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JUNE 2000

THE WORK FORCE

OFFICIAL PUBLICATION  
CSEA Local 1000, AFSCME, AFL-CIO

COLA now!

See Page 3
**Landslide contract approval:**

It’s a “YES!” across the state for 77,000 state workers

ALBANY — CSEA-represented state employees voted in unprecedented numbers to ratify a new four-year agreement with the state.

Union members approved the agreement, which covers 77,000 state workers, by a vote of 44,245 to 2,478.

"CSEA is a stronger union today than before we began this contract fight — our members stood up to be counted during a year of mobilization and they stood up to be counted in support of the agreement," CSEA President Danny Donohue said.

The contract reached in March followed nearly a year of contentious negotiations.

The agreement and separate pension reform legislation must now be approved by the state Legislature before taking effect.

The four-year pact provides across-the-board increases and an agreement to ask state lawmakers to eliminate pension contributions for members in Tiers 3 and 4 with 10 years of enrollment in the state retirement system.

This provision alone equals 3 percent of salary annually, union officials said.

CSEA members in Tiers 1 and 2 will earn an additional one month of service credit (up to 24 months) for each year of service which will result in a significant pension boost.

Taken as a whole, the raises and pension reductions put more than 22 percent of salary into the pockets of most CSEA members during the agreement.

### Meeting Mania

The CSEA contract negotiating team held more than 300 membership information meetings in six weeks to explain the new contract language.

More than 10,000 union members attended those sessions held across the state.

### CSEA, state shake on four-year court system contract

ALBANY — CSEA has reached a tentative agreement with the Unified Court System on a new contract for 1999-2003 which covers about 4,600 employees.

“The four-year pact provides across-the-board pay increases in each year, and improvements in many benefit areas,” said CSEA President Danny Donohue. “Our members’ persistence paid off.”

Salaries will be increased:
- 3 percent retroactive to October 1999 plus a $500 bonus;
- 3 percent retroactive to April 2000;
- 3.5 percent effective April 2001;
- 3.5 percent effective April 2002.

“I believe the agreement is fair, and people are tickled pink,” said William Vasallo, a CSEA negotiating team member and a senior appellate court clerk.

“The pension changes will make it a great deal,” he added.

Longevity bonuses for employees with more years of service will be increased and the uniform and equipment allowance will rise for court security workers and non-security workers who must wear uniforms.

Employer contributions to the CSEA Employee Benefit Fund will also increase. There is additional money for child care/elder care, Employee Assistance Programs, and quality through participation initiatives.

Health insurance coverage parallels the CSEA contract for state government workers.

Improvements have also been made in areas such as family sick leave, total sick leave accruals, sick leave donations, and other leave benefits.

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**Photo of the Month**

Kids, baseball and CSEA members

When the first pitch is thrown at the Albany-Colonie Diamond Dogs home field, CSEA members will have logged weeks of work preparing the field for the new season. Dave Bearey, at left, marks the batter’s box while Len St. Gelais cleans home plate. Making sure the first base line is straight is Dave Hildenbrandt. The Heritage Park grounds crew are employees of the Town of Colonie.
COLA didn’t fizzle in hot Albany sun

A COLAssal turnout for pension reform

ALBANY — The COLA war arrived in full battle dress on the doorstep of the state Capitol recently — a sweaty, well-mannered crowd of more than 10,000 retired public employees who extracted promises from all legislative leaders that a permanent cost-of-living adjustment (COLA) was a done deal.

The huge rally on the 92-degree marble oven known as the Empire State Plaza was the zenith of a two-decade fight by retirees to boost their pensions.

Gov. George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, state Comptroller H. Carl McCall and the governor’s task force on public employee pensions agree: there’s enough in the state’s pension funds to pay for a permanent COLA this year.

With the forces of government finally aligning on this issue, CSEA President Danny Donohue said he was happy the years of fighting appear to have paid off.

Despite assurances from legislative leaders, union leaders said they will make sure the politicians deliver on their COLA promises before they adjourn for the summer.

Call your legislators toll-free at 1-877-255-9417 to hold them to their word.

They earned it

“Our retirees have dedicated their lives to serving the people of this state and they deserve to be treated with dignity and respect in return,” Donohue said.

The average pension for a CSEA retiree is about $10,000 annually, well below the poverty level of $11,060 for a family of two, according to union figures.

