee chair pinned the blame on a trifecta of healthcare industry players: pharmaceutical companies charging “obscene prices on drugs people need to live” — insurance companies “with their multi-billion profits that only seem to grow, [and] that are imposing secretive unfair contracts on this sector” — and hospitals which are “charging incredible, often outrageous prices for even the most routine procedures, sometimes thousands or tens of thousands of dollars.”

In testimony delivered during Thursday’s hearing, DC37 Executive Director Henry Garrido said that New York City’s non-profit, private hospital systems are not doing their part to contain costs. “The largest five hospital systems that dominate NYC still find ways to increase their costs by 7, 8, 10-percent each year — year after year, after year,” he added. “These costs are then passed on to us employers, participants and labor organizations that provide health care to NYC’s working families.”

Larry Engelstein, 32BJ SEIU secretary-treasurer and Health Fund trustee, complained that the same procedure at one hospital can cost six-times as much on average as another hospital chain.

“There is no rationality,” Engelstein said. “You cannot walk into the hospital and know what you’re going to be charged. You go there for a procedure, you get whacked with an out-of-network doctor, and then you get surprise billing that is exorbitant. We need to have rationality, we need to have clarity, we need to have transparency — and we need them to modulate their prices so we can maintain affordable, accessible, quality healthcare in this city.” Unions comprising the Municipal Labor Committee insist they are already doing their part to reduce hospital bills with changes in the design of their health plans — yet health care costs in NYC continue to explode. According to 32BJ Health Fund Director Sara Rothstein, one of the “major drivers” is the high cost of out-of-network care. “Sometimes, a member will see an out of network doctor on a planned basis, but members are often treated by out of network doctors in the emergency room or when they are admitted to the hospital for emergencies or go for a planned admission – like childbirth – and are unknowingly treated by doctors who are out of network,” Rothstein said in a statement delivered at Thursday’s hearing. “Members go to in-network hospitals thinking that the doctors will all take the same insurance as the hospital. When a doctor is out of network, there is no pre-negotiated rate for payment and doctors can bill as much as they want.”

As a member of 32BJ SEIU for the last 17 years, commercial cleaner Luchiana Owens is spared high premiums and is confident that she and her children can visit a doctor without the risk of “financial troubles.”

But she still feels under threat.

“I ask that the council take action and help contain healthcare costs so that working people can continue to build a good life for themselves and their families here in New York City,” she said.
All across New York state, Public Employees Federation (PEF) members like myself work hard every day providing vital services to New Yorkers. We’re the nurses, parole officers, engineers, scientists, IT professionals, environmentalists, bridge inspectors and so many more of New York’s public employee workforce who keep our communities safe and our state running smoothly.

I’m part of an IT communications team for a state agency, largely made up of highly skilled professional PEF union members. We’re at the forefront of promoting and supporting important IT projects that enhance and improve the lives of New Yorkers statewide through technological innovation. Across our great state, the important progress we’ve made in technology that benefits our communities can be seen in healthcare, transportation, government, business and the environment, just to name a few. The impact PEF union members have had working in state government has been invaluable.

PEF is currently in contract negotiations with the state. We’re looking for a contract that provides affordable healthcare, fair wages, safe staffing requirements, and that will enable us to continue providing New Yorkers with the best possible services.

We love what we do, and we want to continue doing it. From the land you farm, to the food you eat, to the water you drink, to the streets you walk, to the forests you camp in, to the beaches you tan at, to the highways you drive, PEF members are there protecting, safekeeping and improving your state, each and every day.

PEF Memebr Philip Rogers

Latham, NY
Rally, vigil held at City Hall for Albany Med nurses
Common Council president, others, show support for getting nurses first contract

Steve Hughes and Steve Barnes - December 15, 2019

Several elected city and county officials showed their support for unionized Albany Medical Center Hospital nurses at a short rally and prayer vigil held Sunday afternoon outside City Hall.

The union has been negotiating with the hospital since the nurses voted 1,161-582 last year to organize. Today, roughly 2,000 of the hospital's 2,200 nurses are members of the New York State Nurses Association.

Albany Common Council President Corey Ellis said the nurses deserve fair treatment from the hospital as they pursue their first contract. He said the council and the Albany County Legislature would be putting forth proclamations this week in support of the nurses.

