



NYS Public Employees Federation

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

State Legislative Agenda

2024

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Dear Legislator:

As we approach the 2024 Legislative Session, New York is experiencing an unprecedented employee shortage. Employers are finding it difficult to attract and retain the workers they need to fill nearly 12,000 vacant State jobs, especially in areas that serve those with addictions, mental health issues, developmental disabilities and are incarcerated.

New York is no longer an attractive employer. We need to improve both the salary and benefits of state employees, so that younger people and those looking to change careers will consider public service. The Legislature began this process with modest reforms to the Tier 6 pension plan and approved spending to hire additional staff at the Civil Service Department.

But New York can and must do better. We cannot rely solely on private providers who have no duty or obligation to provide needed services. To achieve this goal, we ask you to join us in a campaign to "Fund Our Future for a Thriving New York." More specifically, we are asking for your vocal support for three specific proposals:

(1) Restore Adequate Funding and Staffing for State Agencies and the Public Services They Provide

The state's previous hard, arbitrary 2% spending cap on all state operations reduced staff by more than 12,000 and resulted in a dramatic diminution of critical services for New York's most vulnerable citizens. This is what led to the delay in vital services, more than 22 million overtime hours for state employees, the closure of more than 6,000 in-patient psychiatric beds across the state, a multi-year housing waiting list for adults with serious developmental disabilities, nursing shortages at many state agencies, and the "suspension" and closure of facilities across the state. We need to develop real operating plans for the state's various agencies to build the human and intellectual capacity needed to address the needs of New Yorkers regardless of where they live. In this tight labor market, we also need to make the state a destination employer by "Fixing Tier 6," ending abusive conduct in the workplace, ending the lag payroll system for new employees and, otherwise incentivizing workers to build a professional career in public service.

(2) Enhance Agency Transparency and Provide Real Taxpayer Accountability by Requiring Agencies to Conduct Meaningful Cost-Benefit Analysis Prior to Entering Outside Service Contracts

The state of New York currently spends more than \$1 billion annually on outside service contracts. These contracts are awarded with little or no legislative oversight or public scrutiny. Currently, state agencies have few requirements to demonstrate the need for such services or to make public the calculation or analysis that was conducted to guide their decision-making. The expansive use of outside consultants can result in waste and

the duplication of services and the loss of capacity at agencies when emergencies arise. Taxpayers deserve better. There should never be an instance where taxpayers are funding a private service contract when there are state employees on site able and willing to do the job. The state needs to reform this practice so that taxpayers can understand where their dollars are going and have confidence that the process is based on a unique need or circumstance and NOT on political considerations. We urge you to pass legislation to require agencies to conduct a basic cost-benefit analysis with outside oversight and transparency throughout the process.

(3) Provide Robust Safety-Net Services for the Mentally Ill, the Developmentally Disabled and Incarcerated Individuals

Reforming the state's criminal justice system is a critical step towards achieving social justice and ending long-term discrimination. The same can be said of those who seek crisis and other intervention services from the state's mental health and developmental disabilities systems. The state has a responsibility to deliver service to the uninsured, underinsured, indigent, migrant and incarcerated populations. Without appropriate intervention, stabilization and follow up services, these individuals simply return in crisis. The private provider community is ill-equipped or unwilling to deliver the plethora of needed services to these particular populations. Let's empower our parole officers, mental health professionals and case workers by making the investments needed to really improve our criminal justice, developmental disabilities, and mental health systems to provide hope, needed services and real security for our communities.

Please review PEF's enclosed 2024 Legislative Agenda. This agenda details the steps needed to help New York state government work smarter and more efficiently. We ask that you join us in the fight to Fund Our Future!

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Spence". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Wayne Spence
PEF President

Ensuring Quality Services

The Public Employees Federation (PEF) believes that the State of New York should provide for the general welfare of all of its residents, and that it has an obligation to provide the highest quality of service, especially to those most in need. The quality of the state's public workforce is second to none, and if given the authority and the means, it can provide that high quality of service which the residents of the state are entitled to receive.

