

IMPACT

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BIG VICTORY FOR UNIONS IN 220 RECLASSIFICATION LAWSUIT

Local 246 and other unions representing 220 trades workers impacted by the unilateral changes Mayor Bloomberg made to the way salaries were negotiated scored a huge victory on May 28 when Appellate Court Judges unanimously ruled that the actions of the City were illegal.

By a vote of 5-0, the Appellate Court ruled that "Judgments, Supreme Court, New York County (Manuel J. Mendez, J.), entered July 11, 2012, July 24, 2012, and July 26, 2012, annulling Mayoral Personnel Orders No. 2012/1 and 2012/2, dated April 11, 2012, unanimously affirmed, without costs." Despite the fact that the Judges had 60 days from the May 7 appeals court date, they issued their overwhelming decision in just three weeks.

"We were not expecting to hear so quickly, but it just proves that there wasn't much for the judges to ponder regarding the City's illegal actions," said President Joe Colangelo. "This just confirms what we've known all along — that Mayor Bloomberg was just out to get unions or he would not have acted without thinking this through to the end. He seriously could not have thought that labor would just sit back and take this."

Colangelo said it's been proven now in multiple state courts that what the City did was arbitrary and capricious when it illegally reclassified Labor Law §220 prevailing rate employees to graded titles.

"After we appeared in court on May 7, it seemed that the judg-



Pictured from far left going clockwise: President Joe Colangelo discusses the Court's 5-0 ruling with Recording Secretary Jim Grillo, Treasurer Ray Schacor, Vice President Charlie Pastorelli and Business Agent Tom Graziano.

es didn't understand how the City could argue that what the Mayor did was not reclassification," Colangelo said. "Impacted unions banded together to fight this and we were successful. It shows that there is strength in numbers."

Local 246 Counsel Harry Greenberg, in explaining the process, said that since the Appellate Court's decision was unanimous, the City will have to ask permission to continue its appeal on

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Message from President JOSEPH A. COLANGELO



Recently Governor Cuomo said that he'll propose a "financial restructuring group to help fiscally distressed local governments pursue options that would include consolidation, mergers, shared services, reduced work forces, and fewer elected officials."

The creation of the "panel" is not what it appears to be once you look into the details of the plan. The implications to the arbitration process would by some accounts result in no wage increases for police and fire unions in what is to be defined as financially distressed municipalities, and could eventually impact all public sector employees with changes to the original bill once it's passed.

If you read the article in the *New York Post* on May 8, written by a senior fellow at the Manhattan Institute's Empire Center for New York State Policy (known for being anti-labor) it said that "until Cuomo pushes meaningful, permanent reform of the state Taylor Law, which regulates collective bargaining in New York's public sector, 'restructuring' of local governments will simply amount to rearranging the deck chairs on a fleet of sinking ships."

We don't need restructuring of the Taylor Law or the Triborough Amendment. What we do need is a reality check by the government officials we elect into office. Who do they think keeps New York State and New York City running? If it weren't for the hardworking, dedicated men and women who show up to do their jobs daily, and do them with great skill and pride, the average New Yorker would quickly realize the vital importance of the State's public workforce.

JUNE MEETING SUMMER RAFFLE AND PARTY

Come join us for the customary June meeting and summer celebration that includes hot dogs and refreshments. We will also have our traditional summer gift raffle consisting of 25 door prizes and a 50/50 raffle. You must be present to collect prizes. This is your final chance to get your picture in the newsletter before we go on our summer hiatus. See you there!

Someone needs a police officer? Sorry, their patrol cars aren't available because the private contractor wasn't paid. Is the garbage piling up outside your home? Sorry, not enough sanitation workers to pick up all that trash. Convicted criminals knocking on your front door? Oops, not enough correction officers to guard the jails. These statements would become reality if not for public employees.

Yes, many localities may have created their own problems by not carefully balancing their budgets and putting away extra during the good times. Once again, it's easy to blame municipal workers and the Taylor Law and Triborough Amendment for all the fiscal woes governments are facing. It's called "passing the buck" and it's something a great majority of our elected officials have learned to do really well.

