



2013 NYSUT RETIREE CONTIGUOUS E.D. MEETING

FINAL REPORT ON RESOLUTIONS

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October 23-24, 2013
The Desmond, Albany Shaker Road
Albany, New York

Resolution 1

Voting Rights Act and Ensuring the Right to Vote for All Citizens

Whereas, the Voting Rights Act of 1965 had sections declared unconstitutional by the United States Supreme Court in 2013; and

Whereas, most of the Voting Rights Act was found to be constitutional by the same US Supreme Court; and

Whereas, the key provisions struck down by the U.S. Supreme Court dealt with the ability of the federal government through the U.S. Department of Justice to intervene in cases where states denied citizens the right to vote; and

Whereas, these same citizens are not only citizens of their respective states but also citizens of the United States, according to the Fourteenth Amendment; therefore be it

RESOLVED, that NYSUT urge its national affiliates, AFT and NEA, to propose that both houses of Congress adopt a Voting Rights Act which fundamentally restores the powers of the federal government declared invalid in the Section 4b by the U.S. Supreme Court in 2013.

Resolution 2

Voting and Citizenship

Withdrawn at the request of the maker (Retiree Council 15/16 Westchester/Putnam)

Resolution 3

Encouraging Retiree Membership

Whereas, it is essential to have our retirees remain active in our union; and

Whereas, the best time to solicit membership is just prior to retirement; and

Whereas, active retirees can be very helpful to in-service colleagues through political action activities; therefore be it

RESOLVED, that NYSUT, through its education of in-service leaders, encourage them to include retiree leaders to speak at pre-retirement seminars, meetings and retirement celebrations about the benefits of joining their retiree chapters; and be it further

RESOLVED, that NYSUT encourage in-service leaders to form retiree chapters and encourage active membership in NYSUT Retiree Councils.

Resolution 4

IRS Section 125 Benefits

Whereas, many retirees during their years of employment participated in a program that allowed payment of health care services on a pretax basis (cafeteria plan/flex plan); and

Whereas, the retirees are no longer eligible to participate in this pre-tax program; and

Whereas, retirees on a fixed income need assistance to cope with rising health costs; therefore be it

RESOLVED, that NYSUT work with its national affiliates to lobby for legislation that would allow retirees to utilize up to 4,000 pre-tax dollars for qualified health services and products on an annual basis.

Resolution 5

Assuring Fairness and Teacher Representation - Licensing Revocation Hearings (Part 83)

Whereas, teachers and other education professionals facing charges of conduct that may revoke their licenses and/or place them in jeopardy of punitive legal action now are afforded the protection of judgment by a three-member panel, one of whom is an educator they have chosen; and

Whereas, the New York State Board of Regents is considering changing the system so that only professional lawyers pass judgment on teacher's character, ability, performance and skills in the classroom, under the guise of saving money and speeding up the determination process; and

Whereas, the general practice of American law is that the accused shall be accorded a judgment by a jury of his or her peers and to withhold that from Part 83 hearings would deny classroom teachers that fundamental right and the same protections afforded to other citizens in our society; therefore be it

RESOLVED, that NYSUT vigorously defend the rights of teachers to be subject to a judgment of their peers; and be it further

RESOLVED, that NYSUT exert every legal option to prevent the removal of NYSUT members from Part 83 Panels, solely upon a presumption that anyone within the NYSUT leadership/membership constitutes an appearance of a conflict of interest; and be it further

RESOLVED, that NYSUT seek such legislative remedy to safeguard the rights of such panels, unless it can be demonstrated that an actual bias exists, or an inability to perform to the standards expected prevails; and be it further

RESOLVED, that NYSUT seek to assure sufficient funding for and structure to assure the Part 83 process judgments can be rendered by three-member panels in a timely manner.