PEF seeks to have sufficient funds included in the state budget, utilizing both state and federal resources, in a timely manner, to guarantee that all public services are delivered effectively, efficiently and at the highest level of quality, within a strong regulatory network with strict standards of accountability.

PEF seeks to have sufficient funds included in the State budget to fully fund and fill all PEF items included in the State budget.

PEF continues to support and lobby for the Maintenance of Effort Bill that requires the State to at least partially compensate the State University of New York (SUNY) Hospitals for their service to indigent populations and the unique, life-saving services they provide (burn units, trauma centers, etc.)

PEF will oppose any attempt to privatize SUNY or to increase the ability of SUNY to contract out employee services. In the vast majority of cases, public employees can do the job safer, cheaper, quicker, and better.

We will strive to ensure that standards of care and service remain high and that staffing levels in all State agencies are sufficient to meet those high standards and for emergency preparedness. This commitment includes improving nurse/patient, teacher/student and clinician/client ratios as well as maintaining staffing levels. In particular, PEF opposes reductions in staffing levels at the Office for People with Developmental Disabilities (OPWDD), the Office for Mental Health (OMH), Department of Health Laboratories, and the State University of New York (SUNY) hospitals which would result in many of the state's most needy residents receiving inadequate levels of care. PEF also opposes the use of private facilities by the Office of Children and Family Services (OCFS) as a lower quality alternative to state-run juvenile facilities. PEF is committed to ensuring that there is no reduction in services to these clients, and that the services are provided in most appropriate state-operated settings by professional state employees who have traditionally taken care of them.

Reducing funding to Medicaid programs will lead to decreases in health care for low-income elderly individuals, people with disabilities, and parents and children. Medicaid cuts will negatively impact PEF members and hasten the deterioration of New York States' fiscal condition.

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

PEF is opposed to any diminishment of state services and reduction of state staff through the use of per diem contract employees, awarding turnkey projects to private vendors (called PBITS in OITS) and to the privatization of government services, as well as the creation of public/private partnerships to own, operate or maintain public facilities and services. This includes, but is not limited to, attempts to reduce the level of state employee participation in the provision of employment services in one-stop centers, as well as any reduction in state-provided mental health and children's services. PEF will continue to pursue full-time, permanent appointments for all Department of Labor, the State Education Department and other employees who are inappropriately or incorrectly classified as long-term temporary or per diem employees.

PEF has introduced a cost-benefit bill each session since 2010. The 2022 PEF bill required state agencies that want to contract out for personal services, including engineering services, over \$750,000 to

conduct a cost-benefit analysis to determine whether the work could be performed at a lower cost by state employees. Our legislation passed both houses of the legislature in 2018 and was vetoed by the Governor. The bill passed both houses of the legislature in 2019 and again vetoed by the Governor. At the request of the legislative sponsors, PEF explored amendments to the cost-benefit bill to address the concerns expressed by the Governor to facilitate this bill's passage and enactment into law. It passed both houses again in 2022.

In order to maintain a competitive workforce of qualified, skilled professionals, the state must continuously maintain and improve the skills and knowledge of employees through well thought out workforce planning and professional development programs through increased funds for training.

Professionals should be given the full authority they need to perform their jobs. Enforcement personnel in various agencies, such as Tax and Finance, Parole, and Department of Environmental Conservation (DEC), need to be able to do their jobs with their authority fully acknowledged by both the state and all local authorities. When licensed services are needed, only licensed professionals should provide those services. When hiring, transferring or promoting employees in the competitive class, appropriate eligible lists should be used; no one should be given a permanent position without passing the appropriate civil service exam nor should a provisional appointment be given to a person who failed the exam for that position or who was deemed ineligible for that position or who was denied access to said exam based on his/her failure to meet minimum qualifications. The "rule of three" should apply, and when a list is established for a position held by a provisional employee, an appointment must be made from the list. Minimum competency standards should be set for all exempt and non-competitive class positions.