The Taylor Law's Triborough Amendment, which locks in all labor-contract provisions even after a contract has expired, doesn't make it easier for unions to resist needed concessions as many claim, but actually protects union workers from governments that might otherwise have absolutely no reason to negotiate. Unions are always willing to talk at the bargaining table. But the key word here is bargaining — the art of going back and forth, give and take, until an agreement is reached. Without the Taylor Law, it would be all too easy for government leaders to just reduce salaries, and take back benefits, without any form of negotiation process.

We've known for a while that the Taylor Law would come under attack. Having to make a decision on which way to vote on Taylor Law "reform" will give us great insight as to who really are our friends in Albany. It will be nice to have that information in hand before Election Day rolls around.

As corporations gain more and more wealth, that money has a way of influencing the laws that governments make. It was recently pointed out that the country's tax code is so complicated because of the way big business influences how certain deductions are included. Just look at what goes on in this City with tax credits for job creation to influence a company's choice of where to locate its business. Study after study proves that

the value of the tax credit the company enjoys never equals the jobs it was meant to create, but only serves to fill a company's wallet with little if anything trickling down to workers.

The labor movement is in a state of transition both here and across the country. Labor leaders need to educate those who are not unionized to the benefits of belonging to a union. Union members' wages and benefits are consistently higher than those of their non-union counterparts parts in the same industry.

When unions say we stand up for workers' rights, that statement applies to both our members and non-members alike. Just as corporate money influences policy, union voices do the same for workers by forcing non-union companies to provide wages and benefits similar to union companies not because they are good corporate citizens, but to prevent their workers from joining unions.

This is what the fight is really all about. Once corporations eliminate unions, they will be free to treat workers as they wish. You only need to compare the way workers were treated before the labor movement and after labor's rise to realize the prosperity that came to the average citizen after unions gained power. If the day comes that unions lose their power, the United States will resemble some Third World Country with workers suffering with low wages and no benefits.

As you all enjoy the summer with friends and family, remain secure in knowing that your union is fighting every day to make that possible. Please join us on June 20 in solidarity at our final general membership meeting before the summer break. We have a lot to update you on, and besides, there is free food and lots of raffle prizes, but you must be present to win.

As the bumper sticker says:



THE LABOR MOVEMENT
"The folks who brought you the weekend."

**NO SUMMER NEWSLETTERS
VISIT WEBSITE FOR UPDATES**

This issue of the IMPACT will be our last until September. We do not publish in July or August. Please visit our website on a regular basis for updates on current issues. Anything of importance that happens during the summer will be posted there. The address is www.nyclocal246.org. Have a great summer!

**GENERAL MEMBERSHIP
MEETING & PARTY**

Thursday, **JUNE 20, 2013**

6:00 p.m.

St. Stanislaus Church

61-17 Grand Avenue

Maspeth, NY 11378

- ▶ 50/50 Raffle ▶ Door Prizes
- ▶ Refreshments

GOOD WELFARE



IN MEMORIAM:

Anthony Iannacone

Ret. Auto Mechanic — San

Michael French

Ret. Auto Mechanic — San

IN MEMORIAM FAMILY:

Asuncion Collazo (Father)

Ret Auto Mechanic — San

James Cruickshanks (Mother)

Auto Mechanic — Fire

Michael Skibinski (Father-in-Law)

Auto Mechanic — San

NEWBORN CHILDREN:

Joseph Juarbe (Boy)

Auto Mechanic — San

Manny Konstandakis (Girl)

Auto Mechanic — Police



Congratulations to Darwin Kim (Auto Mechanic — San) and his wife Hana on the birth of their son Ryan Tae-Hyun Kim on May 19, 2013. He weighed 7 lbs. 11 oz. and was 20.5 inches.



Congratulations to Joseph Juarbe (Auto Mechanic — San) and his wife Yvette on the birth of their son Brandon Luke on April 9, 2013. He weighed 8 lbs. 4 oz.

RETIRING MEMBERS:

Anthony Benfante

Auto Mechanic — DOT

Dominick Carlucci

Auto Mechanic — San

Elia Draliuk

Letterer — Parks

Wilfredo Figueroa

Auto Mechanic — Police

Keith Jounblood

Auto Mechanic — San

Reynold Nedd

Auto Mechanic — Fire

Thomas Palamar

Auto Mechanic — San

Heiko Rivera

Auto Service Worker — San

John Sandomierski

Auto Mechanic — Police

Edison Urribarri

Sheet Metal Worker — H & H

WHERE IN THE WORLD IS ALDO?