Resolution 6

Negotiations

Whereas, one of the main purposes of New York State United Teachers is to train, maintain and oversee labor negotiations and relationships with local teacher unions and associations; and

Whereas, one of the key emphases must be to maintain a strong labor relationship with locals on key points in this time of staff reductions and budget constraints; and

Whereas, NYSUT labor relations experts and field representatives must call together local leaders to fight off the blame for budget constraints and local budget threats; and

Whereas, there must be training on terms such as “furloughs,” “paybacks,” “staff reductions,” “pension smoothing” and over-all “sunset” terms to protect the longevity of the local contracts; and

Whereas, NYSUT’s retirees stand in solidarity with in-service leaders and members in support of continued training during these difficult times; therefore be it

RESOLVED, that NYSUT work with the various Regional Staff Directors and Labor Relations Specialists to continue to develop and intensify a training program to create a better understanding for local negotiators and presidents to address these new threats.

Resolution 7

Local Fee Deduction

Whereas, all NYSUT members automatically become paid-in-full members of their Retiree Councils at the time of their retirement; and

Whereas, Retiree Councils support their programs and activities from voluntary, sustaining membership fees; and

Whereas, there are no employer deductions; therefore be it

RESOLVED, that NYSUT seek to develop a means for retired members to elect to have their local council's support fees deducted from their pensions and transmitted to the appropriate Retiree Council.

Resolution 8

Increasing Employer Penalties for not Providing Employee Health Insurance

Whereas, the Patient Protection and Affordable Care Act of 2010 mandates employers with 50 or more employees to provide health insurance coverage to its employees; and

Whereas, NYSUT and its state and federal allies have long sought universal health insurance which has not yet come to pass; and

Whereas, the Affordable Care Act is now the law of the land and has been supported by NYSUT and its state and federal allies; and

Whereas, beginning in 2015, the Patient Protection and Affordable Care Act employer mandate provides the option to either provide health insurance for its employees or to be subject to a penalty for not providing coverage (union employers are grandfathered); and

Whereas, the difference between the lower penalty cost and the cost of providing employee health insurance coverage seems to be an insufficient disincentive, causing many employers to select the penalty option; therefore be it

RESOLVED, that NYSUT and its state and national affiliates seek to increase health insurance coverage for employees by narrowing the gap between employer penalties and the cost of providing health insurance under the Patient and Protection Affordable Care Act of 2010.

Resolution 9

Development of Listserv Utilization at the Lowest Possible Cost

Whereas, NYSUT is developing membership Listservs for its active units and Retiree Councils; and

Whereas, members should be encouraged to supply their current, non-school emails to ensure secure communications; and

Whereas, these Listservs are to be used to facilitate the work of our union at local levels; and

Whereas, this service will need to meet varied needs in each affiliate service unit; therefore be it

RESOLVED, that NYSUT make use of existing data and electronic files to facilitate communication with only part of their membership to send information to their members in specific congressional, state Senate or Assembly districts within which their members reside; and be it further

RESOLVED, that the NYSUT Board of Directors take steps to ensure that the Listserv system is built in such a way as to facilitate new uses in the future without requiring a costly restructuring.

Forwarded for consideration

Seek Coverage and Transparency for “Shingles Shot”

Whereas, the “shingles shot” (Zostavax) is recommended, if not urged, for all persons 60 and older (CDC and Mayo Clinic others); and

Whereas, the cost of this vaccine is anywhere from \$190 to \$400, depending on provider and geography; and

Whereas, Medicare only recently included this vaccine in its list of coverage, including insurance providers with certificates of creditability; and

Whereas, the circumstances of coverage, whether in a physician’s office or by prescription at a pharmacy, are, at best, confusing; and

Whereas, some insurance providers deny coverage for this vaccination; and

Whereas, many older Americans are not covered by secondary prescription coverage; therefore be it

RESOLVED, that NYSUT urge the AFT and the NEA as well as to the New York state congressional delegation to press the Department of Health and Human Services and Secretary Kathleen Sebelius to clarify and affirm coverage of the “shingles shot” through Medicare Part B and/or Part D as a primary benefit, as a reasonable and necessary preventative measure for all persons covered under Medicare; and be it further

RESOLVED, that Medicare Part B or Part D cover the shingles vaccine.