PEF supports environmentally responsible initiatives, including but not limited to-all state owned, and operated facilities will be powered by renewable energy, that reduce New York's carbon footprint and help guarantee clean air and water for generations to come.

Protecting Employee Rights

PEF believes that all employees of the State of New York have the right to be treated with respect, dignity and fairness. They have the right to a workplace free of aggression, harassment, discrimination, random drug testing, unwarranted discipline, and retaliation for disclosing information to protect the public interest, health and safety. Employees have a right to expect their employer will respect their privacy, including data breaches of private health information, the confidentiality of information concerning them and their due process rights. PEF, working with its national affiliates the AFT and SEIU, will advocate for federal and state legislation, regulations and/or provision 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. PEF supports legislation to prohibit State agencies from using Section 61 of the Public Officers Law to issue subpoenas to person or entities who are not State employees.

While PEF supports the protection of our most vulnerable New Yorkers, investigations conducted by the Justice Center for the Protection of People with Special Needs ("Justice Center") continue to generate serious challenges for many PEF members working at numerous state agencies. PEF supports legislation that calls for the review of the mission and operation of the Justice Center to ensure that our members who work at the Justice Center and our members who are subject to investigation are treated fairly and are able to effectively do their jobs.

Employees have the right to expect that the Civil Service rules that affect hirings, promotions, layoffs, transfers and other aspects of holding state employment will be fair, supportive of the merit system, and open to public scrutiny. PEF will monitor and oppose the use of hiring practices designed to skirt civil service law and which are inherently subjective, such as the Selective Certification Hiring and Promotional process. So as to prevent these processes from negatively impacting the promotional potential of our members, PEF will engage the NYS Legislature in an attempt to correct the inequities as a result of lack of posting policy and make sure that promotions and appointments are first made from eligible competitive lists before appointing individuals to a similar noncompetitive class position or a transfer. PEF will seek avenues to reduce the states reliance on such subjective processes and encourage the state to create replacement processes that are more objective which include components that include criteria that can be measured and evaluated. They have a right to not lose their employment without just cause, and to be able to seek employment elsewhere without being restricted by the Ethics provision of the Public Officers Law. State employees also have the right to hold a second job during hours they are not working for the state, as long as no conflict of interest occurs.

PEF will fight against the continuing erosion of the Civil Service System. PEF would support changes to the Civil Service rules that would make testing and scoring of exams fairer and freer from potential manipulation. Test results should be reported quickly, and the review process should be expanded. All hiring and promotions should be made from the appropriate Civil Service lists with priority over hiring of consultants 1099s and H-1Bs. The Department of Civil Service should have adequate funding and staffing to enforce the civil service law and administer the merit system promptly and efficiently.

When a reduction in workforce is contemplated, the appropriate transfer mechanisms are mandatory and must be utilized by state agencies, and employees shall be placed in positions based on seniority of

permanent state service. Displaced employees shall remain on the preferred hiring list until they secure another state position, or such employees remove themselves from the list. Reductions in staff should be applied to consultants before any reduction in PEF unit staff. Involuntary reassignment of a permanent employee should not be made if there are less senior or provisional employees in comparable positions at that same worksite. If an involuntary reassignment is made, the affected employee must be personally notified and given sufficient notice to put their personal affairs in order and to allow for a smooth transition of workload. Employees who refuse such reassignment shall have the same rights as employees who are laid off.

Retired employees who return to work on a part time basis should be treated as temporary workers and should not be credited with any seniority based on service prior to their return to work.

Finally, when an employee faces legal charges stemming from the performance of his/her duties, the state shall support that employee by providing any needed legal defense. If removed from employment and subsequently reinstated by court order, the employee shall be made whole. All employees who are required to hold professional licenses or other similar certifications as a condition for qualification for their Civil Service titles need to be free from reprisal if they fail to carry out instructions which in their professional opinion violate laws, regulations, policies, or are contrary to their professional judgment or professional responsibilities, or if they report those directives to a government agency.