Aldo Lorelli (Retired doorstep maintainer.) and his wife Patricia really know how to enjoy retirement. Although it's been a while since we've played "Where in the World is Aldo?", it doesn't mean the Lorellis have been bored.

The loving couple marked their 26th wedding anniversary with a cruise to the Panama Canal, where they reported visting Half Moon Cay, Bahamas, Oranjestad, Aruba, Willemstad, Curacao, Cartagena, Columbia, Colon, Puerto Limo and Costa Rica.

"We went ziplining for the first time in Costa Rica and it was wonderful," Aldo wrote to the Union. "We are planning a trip to Italy in June to visit with family and show my daughter Jennifer the house I was born in. We are enjoying retirement and appreciating every day."

Now that's working to live instead of living to work. President Joe Colangelo said any other retirees with great vacation photos they'd like to send in are encouraged to do so.



Send us announcements for our Good & Welfare Page about family births, graduations, awards, honors, special trips and other family special occasions, along with photos, for our newsletter.

NEWS & NOTES

SUMMER RAFFLE AND PARTY —

Come join us for our annual June meeting and summer celebration that includes hot dogs and refreshments. We will also have our traditional summer gift raffle consisting of 25 door prizes, plus a 50/50 raffle. You must be present to collect prizes. This is also your final chance to get your picture in the newsletter before we go on our summer hiatus. See you there!

NO SUMMER MEETINGS — As in the past, General Membership meetings for July and August will be suspended as will our newsletter. In the event that a special meeting is necessary we will inform the membership.

SCHOLARSHIP WINNER — Congratulations to this year's Lawrence Komnick Scholarship winner, Shaminy A. Manoranjithan. She will be receiving a \$1,000 toward her college tuition. Shaminy is the daughter of Kandiah (Auto Mechanic-Police) and Shanthini Manoranjithan. We will feature her in our September newsletter.

ACTIVE MEMBER SHOE VOUCHERS —

Claims for Active Member Shoe Vouchers must be submitted by June 15, 2013. All active members should have already received a reimbursement form with instructions. Anyone who did not receive one should contact the Union office immediately.



OOPS! — Jack Minerva, our new Shop Steward for Sanitation Queens Borough, was incorrectly listed in the May IMPACT as Auto Electrician. He is an Auto Mechanic.

DORNEY PARK DISCOUNT TICKETS —

Local 246 has signed up for the E-Ticket discount program with Dorney Park and Wildwater Kingdom in Pennsylvania. We no longer have discount flyers to mail out. Instead you may access the site directly and print E-tickets using your credit card. On the Dorney Park website ([\[neypark.com\]\(http://neypark.com\)\), use the promotion code NYCLOCAL246.](http://www.dor-</p></div><div data-bbox=)

ANNUITY FUND STATEMENTS — Annuity Fund Statements and Transactions should have already been received by members. If you have not yet received yours, please contact Administrative Services Only (ASO) at (877) 999-3555 ext. 5520 or check your account online at www.asonet.com/annuity/signin.asp?

MAY RAFFLE WINNERS — Congratulations to the following five members who were winners in the May membership meeting raffle:

Dennis White

Retired Auto Mechanic — San

Joseph Santangelo

Retired Auto Electrician — San

Vijay Singhal

Auto Mechanic — Police

Michael Antonette

Auto Electrician — San

James Sullivan

Auto Mechanic — Fire

ANNUITY FUND BOOKS — Updated Annuity Fund books were mailed to members in April. If you have not received one, please call 212.233.0616. **We suggest you become familiar with the contents prior to calling Administrative Services Only, the Union's benefit administrator, as most answers can be found in the booklet. ASO can be reached at 1.877.999.3555.** Since these books are not printed yearly, please keep them in your Union binder and refer to them when you have any questions.

CITIZENS RX PREFERRED FORMULARY —

The 2013 Citizens Rx National Preferred Formulary is now available on the Local 246 website at www.nyclocal246.org. This list contains the most commonly prescribed drugs. For specific question about your coverage, please call the phone number printed on your ID card. If you do not have internet access, or cannot download the list, please contact the Union office at 212.233.0616.

COBRA APPLICATIONS — If you are no longer in active pay status you may not be eligible for health benefits and/or welfare benefits. You must purchase these benefits directly through the COBRA program for welfare benefits you should contact the Union office. For health benefits you should contact the agency benefits coordinator. You must enroll within 60 days from the qualifying event.

