



# NYS Public Employees Federation

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

## Federal Legislative Agenda

# 2023

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**Wayne Spence, President**

Joe Donahue, Secretary-Treasurer

Sharon Desliva, Vice President

Randi DiAntonio, Vice President

Darlene Williams, Vice President

PEF Legislative Office, 1168-70 Troy-Schenectady Rd., Albany NY 12212  
(518) 432-4003/1-800-724-4997



New York State  
**PUBLIC EMPLOYEES  
FEDERATION AFL-CIO**

1168-70 Troy-Schenectady Road  
P.O. Box 12414  
Albany, NY 12212-2414

(518) 785-1900  
(800) 342-4306  
Fax (518) 785-1814

**OFFICERS:**

Wayne Spence  
**President**

Joseph F. Donahue III  
**Secretary-Treasurer**

Sharon V. DeSilva  
Randi L. DiAntonio  
Darlene Williams  
**Vice Presidents**

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COORDINATORS:**

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William Holthausen  
**Region 12**

**TRUSTEES:**

Christopher Buman  
Bruce C. Giddings  
Muriel Hardy-Lee

To the New York State Congressional Delegation:

I am pleased to present the 2023 Federal Legislative Agenda of the Public Employees Federation (PEF). PEF represents 50,000 professional, scientific and technical employees in state government. During the COVID-19 pandemic, our members continued to provide the vital services on which the citizens of New York State depend. PEF members, despite great risk to their own personal health, care for the sick, mentally ill and developmentally disabled; design the State's roads and bridges; protect the environment; ensure public safety; and staff the state's hospitals and nursing homes.

The legislative priorities contained in the Federal Agenda are based on our members' experiences as employees who provide vital services to the people of New York State. Our goals are to improve the delivery and quality of services to New Yorkers, and to improve the working lives of our members. The federal budget and other policies are important to our members as many of them have their salary paid for, at least in part, by federal tax dollars passed through to the State.

With your support, we can maintain quality public services and protect our most vulnerable citizens. PEF is also committed to efficiency in government. We believe that our members offer cost-effective services to the public that cannot be matched by independent contractors.

In addition, we ask you to join us in a campaign to "Fund Our Future for a Thriving New York." This campaign is designed to ensure that federal and state tax dollars are dedicated to supporting the residents of New York who require the safety net services delivered by our members.

We thank you for your commitment to public service during the last legislative session in Washington; we urge your support for the positions included herein during your legislative deliberations in 2023; and we ask that you join us in the fight to Fund Our Future!

Sincerely,

Wayne Spence  
PEF President

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

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

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

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

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

PEF supports the use of federal funding for state projects that pay prevailing wage and use union labor as a first option.

## **Protecting Employee Rights**

PEF, working with its national affiliates the AFT and SEIU, will advocate for federal and state legislation, regulations and/or provisions in the PEF contract to increase members' protection by allowing transparency and control over members' personal data and advocate for the development of a digitalization and artificial intelligence environment where the ultimate responsibility and accountability for the collection, usage and dissemination of personal and other data lies with humans, not with the technology itself; and PEF will work with its national affiliates the AFT and SEIU and other unions, scholarly organizations and other community groups to ensure that all artificial intelligence is grounded in ethical values, principles and human rights, including a review of costs, equity, efficiency, inclusiveness and accountability of such technology; and PEF will work to ensure that members and the union maintain a voice in each step of the process in the development and implementation of digitalization and artificial intelligence applications, including but not limited to —algorithm design, procurement, training, implementations and assessment—so that members will benefit from the new workforce and professional development opportunities these changing technologies will offer.

## **Employment Services—Department of Labor and ACCES- VR**

The following are federal funds designed to support employment services:

1. **Wagner-Peyser funding.** This is Federal funding received from USDOL to provide employment services as well as cover the costs of administrative oversight. It supports Career Center activities of nearly half of DEWS employees
2. **Reemployment Services and Eligibility Assessment (RESEA) Grant money** from the U.S. Department of Labor to help unemployment insurance claimants return to work faster. This is a temporary grant that has been renewed yearly.

3. **Trade Adjustment Assistance (TAA)** is a Federal program that provides aid to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports or outsourcing their jobs.
4. **Service to Veterans:**
  - Disabled Veterans Outreach Program (DVOP) grant money
  - Local Veterans Employment Representation (LVER) grant money
5. **WIOA Rapid Response.** The Rapid Response Program encompasses the activities necessary to plan and deliver services to enable dislocated workers to return to work quickly after a business closure or mass layoff, or a natural or other disaster resulting in a mass job dislocation. Rapid Response services are initiated when business layoffs meet New York State (NYS) Worker Adjustment and Retraining Notification (WARN) Act thresholds. This program activity is overseen by a Statewide Rapid Response Coordinator in Albany who is a DEWS employee. Teams of DEWS staff from each region are assigned to these activities.