PEF will propose and/or support legislation making it illegal for any State agency to require, or even ask a PEF member, or any State job applicant, for access to their social media account(s). PEF shall also propose or support legislation to prohibit the consideration of any job applicant's social media profiles and/or account information for purposes of employment, promotional opportunities, or disciplinary action.

PEF believes that every member has a right to privacy to the maximum extent permitted by law. To support this belief, PEF will develop and/or support legislation requiring any and all DNA samples, fingerprints, computer records and/or metadata associated with that data collected, shared and/or stored by the state or any state-related entity as part of any employment background check to be permanently destroyed in all state systems upon separation from state service, and to require the permanent destruction of such information with any other entity with which the state has shared such data.

Maintaining a Stable Public Workforce

PEF believes that maintaining a stable public workforce will ensure the provision of high-quality services to the state's residents. A stable workforce provides continuity of service and longevity of experience. While changes in the size and composition of the workforce always occur, proper management of these changes will result in fewer disruptions in the services being provided.

PEF is opposed to the contracting-out of work that state employees should be performing. However, since the state does engage in this practice, it shall be regulated by requiring a cost/benefit analysis and a review of the contractor's qualifications and track record prior to the signing of a contract. PEF will continue to advance common sense legislation to ensure that all taxpayer dollars are used effectively, efficiently and for the sole benefit of New Yorkers.

Any hiring freeze imposed upon the New York State workforce shall be equally imposed upon private sector employers so that agencies and shadow agencies that are unable to hire state employees may not fill these same positions by contracting out with private entities. Due to the difficulty of attraction and retention of nurses and to ensure fairness, pay parity and promotional opportunities shall be standardized for all state agencies.

Prevailing wages shall be paid by all contractors to their employees, and the state shall compensate its employees with salaries and per diems, temporary or non-salaried, not less than contracted employees are paid for the same work. In high-cost areas of the state, state workers' salaries need to be adjusted to compensate for the cost of living.

PEF has been and remains steadfast in protecting the merit and fitness provisions of the state civil service exam system in order to ensure a high quality, efficient and effective public sector workforce. PEF fully supports efforts by members serving as per diems, temporary or non-salaried employees to secure full-time positions in the classified service if qualified to do so. To that end, PEF has and will continue to advocate that state civil service exams reflect real world training and experience so that members' skills can be accurately measured against vacant titles.

In the event an employee will be the victim of a layoff, ample personal notice shall be given to allow for the smooth transition of workload and a better prospect for re-employment. In addition, an extension of the validity of all Civil Service lists beyond the four-year limitation, and a restriction against using transfers in non-layoff situations to circumvent these lists, would ensure that both current and former employees remain eligible for future positions, as would forbidding provisional appointments within six months of the expiration of a list if a prior need existed.

PEF opposes, in principle, the use of public authorities, public benefit corporations or other quasi-public agencies. There are over one thousand of these so-called "shadow agencies" employing over one hundred thousand employees. The use of these entities to administer state or federal funds dilutes the level of public oversight, circumvents the use of merit system standards, and reduces the stability of the public workforce and jeopardizes the safety of our communities. This can, in turn, affect the quality of the work being performed. PEF will continue to advocate for legislative or administrative flexibility in situations where these structures are being considered to enable state agencies to make the changes necessary to maintain or improve the services that they currently provide.

In the event these so-called "shadow agencies" are created, they shall be subject to the same legislative and fiscal oversight as any state agency, and they shall not take over the responsibilities of a department of state government without legislative approval. Such "shadow agencies" shall not give positions to state employees as a means to circumvent Civil Service eligible lists, nor shall their employees supervise state employees. Finally, all new employees of these "shadow agencies" shall be deemed to be in the classified Civil Service and subject to the provisions of Civil Service Law.

PEF is opposed to state agencies being allowed to create non-profit, public benefit corporations in order to staff state owned facilities with private employees rather than state employees, such as the corporation created by SUNY Downstate in its takeover of Long Island College Hospital.