UPDATE YOUR BENEFIT CARD —

It's important for the Union office and to you that we have the correct information on your beneficiary card. Please call the Union Office at (212) 233-0616 to advise us of any changes to name this wa, addresses, births of children, or who you want listed as your beneficiary. Don't put your family in a position of not collecting benefits because you didn't have updated information on file. Benefits can only be issued to the person you have listed, even if that person is an ex-spouse.

DENTAL PREAUTHORIZATION INFORMATION —

Pre-authorization is required for a plan of treatment exceeding \$300. Claims for pre-authorization must be submitted to Healthplex along with the necessary x-rays. Pre-authorization is for verification of the treatment plan and tracking purposes only. It has nothing to do with the cost of services.

MEDICARE-ELIGIBLE RETIREES ENROLLED IN APPROVED HMOs —

NYC Local 246 will prepare the first half of 2013's reimbursement payments for those Medicare eligible retirees currently enrolled and/or who have opted to purchase their drug rider through deductions in their pension checks. In order to receive reimbursement from the Retirees Welfare Fund, eligible retirees must forward to the Union office copies of their pension stubs for the period January 1- June 30, 2013.

COPE RAFFLE WINNER —

Winner of the 50/50 Cope Raffle for May 2013 was Michael Antonette (Auto Electrician-Sanitation).

SOCIAL MEDIA POLICY

NYC DEP ISSUES RULES FOR EMPLOYEES

The Department of Environmental Protection recently issued a policy regarding social media use that pertains to all members working in the Agency.

President Joe Colangelo said that the use of social media is a subject he has addressed several times at Union meetings, stressing the importance of members paying careful attention to what they post.

The DEP policy says that the Agency recognizes that since social media is now a common part of most people's lives, it was developed to "help employees identify and avoid potential issues and to provide guidance to employees who, in their personal capacities, use social media."

"When using social media, employees have an obligation to ensure that the views expressed are not misconstrued as those of DEP or of the City of New York. Employees may never use their DEP e-mail addresses when participating in social media. Nor may employees use the DEP logo or link to the DEP website or post any agency material on a social media site without first obtaining permission from the Bureau of Communications and Intergovernmental Affairs."

Colangelo said that while it seems fairly simple as to what should and should not be posted or tweeted about, it's safer for the specifics to be outlined, thereby eliminating any confusion.

The policy states that "employees who wish to identify themselves as DEP employees should include a disclaimer stating that the opinions expressed are not those of the Agency or the City. Even where employees have not stated their affiliation with DEP, they have an affirmative duty to clarify that they are not speaking for the Agency if the content and context of their speech (which includes all writing, posting, video recording, messaging, etc.) may be misconstrued as representing the views of the Agency or of the City of New York. All postings on social media must comply with all laws and City and DEP policies regarding the confidentiality of information."

Colangelo said the safest route for members to take, protecting themselves and the Union, is not to post anything relating to their jobs and to never visit social media sites on work time.

Another aspect of the policy pertains to recommending or referring someone through LinkedIn.

"When providing a recommendation or referral through LinkedIn or any other social networking site, employees must indicate that the recommendation or referral is personal, and is not done on behalf of DEP or the City. Employees should not use the DEP website, logo, or any other Agency material on a social media site without proper prior authorization."

The DEP policy — and Colangelo said he agrees -- states that all "employees are responsible for what they write or post on social media. Employees should not use social media tools without a clear understanding of how they work: what information is publicly available, what is shared, what is permanent, and what may be disseminated to a wider or unintended audience."

Employees participating in social media are subject to the DEP's Uniform Code of Discipline and City policies even when engaging in social media while off duty.

Employees should also be aware that the best-intentioned communications with supervisors, co-workers, and subordinates via social media may be unwelcome, and may be construed or interpreted as harassment based on timing, frequency, or a supervisor-subordinate relationship. Employees should use their best judgment at all times to determine if their actions are appropriate.

"I can't stress this enough, but the best route for all our members to take is to not post a single thing about work or work-related incidents," Colangelo said. "Everyone is safer that way. Also, members should be conscious of what they post personally if it could affect them on the job."



SANITATION WASHERS & DRYERS?