“They won their union election over a year ago and it shouldn’t have taken this long,” he said.

Joining Ellis from Albany city government were fellow Common Council members Owusu Anane, Tom Hoey, Kelly Kimbrough and Jack Flynn, as well as City Treasurer Darius Shahinfar. County legislators Paul Miller, Douglas Bullock and legislators-elect Dustin Reidy and Nathan Bruschi were also there to show support. About 50 people attended the rally. Albany Mayor Kathy Sheehan was not in attendance but Brian Shea, her chief of staff, said Sheehan was not aware of the event and is supportive of the nurses' union.

“All we’re asking is for Albany Medical Center to do the right thing,” said Anane. “There’s no excuse when our region’s largest hospital doesn’t have safe staffing levels.”

Hoey, who is also a union representative for State University of New York faculty members, tied the on-going negotiation to larger issues facing unions.

“Unions are under attack in the country and this is a perfect example of it in our own city,” he said.

The elected officials were joined by several union representatives from other unions and clergy members, including Rev. Peter Cook, the executive director for the New York State Council of Churches.

“It’s disturbing to us that our nurses are being treated so shabbily,” he said. “They have a right to negotiate a fair contract.”

The negotiations have been beset by accusations of unfair labor practices and has led to tensions between the union organizers and management. About 10 percent, or more than 200 nurses, signed a petition to de-certify the union.

Last week, Albany Medical Center CEO James Barba sent an email to hospital staff, condemning the union organizers who showed up to a fundraising gala for the children's hospital and distributed flyers.

The hospital has said the vacancies are fueled by a statewide nursing shortage. The union counters that they are fueled by uncompetitive wages, benefits and burnout from a growing workload.
Think There’s ‘No Opportunity’ For Women In The Building Trades? ‘Then Think Again’ - Bridge Crew ‘Gets The Job Done With A Lot Of Woman Power’
The Los Angeles Times - December 15, 2019

(LOS ANGELES, CALIFORNIA) - Maria Coronado has building in her blood.

Her Grandmother was a World War II Riveter and her Grandfather a life-long Woodworker.

Coronado, who grew up learning how to bake bread as skillfully as she knew how to fix a combustion engine, was often the only Woman on a site to wield a hammer when she started in construction in 1990.

Nearly 30 years later, she’s a mentor to those who’ve followed in her footsteps, answering late-night calls helping Women navigate a male-dominated field.

That includes a group of Women rebuilding Downtown Los Angeles’ 6th Street Bridge - a once iconic landmark stretching across the L.A. River that was torn down in 2016 after it was deemed an earthquake hazard. “What I’m always telling them is to ‘own your skills,’” said Coronado, 52. “Outshine everybody.”

The 6th Street Bridge team of 170 includes 15 Women - the most on any commercial project in Los Angeles and nearly double the Department of Labor’s participation goal of 6.9% Female Crew Members. The $428-million project is being constructed by Swedish Construction Company Skanska, in a joint venture with San Francisco-based Stacy and Witbeck.

Skanska includes a Senior Executive Team that is half Women.

Rosa Garcia, 37, remembers the first day she stepped onto the downtown Los Angeles site.

“There’s been jobs where there’s been ‘eight hundred guys and one’ female – ‘and I’ve been the only’ female,” the mother of four said. “This is the ‘first’ project ‘that I walked on to where I couldn’t believe how many Women I saw.’”

Garcia had spent years working in retail before picking up a hammer four years ago.

While going through a divorce, she learned of a Pre-Apprenticeship Recruitment Program called Bridging Outstanding Opportunities with Tradeswoman Skills, or BOOTS.

The training, in partnership with the Southwest Regional Council of Carpenters Union, is designed to prepare Women for a career in carpentry. Coronado, a Special Representative with the Carpenters Union and the first female lead of a Local Union in a major metropolitan city, taught Garcia to “check her feelings” before she entered the construction zone, where orders are barked and words are rarely minced.

“You ‘have to have a voice’ when you’re in construction,” Coronado said. “You ‘have to communicate,’ ‘It’s a life-or-death situation sometimes.’ ‘You have to say what needs to be said without fear of consequences.’”

