



Fund Our Future

Contractual Wins, State Budget Highlights
& Legislative Victories



New York State
Public Employees Federation
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Highlights of the Current PEF Contract 2019-2023



We would like to share with you some of the highlights and benefits that continue to be available in the current PEF contract. We feel it important for you to be aware of these benefits as some are set to expire on April 1, 2023.

Additionally, we wanted to take this opportunity to update our members on where we are headed as we look to start the next round of negotiations. President Spence has already appointed the members of the contract negotiation team. They are already meeting and training ahead of the start of negotiations. PEF has communicated with the governor and the other gubernatorial candidates our desire to start negotiations before the end of 2022.

In the months leading up to the beginning of negotiations, PEF will survey our membership, host town halls and regional events to gather information about the issues and concerns our members would like to see addressed. PEF leadership will continue to advocate for a strong contract that builds upon the gains we secured in the current contract. In the meantime, please feel free to share your thoughts with the contract team by emailing contract2022suggestions@pef.org.

Please make sure PEF has your most up to date personal, non-work contact information so that we can communicate with you regarding this efforts.

Performance Awards

We were able to improve the performance awards in the current contract and will continue to advocate for more progressive changes that will benefit more of our PEF members in the next round of negotiations.

- Payment for five years at top of grade, \$1,500, effective April 2019
- Payment for 10 years at top of grade, \$3,000, effective April 2019
- Payment for 15 years at top of grade, \$4,500, effective April 2020
- Elimination of the sunset for employees who first become eligible for a five-, ten or fifteen-year Performance Award after expiration of the Agreement. Therefore, employees newly-eligible after contract expiration will receive the Performance Award(s) even in the absence of a Successor Agreement.

Nurse Uniform Maintenance Allowance

- \$500 one-time lump sum payment for employees in nursing titles. It will be prorated for those not in full-time status.

Tuition Reimbursement

- Retroactive money was included in the current contract for Article 15 programs.

Telecommuting

- The current contract eliminates the four (4) day per period limitation for telecommuting under normal circumstances.

- The current contract requires all agencies to develop and implement a telecommuting policy within nine months of ratification and also provides for an Executive-Level Labor/Management meeting at least once annually to assess existing telecommuting programs and make recommendations to agencies where PEF and GOER mutually agree on improvements.
- The current contract requires a review process beyond the supervisor level when an employee's request to telecommute is denied.

Productivity Enhancement Program

The Productivity Enhancement Program (PEP) allowed eligible employees to offset health insurance premium expenses by exchanging accrued vacation and/or personal leave for a credit of \$500/\$1,000. Under the 2016-2019 Agreement, PEP was scheduled to sunset, or expire, on December 31, 2019. Through PEF's efforts, the State agreed to continue PEP for 2020. However, the State refused to continue the program in 2021, and therefore it expired on December 31, 2020.

- The current contract restores PEP for 2021 on a pro-rated basis, effective July 1, 2021, and in full for 2022 and 2023.
- The current contract also increases the credit from \$500/\$1000 to \$600/\$1,200 for 2021 (prorated), 2022 and 2023.

Certification/License Renewal Fee Reimbursement Pilot Program

- The Article 15 Professional Development Committee developed and implemented a new program which now provides up to \$200 in reimbursement for license/certification renewals required for the employee's position. The program will be effective retroactively to April 2020.

Enhanced Supplemental Worker's Compensation Benefit for Parole Officer Titles

- The current contract includes a Memorandum of Agreement (MOA) which provides that employees in Parole Officer titles shall be entitled to up to three months of full pay, without charge to leave, when they are necessarily absent from duty because of Worker's Compensation injuries.
- This enhanced benefit is in addition to the benefits already provided for in the Agreement (Article 13) and the Worker's Compensation Law, and applies to injuries occurring from January 1, 2022 through March 31, 2023, although it can be renewed by mutual agreement.
- The MOA also provides for the creation of a standing Joint Committee on Worker's Compensation to work on issues including expanding the MOA to additional PEF-represented employees.