PURCHASED BUT NOT INSTALLED

It's been eight months after new washing machines and dryers were purchased for installation at facilities repairing DEP equipment, yet the machines have yet to be installed. Local 246 President Joe Colangelo called the situation unacceptable and is calling on DCAS Chief Fleet Officer Deputy Commissioner Keith T. Kerman to take immediate action to finalize the installation.

"What was the purpose of buying the washers and dryers if they are just going to sit in a storage facility somewhere collecting dust while our members' health and safety continues to be at risk," Colangelo said. "This raises some serious concerns on our part and we have instructed our members not to work on any vehicles that have not been properly cleaned before they arrive for repair."

The health concerns are so great, in fact, that DEP issued its own "Personal Protective Equipment Matrix for Sewage Exposure" that details different vehicles, their potential for exposure, and personal protective gear that is required to be worn by those working on the vehicles. (The entire document can be found on the Union's website at www.nyclocal246.org. Members are encouraged to go online and read it).

Colangelo said that when DEP was its own agency, and not consolidated into Sanitation, members working on contaminated vehicles would remove and wash their special work

clothing in washing machines provided at the facility that heated the water to 160 degrees. After the consolidation, and pushing from Local 246, DCAS Office of Fleet Management approved the purchase of new washers and dryers for Sanitation facilities repairing DEP equipment, but has yet to follow through with installation. Colangelo said that in order for a washing machine to heat water to the required 160 degrees, the machines themselves need to be industrial units. None of this was taken into consideration during the consolidation. This may also become an issue in the Department of Transportation, which will be towing the vehicles.

BIG VICTORY FOR UNIONS IN 220 RECLASSIFICATION LAWSUIT

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to the state's highest court, the Court of Appeals. He said that since it was a unanimous decision, it will be up to the Court to grant the City the right to appeal.

"While there is no guarantee the appeal will not be granted, it doesn't appear likely as there are no more points for the City to argue in their defense. They would simply be wasting additional taxpayer dollars by continuing the appeals process one final time," Greenberg said.

When Mayor Bloomberg stripped the City Comptroller of the ability to perform the wage studies and set the appropriate prevailing wage, he arbitrarily re-classified the titles of 10,000 workers to a salary plan used to negotiate wages outside of the skilled trades. He did this without any discussion whatsoever with the affected unions, and without the needed approval of the state's Civil Service Commission.

Last April, DCAS adopted a resolution, without notice to unions, reclassifying the aforementioned titles from Labor Law §220 prevailing rate employees to graded titles.

"Collective bargaining is the backbone of the labor movement and the City should not be so quick to dismiss it. The Mayor has no regard for our current contracts and wants full control of dealing with the City's unions. The process that has been in place has worked well by fairly compensating those civil servants who do the same work as employees in their comparable titles in the private sector. The process has been fair to both the City and its workers."

Local 246 joined with other impacted unions to file a lawsuit. The City appealed and the Judge issued a temporary restraining order. The City's reclassification plan was eventually annulled on the basis it was "arbitrary and capricious" because the changes violated two State statutes.

Greenberg said that the law clearly states the rules that must be followed before such a change could take place.

UNION ROUNDUP

New York's Labor Day Parade, which has taken place since 1882, will not be taking place this year. Instead of a march on Fifth Ave, the Central Labor Council is holding a "Labor Day Rally" on September 8, (the weekend after Labor Day) at Ground Zero to "support labor's efforts to address the long-term health needs, ongoing medical monitoring, treatment and compensation for first responders and other workers suffering from the long-term effects of 9/11." Please join us at Ground Zero on September 8, 2013 to show your support for your fellow workers who worked at Ground Zero. Time of the event will be posted on our website as soon as it's available.

Union Trustees held an audit on May 13 that showed all books and records in good financial order. President Joe Colangelo thanked Treasurer Ray Schacor for continually providing exceptional oversight of the Union's finances, which is reflected in our strong and fiscally sound operation.

President Joe Colangelo completed his review of the curriculum at Automotive High School and was truly impressed by the program and the students he met while touring the shops. "It was great to see the level of involvement and dedication the staff has to educating these students for a future in automotive technology," he said.