“It’s time for New York State to enact a long-awaited and desperately needed permanent COLA,” said Donohue, who chairs the AFL-CIO Pension Task Force and served as a labor representative on the governor’s task force, which recommended the COLA.

The state public employee pension system can afford it too, McCall said.

Awash in the proceeds of the stock market bonanza, the state and local government pension system now tops a record $127 billion.

“We will finally achieve what the retirees in this state have wanted for a long time — a permanent COLA,” McCall told the cheering and applauding throng.

Retirees react

For the retirees, the politicians’ statements were welcome words.

“I know people who haven’t had a raise in their retirement since 1974,” said Ed Blodgett, who retired from the Monroe County Sheriffs Office.

Retiree Barbara Reynolds said she is working part-time to supplement her state pension.

“If we get a COLA every year, at least we’ll be able to keep up to a degree with the cost of living, which is something we can’t do now,” said Reynolds, who retired from the state Department of Motor Vehicles on Long Island.

The rally was sponsored by the state AFL-CIO and brought together almost a dozen public employee unions and thousands of members from across New York.

All parties said they agree any COLA legislation must include automatic and permanent pension adjustments.

— Ronald Kermani

Clockwise from top right: CSEA President Danny Donohue; Assembly Speaker Sheldon Silver; a CSEA retiree lets her feelings be known; thousands crowd the Empire Plaza in Albany; Senate Majority Leader Joseph Bruno; and state Comptroller H. Carl McCall.
CSEA has 90 years of proud history and accomplishment as a labor organization. But we are currently on the verge of one of the great moments in our history.

CSEA members stood together throughout the past year to demonstrate what it means to be in a union as we fought to secure a state contract that treats our members with fairness and respect. Members in every part of the state got involved and it made a huge difference in the outcome.

Even more important, CSEA members voted on that contract in unprecedented numbers and the sheer volume including the 20-to-1 approval, sent shock waves to the political establishment in every county, town and village. CSEA members are alive and well and active in their union (see story on Page 2).

From this contract agreement we will move forward with legislation to eliminate the 3 percent pension contribution for all members with 10 years of participation in the retirement system while providing additional service credits for longer-term employees. This will benefit all our members.

Couple that with legislation to enact a long-overdue permanent cost-of-living adjustment — a COLA — for retirees (see story on Page 3) and you have potentially the most significant and far-reaching achievement in a generation.

It was inspiring to see thousands of CSEA and other union activists and retirees massed outside the Capitol and hear the state’s top elected officials pledge their support for pension reform and COLA. CSEA is taking nothing for granted, however, and I urge you to call your state legislators toll free at 877-255-9417 and hold them to their word.

Related to this surge in activism, CSEA is working with the AFL-CIO on a new initiative called the New Alliance, which is intended to reinvigorate central labor councils across the state. You will be hearing more about this project in the months ahead. But you should know that it will build on our momentum and meet our needs for a stronger labor movement at the local level.

This is a great time to be a member of CSEA.
**Spirit, strength, caring union workers propel athletes to Special Olympics**

From the starting line to the finish line, more union members are becoming the trainers and cheerleaders for New York’s Special Olympics athletes, largely because of their dedication and love of their jobs.

For the thousands of CSEA members who work in the state’s mental retardation and developmental disabilities programs, the Special Olympics is a showcase of their consumers’ talents — and a proving ground for the union’s long-standing commitment to quality care.

“The success of the state’s mental retardation policies, and the success of the Special Olympic athletes, can be traced directly to one group — the direct care workers who belong to CSEA,” said Joe Howard, a developmental aide at the Capital District Developmental Disabilities Service Office.

Hundreds of Special Olympic athletes, including some Howard works with each day, will converge at the University at Albany June 15-17 for the annual summer games.

CSEA sponsor of games

CSEA is a sponsor of the games and union members and their families are encouraged to attend the free competitions, most of which will be held on the university grounds.

“Parents of these athletes say our experience and commitment to the job is vital to the care of their loved ones,” said Gary Emery, a Special Olympics track and field coach and a CSEA member at the O. D. Heck facility in Schenectady.

“We help our consumers develop their full potential,” he added.

Eugene Haynes has seen his consumers come into the Long Island Developmental Center unable to walk or feed themselves.

After intense training and coaching, some of those consumers are now competing in regional and statewide athletic events because dedicated CSEA members invested the time and energy to help the consumers achieve their goals, Haynes said.