PEF will oppose the merger of state agencies and functions to the extent practicable. In the event of a merger, PEF will work to support appropriate safeguards for members and the services they deliver, including but not limited to, securing appropriate transfer rights that prohibit any diminution in salary or status; protecting members' job titles, licenses and/or certifications; maintaining all current facilities and service delivery locations; and ensuring appropriate funding for a merged agency so as to maintain the quality and continuity of existing service delivery.

PEF also supports legislation which would set stricter limits on individual, corporate and political action committee contributions to campaigns, require all contributions to all types of political committees be disclosed, and that a system of public financing be established for all statewide, Assembly, and Senate positions.

PEF will oppose efforts to encroach upon state owned and/or operated facilities. PEF will advance legislation to ensure that facilities operated on state property shall be staffed by state employees. PEF will vigorously defend our exclusive bargaining rights to ensure that services currently being provided by PEF members continue to be provided by PEF members. Currently encroached hospitals are Southampton, Eastern Long Island and Community Long Island.

PEF supports legislation which would require the State Department of Civil Service and any other entity that gives examinations for public employment within the State of New York to require that alternate date examinations due to Sabbath observance, other religious observance or any other reason be given to applicants within 25 miles of the location where the primary date examination is given.

PEF will support legislation to establish a state-operated student loan forgiveness program for all state employees with the goal to recruit new employees to state service.

To further the goal of recruiting new employees to state service, while supporting our public institutions and encouraging our new graduates to remain in NY; PEF will support legislation making all dependents of state employees eligible for the excelsior scholarship without regard to the family's adjusted gross income.

PEF will support legislation to amend NYS fiscal laws to increase the cultural education fee in order to properly fund the cultural education center (state museum, library and archive) at SED.

Reforming NYS Labor Law

PEF believes that the intention of state labor laws is to provide direction to both management and labor as to their respective rights and responsibilities. However, certain reforms are needed to promote responsiveness with regard to collective bargaining negotiations. These reforms include the passage of binding arbitration legislation, the setting of time limits regarding the resolution of contract impasses and improper practice charges, and the right of public employees to strike. In addition, injunctive relief should be expanded to include all improper practice charges, and all pay differentials should be considered collective bargaining issues. The recognition in law that equal work deserves equal pay would also aid the Department of Civil Service in making its salary grade determinations.

PEF opposes all efforts to restrict or circumvent the Triborough Amendment which ensures a proper balance between public employees and public employers in collective bargaining.

PEF will support legislation to ensure that the union maintains unfettered access to its members to protect its formal, legal role in administering the contract on behalf of all members.

Improving Working Conditions and Benefits

While working conditions in some state agencies are generally satisfactory, this is not consistently true from worksite to worksite. The state needs to continually monitor these conditions, and to take remedial action to improve them when necessary, using both state and federal resources. High on the list of priorities is ensuring that health and safety concerns are swiftly addressed. These can include ensuring that owned and leased buildings are properly built and maintained, asbestos hazards are abated, tight building syndrome precautions are taken, standards for indoor air quality and air temperature are established and maintained, workplace violence is addressed through training, prevention, and reporting, as well as ensuring employees can participate in agency health and safety committees.

For employees with duties and responsibilities outside of an office or facility, that the field conditions that these employees work in be reviewed by the appropriate state agency to ensure that they are safe, and that the employees are trained to recognize potential hazards or unsafe conditions and, when appropriate, all personal protective equipment that may be required is issued by the state.

New York state has continued its decade-long effort to remain an uncompetitive employer. This, coupled with state hiring freeze effectuated in April 2020, has resulted in the vacancy of more than 5,000 full time-equivalent positions. Short staffing continues to be a major concern and PEF will continue to advocate to fill vacant positions.