SEIU has asked all affiliate locals for data on how many members were impacted by Hurricane Sandy. President Joe Colangelo said Local 246 provided the International with a spreadsheet of those members whose homes were damaged, along with a description of the damage itself and what losses members suffered. The International raised funds to help affected members, and is working on a formula to fairly distribute that money. Colangelo said about 10 percent of Local 246 members were affected by the devastating storm.

The Comptroller's Prevailing Wage Council met on May 3, at which time Comptroller John Liu spoke about the transparency his office has instituted regarding City contracts. Local 246 was one of the many unions to attend the meeting. President Joe Colangelo said the Comptroller highlighted some of the more questionable contracts, which have been pointed out in the IMPACT newsletter, that the Bloomberg Administration has awarded. At the meeting, Liu discussed the changes he has instituted since becoming Comptroller, one of which is the ability to go on-line and view all City contracts.

Pay compensation for Auto Body Workers was the purpose of a meeting on May

13 between NYPD Executive Director Robert Martinez and President Joe Colangelo, Vice President Charlie Pastorelli and Shop Steward Joe Yovino. Martinez agreed that the compensation should be looked at and insured the Union that he will do an analysis of the situation. Martinez said he would meet again with Local 246 to go over his findings and possibly develop a plan to address the concerns of members with the title of Auto Body Worker in Career and Salary. The purpose of the evaluation is to determine if salaries can be increased based on the work these members perform.

The Genuine Parts Contract has to date been implemented in Parks, the Department of Correction, the FDNY Ambulance Shop and Sanitation 5th Floor CRS, all of which now have NAPA employees distributing parts. This is a situation that the Union is watching very closely. After meetings with the City's Chief Fleet Officer and representatives from the Mayor's office, not all of the Union's concerns to date have been addressed. Since members are the ones in the shops on a daily basis, the Union is asking everyone to pay close attention to how the process is working and immediately report any problems, no matter how large or small they may seem, to either your Shop Steward or an officer so they can be addressed.

NEW YORK ATTORNEY GENERAL

PROTECTS UNION MEMBERS FROM FALSE ADVERTISING

Finding a scam targeting union members with advertisements and solicitations claiming to offer general purpose credit cards, Attorney General Eric Schneiderman has sued a company calling itself "Union Workers Credit Services, Inc." for false advertising. After receiving numerous complaints, the Attorney General reviewed direct mail solicitations from the company displaying pictures of workers and requiring the consumers to select their labor union from a dropdown menu on an online application form. The website stated that the company was "providing credit services to the Union Workers of America." Consumers learned after paying an upfront fee of \$37 or \$95 that the credit card could only be used to purchase items from the Union Workers Credit Services limited catalog of merchandise. Some consumers paid the fee and never received anything from the company. According to the Attorney General's complaint, the company failed to provide refunds upon consumers' request and the lawsuit seeks full restitution for any victims, as well as penalties. Consumers in cities across the State, including Long Island, received the solicitations.

JOB ORDER CONTRACTING BILL

PUSHED BY 220 TRADES COALITION UNIONS

The 220 Trades Coalition was in Albany May 21 visiting with State Legislators and garnering their support for legislation that is necessary and appropriate to change the procurement method of job order contracting.

The meetings with Legislators were also to educate them on Mayor Bloomberg's attempt to strip members of prevailing wage protections.

Local 246 President Joe Colangelo said that in the current landscape, with no defined statutory or regulatory standards for the complicated procurement and implementation process of Job Order Contracting, there is chaos and disorder. However, bill W.3564/A,4810, serves to protect workers, reinforce New York State's policy favoring competitive bidding principles, and increase the quality of work on Job Order Contracts.

A Job Order Contract ("JOC") is an indefinite quantity contract for the performance of construction, renovation, alteration and repair tasks. A JOC is usually a multi-year contract based upon a base year with multiple renewal options. Rather than submitting a fixed dollar bid, a contractor bidding for a JOC submits an "adjustment factor" or "multiplier" figure that represents a percentage above or below task prices set in a unit price book, known as a "Construction Task Catalog."

Under a JOC, a contractor could bid a multiplier of 1.25, meaning that that contractor would perform the work at 125% of the price for each task in the unit price book. Bidding still works similarly, whoever submits the lowest multiplier is awarded the JOC.

Colangelo said that continuing without regulation for JOCs threatens New York's strong public policy underlying existing bidding statutes. Currently JOCs can be extremely vague where there is no requirement to specify the particular tasks to be performed, the classification of workers who are to perform specific tasks, the total amount of work to be performed, or the total price of the work to be performed. Instead the value of the JOC is expressed only as a minimum/maximum range.

