

LET NY **WORK** WORK

A Common Agenda for the Common Good



• MAKE THE PENSION SYSTEM PREDICTABLE AND AFFORDABLE

- Tier VI Defined Contribution – the State of New York, for both state and local employees, should offer two retirement options to new employees. A reduced defined benefit plan or a new defined contribution plan that is controlled by the employees, is portable, and does not weigh down taxpayers.
 - » Defined Benefit Components:
 1. Higher employee contributions (6 percent, up from 3 percent) for full period of employment;
 2. Higher minimum retirement ages (65, up from 62);
 3. Overtime would be excluded from pension calculations;
 4. Employees would have to work longer before their pension vests (12 years, up from 10)
 5. Lengthen the period over which the final average salary is calculated (currently “high 3” years) to 8 years; and
 6. Cap of \$179,000 for FAS calculation purposes.
 - » Defined Contribution Components:
 1. Use a national provider of Defined Contribution plans for Public Employees to avoid another layer of government;
 2. The plan should be portable and encourage employee participation; and
 3. Annual contribution rate would be 12 percent of annual salary with the employer covering 9 percent and the employee 3 percent (consistent with Defined Benefit plan).

• REDEFINE COMPULSORY ARBITRATION

1. Define Ability to Pay – the statute has no definition of the ability to pay. It should be amended to require that an arbitration panel accord substantial weight to ability to pay when making an award. The term should be defined as the ability of a public employer to pay all economic costs to be imposed on it by an arbitration award without requiring a reduction of municipal services or an increase in the level of real property taxes in existence for each year or years addressed by the award.
2. Prohibit Consideration of Non-Compensation Issues – other unions (e.g. county sheriffs, State Police), which are permitted to seek arbitration of a bargaining impasse, are denied the right to pursue non-compensation matters before an arbitration panel. Municipalities and school districts should be entitled to the same restrictions.
3. Limit Access to Binding Arbitration – currently, there is no limit on the number of times police and firefighter unions can seek binding arbitration. This should be changed so that once any union decides to go to binding arbitration, they will lose that ability for the next two successive collective bargaining cycles. This limitation will help to ensure that the option of going to binding arbitration is not routinely used as a way to avoid good faith negotiations.
4. Add Transparency to the Arbitration Process – currently, an arbitration panel deliberates and renders its decision behind closed doors. Making their proceedings subject to the Open Meetings Law by requiring the arbitration panel to deliberate in a public forum within the municipality or school district under arbitration and to present its decision at a meeting of the legislative body or school board, will add a level of accountability to a process that currently lacks any degree of transparency. This much-needed transparency should ultimately be applied to all aspects of collective bargaining.

• REDUCE THE COSTS OF CONSTRUCTION ON PUBLIC/PRIVATE PROJECTS

- Support alternative project delivery (e.g. design build).
- Wicks Law - Increase threshold to a uniform \$10 million across the state.
- Use Unemployment Insurance (UI) Prevailing Wage tables to determine regional prevailing wage rate for projects.
 - » The wages are updated semi-annually, based on the findings of the Department of Labor's Occupational Employment Statistics (OES) survey of employers. The information is provided to help employers and unemployed job seekers understand the job titles and wage rates that will determine prevailing wage in local areas across New York State.
- Pass the *Public Construction Savings Act*, which will allow local governments to enter into project labor agreements in which participation in the agreement is optional for bidders; bidder can choose to bid either with or without participation in the agreement, and the municipality shall pick the lowest bid consistent with other laws and regulations. [S.4121 (Ranzenhofer)/A.7855 (Schimminger)]
- Pass legislation to apply a comparative negligence standard under the Scaffold Law where a recalcitrant worker – one who refuses to use required safety devices, or engages in other reckless or negligent conduct – is injured. [A.2835 (Morelle)]
 - » Relates to the applicability of certain provisions with respect to persons injured in the use of scaffolding and other devices for use by employees.

• WHEN CONTRACTS EXPIRE, FREEZE STEP INCREASES

- Salary step increases will be held when no contract is in place.

• ESTABLISH MINIMUM HEALTH INSURANCE CONTRIBUTIONS LEVEL FOR EMPLOYEES AND RETIREES

- Employers will cover no more than 85 percent of a single healthcare premium or 75 percent of a healthcare premium for families or retirees. This will be phased in over a 3-year period.
 - » If state contract contribution rates decrease (i.e. employer pays less), then local contracts should follow the same reductions in the next negotiation cycle.
 - » If at any point in time the state repeals the Triborough Amendment this requirement will also be repealed.

• NO NEW MANDATES

- Pass the *Unfunded Mandate Reform Act*. [S.5379 (Martins)/A.8150 (Morelle)]
 - » Authorizes the governor to submit an unfunded mandate reform plan to the legislature when it is in the public interest.
- Require a super-majority to enact new unfunded mandates. [S.3211 (Martins)/A.1592 (Galef)]
 - » Restricts the imposition of additional unfunded mandates on local governments by the state until such time as those mandates are fully funded by the state; provides for certain exceptions; provides that a three-fifths majority in each house shall override this restriction.