**Workforce Investment & Opportunity Act (WIOA)** funding is Federal grant money designed to help job seekers access employment, education, training, and support services to succeed in the labor market. It is distributed to each state by USDOL, who in turn distributes it to each workforce area. Locally it is put to work through the Career Center network in partnership with State DOL and other workforce partners that service customers under the WIOA umbrella Temporary Assistance for Needy Families (TANF), ACCES-VR, NY State Education Dept.

PEF will continue to advocate to maintain and increase these funding levels advocate that they be used to support adequate permanent State staffing to create more efficient and effective caseload management, and PEF will continue to advocate for program changes to reduce the data collection, inputting, and analysis needed to maintain program eligibility and to distribute resources.

## **Transportation Funding**

PEF continues to work with its national affiliates and the National Association of State Highway and Transportation Unions (NASHTU) to secure federal financial support for state infrastructure improvements and to ensure the continued use of unionized state employees to perform the design, construction, and inspection of all state-sponsored capital improvements.

- PEF support the INVEST in America Act which includes \$411 billion over five years for highway, transit, safety and research programs, including \$83.1 billion for highway, transit and safety programs at a 100 percent federal share to help states and local governments. Funding should be in a secured funding job lock box.

PEF supports new, sustainable funding for the Highway Trust Fund to allow states to fix their deteriorating bridges and highways.

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

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

PEF opposes privatization of services provided by public employees.

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

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

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

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

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

In 2014, the Department of Labor updated regulations defining which white collar workers are protected by the Fair Labor Standards Act's (FLSA) minimum wage and overtime standards. PEF supports the benefits promised by the Fair Labor Standards Act. PEF opposes the diminution or rolling back of any benefits created through this act. When these benefits are denied, it should be permissible to seek legal redress in federal court.

## **Hatch Act**

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

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

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

## **Social Security Privatization**

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

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

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

## **Disability Determination Process**

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

PEF opposes the following changes:

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

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

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

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

PEF opposes repeal of FUTA.

## **Block Grants**

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

## **National Health Care Insurance**

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

PEF supports the following health care reform principles:

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

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

## **Medicaid**

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

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

## **Medicare Privatization**

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

## **Medicare Prescription Drugs**

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

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

## **Medicare Reimbursement**

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

## **Safe Nursing and Patient Care**

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

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

PEF supports legislation that will require the implementation of an OSHA standard, which covers Medicare participating hospitals and other healthcare facilities, to reduce workplace violence experienced by healthcare and social service workers. H.R.1195/S.4182

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

PEF supports the National Nurse Act which designates the Chief Nurse Officer of the U.S. Public Health Service as the "National Nurse for Public Health".

PEF supports legislation which prioritizes Nursing Workforce Development Programs, especially those aimed to alleviate the Nurse and nursing facility shortages and increase the retention and recruitment of registered nurses.

## **Flexible Spending Accounts**

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

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

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

## **Pensions and Secure Retirement**

PEF supports amending the Federal Tax Code to exclude all pension and annuity income from the annual tax returns for senior citizens or retirees 59 ½ years of age and older.

PEF also supports legislation that will make defined benefit retirement plans more economically feasible for companies to adopt and continue to adequately fund and support.

## **Veterans' Benefits**

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

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

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

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

## **National Labor Relations Act**

PEF is opposed to actions by the National Labor Relations Board to reclassify any employees that would render them ineligible for union representation. PEF opposes any action that would diminish the rights of any worker. PEF supports legislation amending the National Labor Relations Act which would remove restrictions on unions' first amendment rights to free speech and association.

## **Pay Equity for State Employees**

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

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

## **Trade Agreements**

PEF supports trade that improves working conditions, lifts wages and living standards, and creates job growth in the United States. American workers should face fair competition in the workplace.

PEF will oppose any trade agreement where labor and environmental standards are NOT enforced in the same manner as commercial obligations, or that undermines important domestic laws and regulations, promotes privatization of essential public services, such as healthcare, education, transportation, and perpetuates offshore production.

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

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



## **Environmental Protection**

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

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

## **Homeland Security**

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

## **Public Service Freedom to Negotiate Act**

PEF supports the Public Service Freedom to Negotiate Act to allow workers to exercise their right to unionize without unfair intimidation by their employers. H.R. 5727

## **Immigration Reform**

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

## **Maximizing Voter Participation and Protection**

PEF supports legislation that encourages voter participation, ensures that all votes are counted, and protects the sanctity of the electoral process.

## **Minimum Wage**

PEF supports an increase to the Federal minimum wage to \$15 per hour which is more reflective of a living wage. H.R.603/S.53 PEF supports the elimination of the tip allowance given to any employer.