"This sort of indefiniteness encourages bidders to avoid prevailing wage and other labor law regulations. This system encourages cutting corners on safety and avoiding the law and must be reformed," Colangelo said.

This bill strikes the appropriate balance in regulating the practice of JOCs requiring that:

1. All JOCs dealing with public work to be filed with the Department of Labor
2. A detailed scope of work and specifications be included for bidders
3. No JOC exceed \$500,000, unless the public owner requires the use of a Project labor agreement



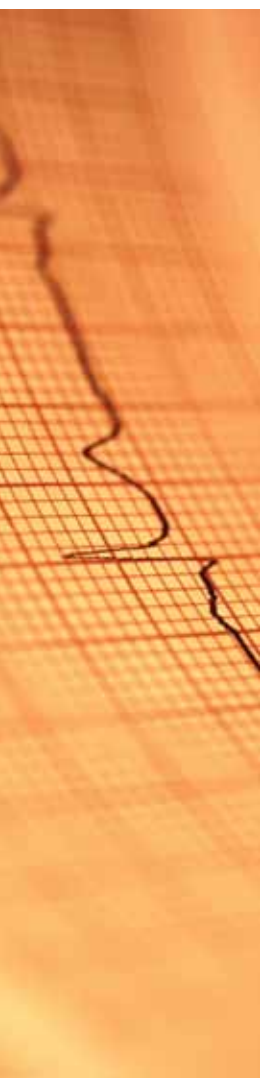
Pictured starting from left side of table: Andy Rousseau, Local 3 Electricians; Augie Martiniello, Local 15 IUOE; President Joe Colangelo presenting Assemblyman Peter Abbate the unions' informational packet on JOC legislation; Steve Melish, DC 9 Painters; Trish Brown, Cordo and Company; Sean Fitzpatrick, Local 3 Electricians; William Lacey, Chairman of Civil Service Trades Coalition, District Council of Carpenters; and Dan Walcott, District Council of Carpenters.

This legislation is so vital to unions because of declining membership rates. All unions have lost at least half of their members, if not all, in different agencies due to JOCs. For example, Colangelo said, in the Department of Education Sheet Metal Shop, Local 246 used to have eight Sheet Metal Workers and a Supervisor; now the shop is nonexistent. In HHC, the Union lost 66 percent of its Sheet Metal Workers, with only eight positions remaining.

"We fear that left unchecked, this JOC legislation will lead to the total elimination of all prevailing rate civil service employees," Colangelo said. "This bill will serve to properly regulate the practice of job order contracting and ensure that the public purpose behind public work is respected and maintained. We made our point clear to those legislators we met with."

UNIONS MEET WITH EMBLEM HEAD

REFUTES CLAIMS MADE BY DEPUTY MAYOR



The President and Chief Operating Officer of Emblem Health (HIP/GHI) met with MLC unions in early May to refute claims made last month by Deputy Mayor Caswell Holloway about the company and its management.

Frank Branchini requested the meeting to address points made by Holloway when he spoke before the Citizens Budget Commission and in a letter he sent directly to Emblem Health. MLC members had their own concerns with some of the Deputy Mayor's remarks as well as with the letter, particularly the part regarding a Request for Proposal for a new health care provider. Local 246 President Joe Colangelo said that once again, unions were not contacted about any RFP, nor were they asked for any input.

"This is an ongoing problem we have with the current City Administration, where they do things behind our backs that will have long-term consequences for our members," Colangelo said. "Since the early 1990s, there has been an agreement between the City and the MLC that all issues of health care need to be bargained collectively. To issue an RFP without first discussing it with unions goes against that policy."

More than 90 percent of City employees have GHI, a product of Emblem Health, as their health insurance provider. Fewer than 5 percent have HIP and the balance have other plans. The MLC's reaction to the Deputy Mayor's proposal was one of skepticism. Colangelo said that an RFP first needs to be discussed with the MLC. Unions leaders are upset that the City actually publicized the preparation of an RFP prior to any discussions. Unions found out about it the same way they have found out about quite a few issues lately — after the fact.