For employees working in healthcare facilities, there is a need to protect patients' and employees' safety. In 2021, PEF secured legislation to require the establishment of joint labor-management committees to help establish safe and sustainable nurse staffing schedules in hospitals. PEF will continue to advocate that these joint labor-management committees be extended to cover all other state agencies. PEF will continue to advocate for strengthening the no mandatory overtime law. PEF continues to advocate for our legislation which strengthens the no mandatory overtime law. The bill compensates nurses and penalizes agencies that continue to disregard the current law.

Telecommuting has been used successfully to attract and retain talent and increase worker productivity. PEF supports the use of telecommuting because it increases job flexibility, work/life balance, decreases the state's operational expenses, and reduces greenhouse gas emissions. Employees have shown that telecommuting can be successful and productive. Additionally, telecommuting increases opportunities for disabled staff to advance in the workforce. PEF will advocate for legislation encouraging the use of telecommuting as an option for all PEF represented employees to the maximum extent practicable.

Improvements to the benefits that employees receive would correct some injustices in the current system. These would include the removal of certain inequities in the workers' compensation rules, correcting the inconsistency in the assignment of hazardous duty pay in those agencies which already provide this pay and the elimination of discrimination against certain classes of veterans with regard to health insurance coverage. PEF will continue to advocate for legislation to provide a hazard pay benefit for all employees designated by the Governor as "essential employees" pursuant to the declared state of emergency established in response to the outbreak of the COVID-19 pandemic.

PEF is willing to work with the legislature to draft bills correcting these injustices. In addition, injuries and illnesses sustained while performing one's job should be acknowledged by the state, and the employee should be made whole regarding medical and/or legal costs which may result. The state should do what it can to assist the employee in his/her recovery, as well as provide two full years for that recovery before pursuing termination. In addition, the state should continue full medical coverage for families of all reservists called to active duty. PEF will continue to advocate for legislation to allow state employees eight hours per year of paid leave for the purpose of medical screening for cancer of any type.

In the 2020 legislative session, PEF supported bills to require payment of full salary and medical expenses for Parole Officers, Revocation Specialists, Revenue Crime Specialists and Investigators who have Peace Officer status, injured in the line of duty as well as a bill that defines employment-related heart disease for Parole Officers. The Parole Officers Workplace Injury Parity bill did pass the Legislature in the 2017 legislative session. The Parole Officers' Heart Bill did not get two-house support this session. PEF will continue its support and advocate for this measure. PEF will advocate for issues regarding parity in other PEF high risk job titles.

State employees should be paid fair salaries that are at least equal to the average prevailing wage for their profession. PEF encourages legislation which would study prevailing wages for specific job titles, and then would increase the grade allocation of those titles with pay grades that are below the prevailing wage for that profession to the level of the prevailing wage.

PEF introduced legislation regarding a fair geographic pay differential similar to the federal locality pay tables for members in geographic work locations that have a high cost of living.

Maintaining a competitive, high quality, knowledgeable workforce requires a competitive wage which will prevent loss of members and possible privatization if recruitment and retention diminishes.

PEF members and their families deserve to have appropriate income replacement benefits in the event of a disability. PEF will work to improve the current disability benefits available to PEF members to ensure that such benefits are affordable and sufficient to provide members and their families adequate income protection in the event of a disability.

PEF advocates for a bicycle commuter benefit as authorized by the Federal Bicycle Commuter Benefits Act. The Federal Bicycle Commuter Benefits Act Law is a provision of the Internal Revenue Code (IRC) that allows an employer to reimburse employees up to \$20 per month for expenses associated with qualified bicycle commuting without having to pay (or withhold) payroll taxes on that sum.

There is no federal mandate that the benefit be provided. The IRC provision simply allows that IF the benefit is provided, it can be provided on a pre-tax basis. PEF will pursue legislation to allow each agency to enter into negotiations with management as part of the labor-management process to work out that benefit.

PEF will oppose any restrictions on parking (e.g., permit system) until such time as all members have access to subsidized parking within a quarter mile walk from their work location.

PEF supports a state minimum wage which is more reflective of a living wage that is indexed for inflation. This would help to decrease the income inequality being experienced in our state.