According to the Bureau of Labor Statistics (BLS), the construction industry is composed of roughly 9% Women, including those in Clerical and Administrative Roles - not in the field. That statistic is lower for those who actually work on active job sites: about 3.4%.
Legal challenge seeks to end state agencies' use of subpoenas to collect employees' private data

Brendan J. Lyons - Times Union - December 15, 2019

ALBANY — A longstanding practice by certain state agencies to use "administrative" subpoenas to sift the personal mobile phone and private email records of employees targeted in non-criminal personnel investigations is facing its first legal challenge.

A civil complaint, filed recently in state Supreme Court in Albany by the union representing State Police investigators, is seeking to end a practice that it claims is an unconstitutional abuse of authority.

The petition on behalf of two unidentified State Police investigators — listed in the court filings as "John Doe" and "Jane Roe" — accuses the agency of issuing administrative subpoenas without statutory authority and under a self-enacted regulation that does not require or allow the employees to be notified their private records have been accessed. Through the years, state agencies have used the subpoenas — which are usually not linked to a court case or authorized by a judge or grand jury — to access records from banks, phone and internet companies, as well as outside employers.

The subpoenas are issued "in secret — without notifying the true parties of interest, or affording those parties the opportunity to challenge the factual basis, relevancy or scope of the subpoenas," the court petition states. It was filed against the State Police and its superintendent, Keith M. Corlett.

A spokesman for the State Police last week was in the process of gathering data at the request of the Times Union on how many administrative subpoenas the agency has issued since roughly January 2018. The subpoenas are public records. But after learning that the lawsuit was filed by the union, the State Police rescinded their offer, claiming "we cannot provide information at this time."

Example of an administrative subpoena

This is a copy of an administrative subpoena issued by the State Police for a non-criminal personnel investigation. The subpoena demanded that Verizon send records of calls made from a state trooper's personal cell phone on a specific date. The Times Union redacted identifying information on the subpoena. Click on yellow highlighted areas for comments.

Christopher M. Quick, president of the New York State Police Investigators Association and a petitioner in the court case, did not respond to requests for comment.

The union representing state correction officers, New York State Correctional Officers & Police Benevolent Association, said its efforts to press for legislation that would clamp down on the state's use of subpoenas has failed to gain traction at the Capitol.

"In the past, NYSCOPBA has introduced and supported legislation that would protect our members and their families from unwanted and unwarranted invasions of privacy by requiring that they be notified of any subpoenas seeking their personal information," the union said in a statement. "We will continue to seek the enactment of this bill. We stand in solidarity with other public sector unions on this issue, and we urge state legislators to protect our hard-working brothers and sisters all across the state."
The use of administrative subpoenas to gather the personal records of state employees dates back years and is not limited to the government workers. In many instances, state agencies have used the subpoenas to also gather records on the spouses or other relatives of state employees in connection with personnel investigations.

The attorney general's office said it has no oversight of the practice, and the comptroller's office said they have no record of auditing agencies' use of the subpoenas.

A spokesman for Verizon, which like other mobile phone providers promptly turns over their records in response to the administrative subpoenas without notifying customers, declined to respond to questions about their current policies governing the disclosure of the private information.

Instead, the company provided a copy of its most recent "Transparency Report," which indicates Verizon had received more than 68,000 subpoenas for records in the first half of 2019, and rejected just 3 percent of those requests. In many instances, the company said, the subpoenas are rejected if they seek information — such as stored data — that is not subject to release under a subpoena, or for clerical errors such as if the targeted person's phone is serviced by a different provider.

The report issued by Verizon includes its responses to many questions about its handling of search warrants and subpoenas, but does not provide any information about policies to notify customers if their records have been subpoenaed.

"A prosecutor or law enforcement official may issue a subpoena to seek evidence relevant to the investigation of a possible crime," Verizon's website states.

The administrative subpoenas issued by the State Police to Verizon typically include this statement: "Due to the sensitive nature of this investigation, the State Police requests that the subscriber not be notified of the issuance of this subpoena."

Because these subpoenas are not issued through a court, the records turned over by the private providers in response to them are usually limited to call records and the information that may appear in a person's monthly statement. Judicially authorized search warrants would be needed to obtain copies of text messages or other stored data, such as photographs.