"It's unfortunate that the City won't negotiate face to face. In the waning days of this Administration, they are choosing to negotiate through the press. What little trust and faith we had left in this administration has gone by the wayside now," Colangelo said.

As reported in last month's IMPACT, in a letter to the Municipal Labor Committee, of which Local 246 is a member, Holloway outlined the City's plan for a Request for Proposals to replace outdated contracts. He said the RFP will "invite competition and better ensure that City workers get the best care." Through a new modern healthcare plan that incorporates wellness incentives, active disease management and other measures, he claims the City could save as much as \$400 million annually on healthcare costs and provide employees with a higher standard of care.

"Unions will continue to work toward a goal of reducing health care costs, but only with a management that is willing to work together and not dictate without our input on something as volatile as our members' health care provider," Colangelo said.

FEDS APPROVE NYC Redistricting Plan

The United States Department of Justice recently approved the New York City Districting Commission's plan to divide New York City into 51 City Council districts.

Following months of public hearings, the Commission forwarded its final plan to the Department of Justice for preclearance on March 22. In reviewing the Commission's plan, the Department of Justice also considered a number of comments provided by members of the public regarding the plan.

The New York City Council districting process included three rounds of public hearings with more than 1,750 people in attendance and nearly 500 people providing testimony. In addition, the Commission received some 1,500 comments from individuals who submitted statements via e-mail or hard copy and more than 20 alternative maps that were submitted on-line and/or created by members of the public at the Commission's offices with the assistance of Commission staff.

The new Council district lines will go into effect for the upcoming Council elections later this year. The final districting plan may be accessed at www.nyc.gov/districting.

SNOW DAY ARBITRATION AGREEMENT

AFFECTED MEMBERS CAN USE LEAVE BALANCE FOR DAY

More than two years after a huge blizzard crippled the City in 2010 leaving most New Yorkers house bound and businesses closed, Local 246 has reached a stipulation of agreement on its snow day arbitration for members working in Sanitation. President Joe Colangelo said the terms have been finalized and notice should be going to members shortly.

The agreement allows members who were unable to make it into work in Sanitation and who have a leave balance to use that balance if they want to get their money back for the days they were unable to get to work.

"Thousands and thousands of workers in all types of businesses were either unable to make it to work at all because public transportation came to a grinding halt, or the businesses themselves were closed. Without public transportation running, there were no buses or trains, which left a handful of our members with no way to make it in," Colangelo said. "The fact is that the great majority of our dedicated membership did persevere and find a way, but for those who simply had no alternative, they should not have been penalized."

In Sanitation, if you didn't show up for work during the storm, you were docked the day's pay. In other agencies, if you couldn't make it in, you were given the option of using a vacation day or sick day. Colangelo said the Union immediately filed a grievance, which unfortunately is a process itself — one that this time took more than two years to resolve. The stipulation, which does not apply to members who have since retired, as they have already been paid for their unused leave balances upon retirement.

"There needs to be uniformity throughout all City agencies when it comes to these types of policies," Colangelo said. "It's not fair when certain workers are given an option and others were just docked. For some, giving up a day's pay would have been preferably to giving up a leave day; for others the reverse is true. The point is that there should have been a choice and now there will be."

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PS/MS 43 ANNUAL CAREER DAY

JOHN MATTHEWS JR. ARRANGES FOR UNION PARTICIPATION

President Joe Colangelo and John Matthews Jr. (Auto Electrician — DOT) were two of the guests at this year's 16th Annual Career Day at PS/MS 43Q in Far Rockaway, Queens. The May 8 event was a chance for students at the school to hear about the type of work Local 246 members do and ask questions about career opportunities.

Matthews' children attended this school, and his grandchildren currently attend as well. He is very involved in both the PTA and Career Day (he is on the Career Day Committee), where he's played an active role for more than a decade.

"This is a chance for students to dream about their future and hear firsthand what it might entail," Colangelo said. "I'm always impressed by how well behaved all the students are and by the thought-provoking questions they ask. I always enjoy this part of being President of our Union as its a way of giving back to the communities where our members live and work."

Colangelo said this year's Career Day was extra special as PS/MS 43Q was one of the many schools hard hit by Hurricane Sandy. "The school sits right on the ocean and did suffer extensive damage but you wouldn't know it based on appearance. They are bouncing back after the devastation," he said.



Pictured with Colangelo and Matthews are their student chaperones.