Continuation of Joint Contract Committee Funding, Addition of Employee Recognition Program and two added Professional Development Committee Programs

Many of the benefits our members have enjoyed are provided through various contractual joint committees. Funding for those committees is negotiated by PEF with the State. For example, Article 15, Professional Development Committee, funds and oversees the education and training benefits our members enjoy, which include, but are not limited to, the College Tuition Reimbursement Program, the Workshop and Seminar Reimbursement Program, the Certification and Licensure Exam Fee Program, and Professional Development for Nurses. Article 10, Work-Life Services Programs, funds the Employee Assistance Program and Dependent Care Advantage Accounts, and Article 18, Health and Safety Committee, supports various workplace health and safety training and initiatives, and the Firearms Training and Safety Initiative for Peace Officers.

- The current contract increases the funding of all contract committees retroactive to the date of expiration of the 2016-2019 Agreement.
- Significantly, it also includes three new pilot programs, including:
 - An Article 14 Employee Recognition Program.
 - An Article 15 Certification and Licensure Renewal Fee Reimbursement Program (discussed above).
 - An Article 15 Project Management Training and Certification Program.

Bills that were passed by the State Legislature in 2022 after extensive lobbying by PEF staff and members.



Employer Sanction for Violation of Mandatory Overtime (S.1997-A Jackson/A.286-A Gunther) This bill authorizes a civil penalty against employers of not less than \$1,000 nor more than \$3,000 per violation of the “no mandatory overtime” law for nurses and provides that employees shall receive an additional 15% of the overtime payment from the employer for each violation as damages.

Limits Emergency Exemptions for Nurse Mandatory Overtime Law (S.8063 Ramos/A.8874 Joyner) This bill would place limits on the use of emergency exemptions to avoid “no mandatory overtime” for nurse—3 days for natural disasters and 30 days for a declared emergency.

Cost/Benefit Analysis (S.5356 Breslin/A.8159 Bronson) This legislation requires state agencies to conduct a cost-benefit analysis prior to contracting out for services on contracts of \$1 million or more per year.

3/4 FAS Disability for Fire Protection Specialists (S.1889-C Skoufis/A.4084-C Abbate) This bill adds Fire Protection Specialists who are injured in the course of their duties within 3/4 final average salary (FAS) disability benefit currently afforded to other emergency services providers.

Stony Brook Nurses ORP (S.8959 Savino/A.4460-A Abbate) This legislation would allow certain nurses employed by SUNY Stony Brook Hospital with the option to transfer retirement system membership from Optional Retirement Plan to NYSLERS. The past service cost would be responsibility of electing member.

COVID Vaccination Extender (S.8529 Gounardes/A.9513 Fall) This bill would extend provisions of law granting public employees four hours of excused leave to receive the coronavirus vaccine until December 31, 2023.

Annual Leave for Blood Donation (S.907-A Sanders/A.1871 Dinowitz) This legislation permits state employees to be excused from work without loss of compensation for up to four hours annually to donate blood; permits supervisor to require proof of such donation.

Injunctive Relief – Permanent (S.8282 Jackson/A.9372 Abbate) This bill makes permanent the provisions of the civil service law to allow a public employee to petition before the Public Employment Relations Board (PERB) and receive injunctive relief for an improper practice charge.

WTC Workers’ Comp Filing Extension (S.9294-A Gounardes/A.10416 Niou) This bill would extend the period for filing a workers’ compensation claim relating to World Trade Center rescue, recovery, and clean-up operations to 9/11/2026.

WTC Presumption Verification (S.9370 Jackson/A.9922-A Abbate) This bill provides that the Centers for Disease Control and Prevention World Trade Center Health Program Certification shall be deemed to be presumptive medical evidence of a causation of a qualifying condition relating to WTC rescue, recovery and clean up operations.

Ensures Identical Skilled Nursing Care for Public Retirees (S.8192 Breslin/A.9215 McDonald) This legislation will ensure that public retirees maintain the same skilled nursing care benefits under the state health benefit plan even after they enroll in Medicare.

Allow Extrinsic Evidence for Retiree Health (S.9347 Jackson/A.10425 Abbate) This bill would allow extrinsic evidence to be admitted by the court for determining whether the parties to a contract intended for the retiree to have health insurance vest beyond the time limits of a collective bargaining agreement.