Wayne Spence, a state parole officer and president of the Public Employees Federation, is a harsh critic of the practice. Spence's wife's telephone records were secretly subpoenaed by the Division of Parole after he spoke at a 2006 legislative hearing in Albany that focused on internal problems at the agency.

The state eventually agreed to pay Spence more than $50,000 — plus several hundred thousand dollars in legal fees — to settle the federal civil rights lawsuit he had subsequently filed accusing officials of targeting him for termination as part of a witch hunt orchestrated in the wake of his public testimony.

Despite the alleged civil rights violations, state lawmakers in Albany took no action and have not formally reviewed or challenged the often unbridled use of administrative subpoenas by agencies that are conducting internal investigations of employees.

Around the time Spence was targeted, other parole officers — including several that the agency suspected had provided internal documents to the Times Union about the problems plaguing the agency — said they also had their personal phone and email records subpoenaed.
During that era, the parole agency was being headed by Anthony G. Ellis II, a State Police colonel who would later return to his job at the State Police and oversee its internal affairs unit. In that role, Ellis' signature line would regularly appear on the administrative subpoenas used by the State Police to gather phone and email records of members and other employees.

"He used parole administrative subpoenas to get access to cell phone records that were in my wife's name. My wife was and has never been a state employee," Spence said. "The state Legislature should make changes to the law so that agency heads cannot use the administrative subpoenas in such a manner. Anthony Ellis almost destroyed my life and also broke the law with the illegal and unethical use of administrative subpoenas against me."

In a pretrial deposition in January 2009, Ellis said he and another parole official initiated the investigation of Spence but he didn't recall whether he ever signed subpoenas for internal investigations. Still, he acknowledged there was abuse of the practice and said he had disciplined a parole supervisor who issued subpoenas without authorization to obtain personal phone records of officers.

Despite that disclosure, the matter was not referred for criminal prosecution, Ellis said in the deposition. Ellis left the parole agency in February 2007 and returned to his State Police job. He has since retired.

The subpoenas used by the State Police make clear they are not being issued as part of a criminal case, and the headers state they are a "Matter of an Administrative Investigation of the New York State Police." The subpoenas include a warning: "Failure to comply with this subpoena will subject you to all the penalties and damages provided for in Section 2308 of the Civil Practice Law and Rules of the state of New York."

But that section of state law only enables the issuer of a subpoena that is not issued by a court to petition a state Supreme Court justice to compel compliance. The maximum penalty for failure to comply with that type of subpoena is $50.

The civil complaint filed by the State Police investigators' union accuses the agency of deploying an "unfettered use of secret administrative subpoenas that do not afford police professionals the basic procedural and substantive protections against unwarranted invasions of personal rights and privacy."

The subpoenas have been used to also gather banking and outside employment records of state employees.

The unidentified investigators on whose behalf the petition was filed "believe" they are the subjects of a pending personnel investigation, but the filing does not provide any details about their cases. It says, though, that State Police used "secret administrative subpoenas" in August "to obtain electronic information from the personal smartphones of those members."

On Aug. 8, the attorneys for the two investigators contacted the State Police and demanded that they provide copies of and withdraw the subpoenas that had been issued to their mobile phone providers.

A week later, the agency responded that it was authorized under a state regulation that says their agency can issue subpoenas "requiring persons to appear before a designated division commissioned officer and be examined with reference to a matter within the scope of the administrative personnel investigation being conducted, and to produce books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to such investigation."

But the union contends the agency's use of the subpoenas is unlawful.
"The power of a public official or agency to issue an administrative subpoena only exists when it is expressly granted by the New York state Legislature," the complaint states. "There must be some factual basis shown to support the issuance of an administrative subpoena ... (and it) may not be used by a public official for the purposes of discovery or to ascertain the existence of evidence."

The police union also argues that the state's power to issue subpoenas in employee investigations is governed by New York's Civil Practice Law and Rules, which spell out that subpoenas of that nature are to be served on "each party."

Thomas H. Mungeer, president of the union that represents state troopers, said the petition filed by the investigators' union is "well written" and that they will follow the case closely.

"A favorable decision will positively affect the members of the Troopers PBA," Mungeer added.

One of the most egregious abuses of subpoena authority in the Capital Region took place more than a decade ago in Colonie, where multiple town officials fabricated subpoenas that were used to identify two paramedics — one a full-time employee and the other a volunteer — who had anonymously been sending critical emails to the town supervisor.