## **Protecting the Right to Organize (Pro) Act**

PEF supports the protecting the Right to Organize Act which protects workers right to join a union without unfair and abusive interference from Management. (H.R. 842/S.420)

## Political Action Committee

Randi DiAntonio, Vice President and SWPAC Chair  
NYS-PEF, 1168-70 Troy-Schenectady Road \* Albany NY 12212-2414  
800-342-4306 / [randi.diantonio@pef.org](mailto:randi.diantonio@pef.org)

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### Region 1 Chairs

*Erie, Cattaraugus, Chautauqua, Niagara, Wyoming*  
Michele Iorfida  
800-462-1462/[michele.iorfida@pef.org](mailto:michele.iorfida@pef.org)  
Joe McCann  
800-462-1462/[joseph.mccann@pef.org](mailto:joseph.mccann@pef.org)

### Region 2 Chair

*Allegany, Chemung, Schuylers, Steuben, Yates*  
Shelby Wisneski  
800-724-5001/[shelby.wisneski@pef.org](mailto:shelby.wisneski@pef.org)

### Region 3 Chairs

*Genesee, Livingston, Monroe, Ontario, Orleans, Wayne*  
Leisa Abraham  
800-724-5003/[leisa.abraham@pef.org](mailto:leisa.abraham@pef.org)  
Greg Salamida  
800-724-5003/[greg.salamida@pef.org](mailto:greg.salamida@pef.org)

### Region 4 Chairs

*Cayuga, Cortland, Jefferson, Onondaga, Oswego, Seneca*  
Gina Corona  
800-724-5004/[gina.corona@pef.org](mailto:gina.corona@pef.org)  
Angela Murray  
800-724-5004/[agrra9908@gmail.com](mailto:agrra9908@gmail.com)

### Region 5 Chairs

*Broome, Chenango, Delaware, Otsego, Tioga, Tompkins*  
David Dubofsky  
800-724-4998/[david.dubofsky@pef.org](mailto:david.dubofsky@pef.org)  
Scott Staub  
800-724-4998/[scott.staub@pef.org](mailto:scott.staub@pef.org)

### Region 6 Chairs

*Fulton, Hamilton, Herkimer, Madison, Montgomery, Lewis, Oneida*  
Christopher Dunham  
800-724-5005/[christopher.dunham@pef.org](mailto:christopher.dunham@pef.org)  
Shannon Goodhines  
800-724-5005/[shannongoodhines@gmail.com](mailto:shannongoodhines@gmail.com)

### Region 7 Chairs

*Clinton, Essex, Franklin, St. Lawrence*  
Barbara Stransky  
888-498-8532/[barbara.stransky@pef.org](mailto:barbara.stransky@pef.org)  
Joel Bartlett  
888-498-8532/[bartlettjoel@yahoo.com](mailto:bartlettjoel@yahoo.com)

### Region 8 Chairs

*Albany, Columbia, Greene, Saratoga, Schenectady, Schoharie, Rensselaer, Warren, Washington*  
Danielle Bridger  
800-342-4306/[danielle.bridger@pef.org](mailto:danielle.bridger@pef.org)  
Martin Robinson  
800-342-4306/[martin.robinson@pef.org](mailto:martin.robinson@pef.org)

### Region 9 Chairs

*Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester*  
Diane Jaulus  
800-548-4870/[diane.jaulus@pef.org](mailto:diane.jaulus@pef.org)  
Daniel McCormack  
800-548-4870/[srinvestigator220@yahoo.com](mailto:srinvestigator220@yahoo.com)

### Region 10 Chairs

*Manhattan, Bronx*  
Radhakrishna Mohan  
212-227-3132/[radhakrishna.mohan@pef.org](mailto:radhakrishna.mohan@pef.org)  
Tamara Martin  
212-227-3132/[tamara.martin@pef.org](mailto:tamara.martin@pef.org)

### Region 11 Chairs

*Kings, Queens, Richmond*  
Bernadette O'Connor  
212-227-3132/[bernadette.o'connor@pef.org](mailto:bernadette.o'connor@pef.org)  
Charles Roland  
212-227-3132/[charles.roland@pef.org](mailto:charles.roland@pef.org)

### Region 12 Chairs

*Nassau, Suffolk*  
William Holthausen  
800-832-5284/[william.holthausen@pef.org](mailto:william.holthausen@pef.org)  
Olga Souto  
800-832-5284/[olgamsouto@gmail.com](mailto:olgamsouto@gmail.com)

### Retiree Representative

Jim Carr  
800-342-4306/[jcarr.cortland@gmail.com](mailto:jcarr.cortland@gmail.com)

### Trustee Representative

Christopher Buman  
800-342-4306/[christopher.buman@pef.org](mailto:christopher.buman@pef.org)

**Legislative Department**  
518-432-4003 / 1-800-724-4997