— Ronald Kermani

**Sensory nature trail**

**A walk in the park just feels good**

SAVONA — A sensory nature trail to help blind and severely handicapped residents experience the outdoors at their group home is a long-lasting growing and blooming product of CSEA member Steve Hurley’s initiative, creativity and hard work.

“I wanted to get something going so they (the clients) could enjoy the nature that’s right outside of our home, which is set on four beautiful acres,” said Hurley, a developmental aide at a Finger Lakes Developmental Disability Service Office group home.

**Build it and they will enjoy**

Hurley, who used his skills and many of his own tools to build the trail, said “It’s a good feeling to see them using it.”

The walkway, with a rope for guidance, features wind chimes, a fountain and pond, and a raised garden for plants and vegetables.

The back yard meandering path takes the home’s 11 residents about five to ten minutes to enjoy with assistance.

Some residents enjoy the trail from a wheelchair, and others are blind and/or unable to speak.

“I spoke with someone about the idea and what I’d like to do,” said Hurley, who has worked with the developmentally disabled for 20 years, 17 of them with the state.

“My idea was taken to the board of visitors, who supplied the funds for the materials. We didn’t use any state funds. And I also got some help from co-workers,” Hurley said.

But the bulk of the sweat equity was supplied by Hurley, who put in a large amount of his personal time on the project.

A self-taught handyman, Hurley said he has learned about landscaping and maintenance by doing landscaping at home and working on his car.

“We have a good start on it,” said Hurley about the trail, noting goldfish will be added to the pond and the trail will be lengthened.

“Our residents are like family here, and it’s really rewarding to see them enjoying it,” he said.

— Ron Wofford
CSEA’s legislative lobbying saves jobs, restores funding

Two pieces of legislation that had the potential to cut CSEA jobs and increase caseloads for CSEA members working in various state criminal justice agencies were defeated recently after strong lobbying efforts by CSEA.

The first measure was an attempt by Gov. George Pataki to cut direct aid to the state Department of Probation and the Alternatives to Correction program. Instead, funding would be made through separate block grants to the Department of Probation and Alternatives to Incarceration, leaving it to counties to decide how to spend the money.

The block grant effort would have forced counties to choose between programs, would have resulted in increased caseloads and possibly could have translated into job losses, union leaders said.

“CSEA fought the block grant proposal, which did not pass, and then fought to have the original aid amount restored, which did pass, proving once again that when it comes to fighting for what’s fair and right for our members, CSEA comes through,” said CSEA President Danny Donohue.

Also defeated by CSEA was a proposal to consolidate the state’s eight criminal justice agencies into one agency, which would have been called the Department of Justice.

Instead, the Department of Corrections, State Police, Department of Criminal Justice Services, Department of Probation and Correctional Alternatives, Division of Parole, Crime Victims Board, Commission of Correction and the Office of Domestic Violence will remain separate entities.

Had the measure passed, it could have forced cutbacks within the individual agencies, resulted in involuntary transfers and disrupted operations.

“CSEA opposed this plan and was successful,” Donohue said.

Prison money approved

The final phase of major funding for a new state prison in Seneca County was approved by the state Legislature.

Lawmakers approved $20 million in funding to open and operate the 750-cell maximum security prison, on which construction is almost done.

The project will mean more jobs for CSEA members.

New week designated to honor corrections personnel

The week of May 7 was designated “National Corrections Officers and Employees Week” by Congress.

Citing the “vital role played by correctional personnel in protecting the rights of the public to be safeguarded from criminal activity” and the “demanding circumstances and danger faced by corrections officers in their daily work lives,” Congress approved the measure, which was sponsored by Sen. Charles Robb, D-Va.

In conjunction with “Correctional Officers and Employees Week,” AFSCME Corrections United (ACU) conducted various legislative activities.

One of the top priorities is fighting prison privatization.

ACU will focus on the threat to public safety brought on by private companies’ thirst for profit, such as inadequate training of employees and lax oversight and safety procedures.

A strong push for legislation (H.R. 979) to stop further privatization of prisons as the answer to public safety concerns will be at the forefront of AFSCME’s legislative agenda in the second session of the 106th Congress.

Learn more at www.afscme.org.

Survey asks members about inmate labor, union jobs

Are inmates taking CSEA members’ jobs?