Death Benefit Penalty Adjustment (S.6619-A Gounardes/A.7730 Abbate) This legislation would increase the age at which penalties are incurred for ordinary death benefits for members to avoid the 4% penalty (hired before 4/1/2012 = age 62; hired after 4/1/2012 = age 63).

COVID Death Benefit Extender (S.9119 Gounardes/A.10022 Abbate) This bill would extend the application deadline to file for accidental death benefits for statutory beneficiaries of public employees who worked on or after March 1, 2020, contracted COVID-19, and died of COVID-19 on or before December 31, 2024.

I/DD Hotline (S.6274-B Mannion/A.7357-A Abinanti) This bill would establish a pilot program to create a non-emergency assistance hotline for individuals with intellectual and developmental disabilities and complex behavioral needs.

OPWDD Staffing Report (S.9086 Mannion/A.10483 Anderson) This legislation would require OPWDD to report the number and nature of state-operated residential facilities serving individuals with developmental disabilities; a census of staff delivering services at state-operated facilities; the status of hiring new staff at state-operated residential facilities; and requiring such report be made public by December 31, 2022.

OPWDD Notification Extender (S.7617 Mannion/A.9038 Abinanti) This bill would extend for two years the requirement for the OPWDD to notify the Senate, Assembly and labor unions of any closure or transfer of a state operated individualized residential alternative (IRAs).

Workers' Comp Claims for Mental Injuries from Work-Related Stress (S.6373-B Savino/A.2020-A Reyes) This bill would allow all workers to make Workers' Compensation claims for mental injury premised upon extraordinary work-related stress incurred at work.

Salary Protection for Part Time/Provisional Employees (S.8210 Jackson/A.4080 Abbate) This bill would grant salary protection to provisional and temporary incumbents and to provide salary protection to permanent incumbents who take a lateral transfer.

Hospital Equity and Affordability Legislation (HEAL) (S.7199 Gounardes/A.8169-A Cruz) This bill would prohibit certain provisions in health plan contracts including most-favored-nation provisions and restrictions on disclosure of actual claim costs, prices or quality in certain situations.

Posting State Employment Opportunities (S.7662-A Hoylman/A.8599-A Epstein) This legislation would require open positions, examination announcements and application instructions to be posted on the Civil Service website.

Military Service Credit for LGBT (S.6022-B Hoylman/A.5278 Barrett) This bill would add veterans who have qualifying conditions or who are discharged as LGBT veterans to obtain public retirement service credit ("veterans buyback") in the same manner as veterans who have been honorably discharged or released from military service.

MEMORANDUM



TO: President Wayne Spence
 FROM: Patrick Lyons
 DATE: April 9, 2022
 RE: Analysis of the Enacted 2022-23 State Budget

Please see below for the Legislative Department's initial analysis of the enacted 2022-23 state budget. This year's state budget provides an all-funds spending plan of approximately \$220 billion, including a 3% increase in state operations. While we are still awaiting further clarity on a number of items, we are pleased to report that thanks to the thousands of letters and phone calls by members to legislators on behalf of our priority issues, PEF was successful in securing several priority items, including the health care and mental hygiene workforce bonus program, the first significant reforms to Tier 5 and 6 retirement plans since their inception, needed financial support for the SUNY Hospitals, and an increase in the number of state operated in-patient psychiatric stabilization beds.

Analysis – 2022 Adopted State Budget

PEF Priorities Enacted in the 2022-23 State Budget

Section	Short Title	PEF Position	Final	Description
Part M (S.8007-D) and State Operations Budget (S.8000-D)	SUNY Hospital Funding	Support	Approved	This provision provides supplemental support to the SUNY Hospitals to ensure the continuity of services for the communities that they serve and to continue generating new health care professionals. The budget provides \$28.1 million in debt service relief and allows the hospitals to access the "distressed hospital pool" to meet operational needs..
Part SS (S.8006-C)	Tier 6 Pension Reform – Holding Employees Harmless from Increased Pension Contributions for Overtime Related to COVID-19	Support	Approved	This provision holds public employees harmless from the potential for increased contributions to the retirement plan caused by increased earnings from overtime compensation from the two year look back period through 4/1/22-4/1/24.