The emails were not criminal or otherwise threatening in nature, and only outlined allegations of cronyism, misconduct and mismanagement in the town's Department of Medical Services.

The town eventually agreed to pay its former paramedic, Hugh Skerker, $225,000 to settle the federal lawsuit he filed in response to the alleged civil rights violations.

Town officials at the time characterized it as a "procedural mistake" and said there was no intent to violate the law. The former town attorney who led the internal probe, Michele U. Mercadante, had testified that then-Supervisor Mary Brizzell instructed her to identify the anonymous authors.

Mercadante subsequently instructed a police investigator to alter criminal subpoenas from county prosecutors to include the town's information before they were sent to Time Warner Cable and used to verify that Skerker and another paramedic were sending the emails. The town attorneys had no authority to issue the criminal subpoena.
Feds Ready to Grant 12 Weeks of Paid Family Leave to U.S. Workers

Bob Hennelly - The Chief Leader - December 16, 2019

Despite the sharp partisan divide in Washington, congressional Democrats and Republicans, along with the Trump Administration, have agreed to provide paid parental leave to all members of the Federal workforce.

The legislation, years in the making, is to be attached to a must-pass annual defense appropriations-authorization bill

A 12-Week Benefit

Under the bill, Federal workers will be entitled to 12 weeks of paid leave for the birth, adoption, or foster placement of a child. Members of the armed forces have had this benefit since 2016.

Paid family leave has been a top priority for the unions that represent two million Federal civil servants. Rep. Carolyn Maloney (D-N.Y.), just appointed to the powerful House Oversight and Government Reform Committee, has long championed the measure.

“The American Federation of Government Employees has been fighting to provide all Federal workers with paid family leave for decades, and the provision in this year’s National Defense Authorization Act is a large step in the right direction for full family leave,” union National Secretary-Treasurer Everett Kelley said in a statement.

“This new paid benefit will help Federal employees better balance their work and home lives, and it will give agencies a needed advantage when recruiting and retaining workers to carry out critical missions on behalf of our country.”

He continued, “The United States is the only industrialized nation that does not offer its citizens some level of paid parental leave. This agreement is a watershed moment that sets the stage for achieving the ultimate goal of providing all American workers with paid family leave.”

Include Critical Illnesses?

The National Treasury Employees Union also supports the bill but is lobbying to have Congress expand it to cover employees with critically ill family members.

“Providing paid family leave to Federal employees is a win-win for the government,” NTEU National President Tony Reardon stated in written testimony to Congress.

“Employees would be allowed time to take care of themselves or a family member with a serious health condition, and agencies would not have to cover the costs of recruiting and training new employees and would be better able to compete with the private sector for talented individuals.”

He added, “I hope that we can continue to work together to build on the momentum of this new paid parental leave and expand it to provide paid family leave that is available for all situations covered by the Family and Medical Leave Act.”

The NTEU president recounted hardships experienced by union members from around the country who struggled to meet the needs of their loved ones without a paid leave program.
Missed Dad’s Final Hours

One NTEU member had to drive 16-hours round-trip every weekend to see her father in a veterans’ hospice facility because she couldn’t afford to take unpaid leave. “She was not able to get to the facility in time to be with him in his last hours,” Mr. Reardon wrote.

Currently, the only way for new parents in Federal civilian employment to get time off is to use up six-to-eight weeks of sick leave, then take up to 12 weeks of unpaid leave within a year of the birth or adoption of a child under the Family Medical Leave Act.

According to the Society for Human Resources Management (SHRM), in 2018 only five states mandated paid family leave. “California and Rhode Island fund their programs through an employee payroll tax, while New Jersey, New York and Washington impose payroll taxes on employees and employers,” according to an SHRM fact sheet. “Wage-replacement rates among the states range from 50 percent to 90 percent, while the length of family leave varies from four to 12 weeks (with longer periods for medical disability).”

“Leave to care for family members will become more and more essential as our population ages,” said Michelle McGrain, Federal affairs manager for the National Partnership for Women and Families. “By 2060, the size of the population 65 years and older is projected to be larger than the population under 18, which will drastically increase the already-dire need for family caregivers.”