The union is asking its Local presidents across the state to complete a 13-question survey designed to document the use of inmate labor in public places.

Union leaders said they want a comprehensive view of situations where inmates compete with or replace CSEA workers.

Inmates have been used for years by the state to supplement the CSEA work force, including inmates who clean public office buildings and tend the Capitol grounds, among other sites.

The survey asks union leaders to document inmate supervision, if inmates have taken away the opportunity for more work for union members, or union job titles filled by inmates.

Questions about inmate road maintenance crews and worker safety issues are also included in the survey.

**Voices of the Work Force**

“I supervise the cooks and do paperwork, as well as cook. I like it, but sometimes it gets frustrating because there are not enough workers. It is just more difficult.”

— Louise Clayton, head cook, Queensboro Correctional Facility, Long Island City

**Work Force Facts**

- Total members in probation departments: Est. 2,200
- Total members working in county jails: Est. 2,300
- Total members working in State Corrections: Est. 5,500
From “Wolf” to “William”

Search for family tree kept on track by members’ work

EAST SYRACUSE — Computers and the Internet are a great place to launch a search for family roots, but when it comes to tracing the older branches of the family tree, no one can help like CSEA members.

Through courthouses, town libraries, and local government offices, the yellowed paper trail of family history meanders.

Helpful and knowledgeable CSEA members working in those places and others became invaluable shepherds as I traced my family’s roots.

My father’s parents came from Eastern Europe and settled in Central and Northern New York, so the trail started close to home.

The journey starts here

To find my grandmother’s family, I visited the Onondaga County Public Library in Syracuse, where CSEA member and Librarian Dan Smith, who has worked at the library for 11 years, the last four in the Local History/Genealogy Department, was my guide.

Smith said he’s seen more people coming to the library looking for genealogical information the last decade.

“It’s very rewarding to help someone tie up their own family tree or make that link that they haven’t been able to discover.”

Smith helps people of all ages sort through reference materials, and is glad to lend a hand finding microfilm records and helping research novices load a balky microfilm reader.

He says he’s always learning new information, learning of the history of the area, and answering questions.

Shaking the family tree

“You do pick up a depth that helps you learn about the local area. Every week there’s a new question,” he said.

For me, Smith dug up census records of my grandmother’s Syracuse relatives, and other census information that put me on the road to St. Lawrence County, where my great-grandfather had settled.

The St. Lawrence County Clerk’s office in Canton is brightened by the helpful smile of index clerk and CSEA member Patricia Fletcher, who has gained a great deal of genealogical know-how during the year she’s been working there.

She often helps researchers by directing them to the census reports, naturalization records, alien records and property deeds.

Paper trail jackpot

“It is detective work. You try and fit the pieces together. That’s what this office is here for, that’s our top priority — helping people find what they’re looking for,” Fletcher said.

People do make special finds.

“It’s pretty common to find out new information. They’re just excited to find another piece of the puzzle about what their ancestors were like,” Fletcher added.

I hit the genealogical jackpot. I not only found more census records, but was able to get copies of my great grandfather’s naturalization papers, including the date he came through Ellis Island and the name of the ship.

I also received a copy of his actual signature in Russian, as well as a special piece of information — his name was really not “William” as I had always believed, but “Wolf” — the actual Russian translation.

I was thrilled with what I had found, but I now know my search has just begun.

For all the information I have, there’s more to research on my quest — with the assistance of helpful union members.

— Mark M. Kotzin

Find Your Roots:

Genealogical Resources:

- NYS archives in Albany
- National Archives in NYC, Pittsfield MA
- Mormon Church Family History Centers
- Internet sites:
  - www.familysearch.org
  - www.cyndislist.com

At left, CSEA member and librarian Dan Smith at the Onondaga County Public Library loads microfilm records. Above right, index clerk and CSEA member Patricia Fletcher checks records in the St. Lawrence County Clerk’s office.

Voices of the Work Force

“I really like my job and the people, especially the children I meet through my job.”

— Francine Amato, a first-year child protection worker, Erie County
Metro parks a haven amid city chaos

BROOKLYN — Nestled under the Brooklyn Bridge or plunked on the roof of a sewage treatment plant, some of the state’s newest parks are located in the unlikeliest urban settings, all gently tended by CSEA members.

Empire-Fulton State Park, sandwiched between the base of the Brooklyn Bridge and the East River, is a tiny oasis of green in busy downtown Brooklyn that offers breathtaking views of the Manhattan skyline.