To ensure that members who rent have the same guaranteed protection and stability of their homes like they do at work through their contract, and to ensure that members are able to afford to live in the communities they serve, PEF will support legislation that prohibits the eviction of residential tenants or non-renewal of residential leases without good cause.

PEF will support legislation that encourages New York State to purchase goods that are either made in New York or the United States, rather than manufactured overseas.

Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent himself or herself and

shall be deemed to have a paid leave of absence from his or her duties or service as such public officer or employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services, (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district, or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system who has been determined to be non-essential for the duration of any travel ban declared under article 2-B of the Executive Law for the municipality where they reside or their work location.

For those who have been determined to be essential employees the appointing authority shall provide them with credentialing of such designation and shall defend and indemnify those so designated for the violation of any order issued under Article 2-B of the Executive Law.

PEF will oppose the "New York Health Act" and any other single payer health insurance program until such time as such legislation affords a carve-out for unionized employees covered by a collective bargaining agreement or until an amendment to the state constitution is passed and ratified by the voters of the state that expressly protects all workers from the unilateral diminishment of health insurance benefits in the same manner that the current state constitution protects the retirement benefits of state employees from unilateral diminishment (see also, Article 5, Section 7 of the NYS Constitution).

Providing for a Well-Deserved Retirement

PEF believes that all state employees after giving their working lives to serve the public good, have earned, and deserve a secure and dignified retirement.

Inflation and increased health expenses continually reduce the standard of living earned over a lifetime of public service. PEF believes that steps can be taken to restore previous benefits. PEF will continue to support legislation to prohibit the diminution of health benefits or employer contributions to health insurance premiums below the level employees paid as active employees. PEF will advocate to create and sufficiently fund a Retiree Health Benefit Trust Fund, to pay for retiree health benefits.

PEF believes that it is imperative to improve the cost-of-living adjustment (COLA) legislation, so that retirees can continue to have a dignified standard of living after their retirement. The COLA can be improved by adjusting the calculation percentage (Consumer Price Index-Urban), and the amount (\$18,000) used to calculate the COLA.

PEF also supports increasing the Disability and Survivor Benefits, by eliminating the 50 percent reduction of COLA's imposed on pensions of beneficiaries.

PEF supports legislation to correct the inequities in pension tiers including, but not limited to, service credit percentages and additional years of service credit. This can also include allowing all accrued vacation and sick leave accruals to be part of the final average salary used for the pension calculation.

PEF advocates for legislation to allow PEF members employed at the NYS School for the Blind and NYS School for the Deaf who are members in the Teachers' Retirement System to get pension service credit for unused sick leave at retirement on the same basis as is currently granted to members in the New York State and Local Employees Retirement System.

PEF will advocate for legislation enacting the "Rule of 80," which allows for retirement without penalty if age plus years of service is equal to at least 80.

PEF will advocate for early retirement incentives that benefit all members eligible for retirement and ensures the continuity of existing services including the backfilling of all vacated positions.

PEF will advocate for legislation that corrects an inequity with regard to health insurance coverage for retired State employees. The legislation will allow employees who are vested with ten years of benefits eligible service but leave State service prior to retirement age to be able to defer their health insurance coverage eligibility and their sick leave credit to offset the cost of their health insurance until they retire.

PEF believes that public service in the military, Peace Corps and VISTA (Ameri Corp) should be credited to member's years of service.

PEF supports raising and/or eliminating the limitations on retiree earnings.

PEF supports allowing additional reinstatement to earlier pension tiers.

All Tier III and IV employees who made 3% contributions to the retirement system for more than ten years should receive two additional months of service credit for each year beyond the first ten years, upon retirement. PEF has introduced legislation to enact this provision since 2001. We will continue to advocate for this benefit.

PEF supports keeping the State Comptroller as the sole trustee of the state pension fund. PEF will advocate for the timely calculation of the final salary for retirees.

Political Action Committee

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