Part TT (S.8006-C)	Tier 5 and Tier 6 Pension Reform - Re-establishes 5 Year Vesting Requirement for	Support	Approved	This provision re-establishes the 5-year vesting period for benefits in a public retirement plan for all current and future members in Tier 5 and Tier 6. This is the first improvement in the Tier 6 plan since its inception in 2012.
State Operations Budget (S.8000-D)	Increase Number of State Operated In-Patient Stabilization Beds for New Yorkers Suffering from Mental Illness	Support	Approved	Increased funding was included in the budget of the Office of Mental Health to increase the number of state operated inpatient mental health stabilization beds.

Education, Labor, Family Assistance (S.8006-C/A.9006-C)

Section	Short Title	PEF Position	Final Decision	Program Description
Part HH	Retired Public Employees in Public Schools	No position	Approved	This provision allows retired state employees to return to public service in a school district in any capacity with no penalty until 6/30/23
Part OO	Senator Patricia McGee Nursing Faculty Scholarship Program	New	Approved	This provision eliminates the program expense cap for participation the Senator Patricia McGee Nursing Faculty Scholarship program to increase the number of nursing faculty members in nursing programs. The previous program expense cap was \$10 million annually.
Part PP	Department of Veterans' Services Established	New	Approved	This provision establishes the new department of veterans' services; establishes a veterans' commission to coordinate outreach, programs, services, activities and employment for veterans in New York state.
Part UU	Extends Kendra's law	Support	Approved, Expires 2027	Extends Kendra's Law and requires evaluation by physician for any individual who has experienced substantial increase in mental illness, including furnishment of applicable inpatient mental health records with potential for referral for court proceeding by director of community services
Part ZZ	Healthcare Workforce Bonus	Support with Amends to Expand	Approved with broader definition and only applies to state employees	This provision would authorize the payment of a bonus of up to \$3,000 to health care and mental hygiene workers who earn under \$125k in base salary and who performed hands on services to clients as determined by the Commissioner. PEF has been the leading advocate for hazard pay for all essential workers. This program was first advanced by the PEF Nurse Committee as part of its "Nurse Employment, Enhancement and Dignity" Act (NEED Act). While this does not cover all essential workers, it does provide important recognition to our health care and mental hygiene workforce who render direct services to clients.

Health and Mental Health (S.8007-C/A.9007-C)

Section	Short Title	PEF Position	Final Decision	Program Description
Part A	Nurses Across New York Program (Nurse Loan Repayment Program)	Support with Amends	Approved	This provision will help rebuild and grow the nursing workforce by providing loan repayment benefits for nurses in hard to staff areas. This program was first advanced by the PEF Nurse Committee as part of its "Nurse Employment, Enhancement and Dignity" Act (NEED Act). PEF worked successfully to expand this benefit to include registered professional and licensed professional nurses in high needs titles or shortage areas as determined by federal statute or a determination by the commissioner.
Part B	Interstate Medical Licensure Compact (Nurses and Doctors)	Oppose	Rejected	This provision would have authorized the state to enter into the Multi-State Interstate Medical Compact to allow nurses and doctors who are licensed to practice in a compact state to practice in New York. If this had been enacted, more agency or contract nurses with potentially lower qualifications could practice in New York.
Part C	Scope of Practice Expansion	No position	Approved	This provision makes certain technical changes to the scope of practice for pharmacists and nurse practitioners in relation to the administration of certain medicines and vaccines.
Part G	Healthcare Licensure Oversight	Oppose	Rejected	This provision would transfer licensure oversight for licensed health care professionals from the NYS Department of Education to the NYS Department of Health. This expose these professions and the licensure thereof to undue influence by the Executive.
Part K	Health Care Facility Transformation	Support provided some parity with state agencies;	Approved	This provision establishes \$1.6 billion for facility improvements for health care providers and nursing homes, including emergency room, IT and telehealth systems
Part S	Maternal Mental Health Coverage	Support	Approved	This provision expands maternal health services to achieve health equity and improve birth outcomes
Part V	Telehealth Equivalent Reimbursement	Support	Approved	The provision establishes reimbursement parity between telehealth services and services delivered in-person
Part AA	No Surprise Act (Health Care Billing)	Support	Approved	The provision expands New York consumer protections to align with the Federal No Surprises Act
Part DD	5.4% Human Services Cost of Living Adjustment	No position	Approved	This provision establishes a 5.4% cost of living adjustment for certain human services programs delivered by not for profit providers
Part EE	9-8-8 Suicide and Mental Health Hotline Program	Support, make state operated	Approved but will not be a public entity	This provision establishes the 9-8-8 suicide and mental health hotline. While it is not a public entity, there are significant reporting requirements to help gauge program effectiveness and the service delivery moving forward.

Part II	OASAS Recovery Residency Program	Oppose	Approved	This provision establishes a certification program for recovery residences
Part KK	State Support for Private OASAS Facilities	Oppose	Rejected	This provision would expedite the development of capital projects to support voluntarily operated addiction service programs by providing capital financing and transferring state owned properties
	OMH/OASAS Merger	Oppose – (Added in the Senate One-House)	Rejected	This provision would authorize the Commissioner of Mental Health to effectuate a merger with the Office of Addiction Services and Supports

Public Protection and General Government (S.8005-C/A.9005-C)

Section	Short Title	PEF Position	Final Decision	Program Description
Part B	Gender-Affirming Treatment of Incarcerated Individuals	Support	Rejected	This provision would have provided placement in a state or local correctional facility based on an individual's self-identified gender identify versus birth identity
Part C	Expand Educational Release and Furloughs	Support, provided more parole officers are hired	Rejected	This provision would expand the eligibility for educational release and furloughs for incarcerated individuals
Part R	Continuous Recruitment Testing	Oppose	Rejected	This provision would allow the use of continuous recruitment testing for open-competitive positions and promotional exams
Part S	Promotional/Open Competitive Exams	Oppose	Rejected	This provision would eliminate the requirement that competitive exams be held at the same time as promotional exams and allows non-competitive and labor class employees to take promotional exams
Part T	55-B and 55-C Competitive Class	Oppose	Rejected	This provision would allow for the placement of veterans and individuals with disabilities into the competitive class
Part U	Shift Pay Differentials	Support	Approved	This provision authorizes shift pay differentials for any work shift authorize by the Director of Classification and Compensation
Part CC	Cost-benefit Analysis	Support – Added by Senate and Assembly	Rejected	This provision would require state agencies to conduct cost-benefit analysis prior to entering into any contract for services

Transportation and Economic Development (S.8008-C/A.9008-C)

Section	Short Title	PEF Position	Final	Description
Part A	Interfering with Motor Vehicle inspections	Support	Rejected	This provision would enhance the safety of highway workers by increasing penalties for offenses committed against highway and transportation workers
Part S	State Employee Student Loan Forgiveness	Support	Approved	This provision authorizes the state to share records to facilitate the automatic student debt forgiveness of state employees under the Federal Public Service Loan Forgiveness Program
Part AA	Design-Build Extender	Oppose	Approved	This provision extends the Infrastructure Investment Act until 2027. Both the Senate and Assembly advanced PEF's language requiring state inspectors on these job sites, but the language was NOT included in the final agreement.
Part V	Transfer school lunch from DOE to DAMs	Oppose	Rejected	This provision would transfer responsibility for the School Lunch Program from the Department of Education to the Department of Agriculture and Markets

Revenue (S.8009-C/A.9009-C)

Section	Short Title	PEF Position	Final	Description
Part D	Student Loan Forgiveness Awards - No income tax	Support	Approved	This provision exempts loan forgiveness benefits from the definition of income for state income tax purposes

State Operations Appropriations (S.8000-D/A.9000-D)

Section	Short Title	PEF Position	Final	Description
Page 48-86	OITS Training	Support	Approved	\$2M services and expenses related to training pursuant to a plan developed in consultation with the department of civil service to train employees of the state to obtain information technology certifications that are not currently held by employees of the state in sufficient quantities, but are readily available in the market place, in order to ensure that the state's information technology needs can be met by state employees