CSEA members each day keep this patch of nature beautiful for after-school games of tag and picnic lunches.

Across town, Riverbank State Park sprouted in 1993 on top of a sewage treatment plant overlooking the Hudson River.

Despite its odd location, CSEA member and park worker Jose Valoy has been at Riverbank for six years and said he loves his job.

“I’m outside all year,” said Valoy.

This 28-acre park is now one of the premier sports facilities in the city, boasting an indoor swimming pool, an enclosed ice skating rink, outdoor football, soccer, softball, handball, and basketball courts, as well as track and field facilities.

But with so many attractions, there’s a lot of work to keep the park in tip-top shape.

“I take care of the lights, sweep, pick up garbage, do plumbing. In the maintenance building you can learn many things, like how to use equipment. In other places, you don’t have that chance,” Valoy said.

Equipment often lacking

While park workers labor outside all year to maintain these city oases, it’s not easy without the proper equipment.

“This past winter, this thin coat was all I had,” said Lovell Johnson, a long-term seasonal park employee who has worked at both Riverbank and Empire Fulton, as he tugged on a lightweight shell.

“They are supposed to give us jackets, but they ran out and the night shift did not get any. They have said they ordered them, but winter is over and we’re still without,” Johnson explained.

“We have the same problem with equipment. The tools are almost non-existent. What we have are some archaic things. It doesn’t have to be modern, but it has to be working for us to do a proper job,” Johnson added.

The beautiful benefits

Park workers enjoy the fruits of their labor as well.

Last summer, Bome Hernandez’s son enrolled in the basketball program, and Valoy’s nine and 10-year-old daughters use the skating program, the pool, and the playground.

In his native Jamaica, Johnson was involved in sports administration.

“Hearing people laugh and enjoy themselves is part of my nature. I love the outdoors,” said Johnson.

“My days used to be rather busy, working early in the morning to late into the night. Now I work here, breathing the air outside, not in an office, and I have a feeling of freedom,” Johnson said.

— Ann Carroll

CSEA rails against ‘bogus’ charges against custodian

CSEA members have rallied around Oyster Bay-East Norwich School District Head Custodian Al DeBlasio, who was suspended on what the union contends are bogus charges.

An 18-year employee with an exemplary work record, DeBlasio was denied union representation when he was interrogated, and was stopped from leaving the room, which prompted him to sue the district for “false imprisonment.”

DeBlasio has received support from his CSEA brothers and sisters, family and members of the community who have packed recent school board meetings to speak on his behalf.

The custodian has been banned from school grounds during his suspension, even though he has a son in the district’s high school.

“The charges against Al DeBlasio are clearly bogus. Al’s evaluations speak volumes. They have all been outstanding,” said CSEA Labor Relations Specialist Stephanie Teff.

“It is unfair Al DeBlasio’s name has been dragged through the mud by this district. They should be ashamed of their actions,” said CSEA Long Island Region President Nick LaMorte.

— Sheryl C. Jenks
No crumbs for food service workers:
Cortland State cafeteria workers turn up heat in contract talks

CORTLAND — As Sesame Street’s famous “Cookie Monster” would say, “Cookie, cookie, cookie starts with C.”

For the CSEA-represented food service workers at the State University of New York at Cortland, they’re hoping the “c” in cookies will lead to another “c” — their first contract.

Undaunted by management intimidation, harassment and a continued reluctance by managers to bargain in good faith, the 120 CSEA members continue to negotiate with the Auxiliary Service Corporation (ASC), a private corporation that provides campus food service.

The tides may have turned in favor of the workers, however, following a recent outpouring of strong support from the campus community.

It started with one bite
The CSEA activists wanted to mobilize the support of students, faculty and the CSEA-represented state employees at the college, but they needed a symbol of the treatment they were receiving.

It came in the form of a cookie.

After a food service worker with a 33-year perfect record was suspended for two-and-a-half days without pay for taking a bite out of a cookie, activists had found their galvanizing symbol.

On “Cookie Day” recently, thousands of students, faculty members, CSEA members and other supporters were met by the CSEA “Cookie Monster” — a SUNY Cortland student dressed in costume — and signed huge petitions in support of the workers.

“Cookie Monster,” the CSEA staff, students and the workers presented the petitions to the college president and demanded a quick and fair contract settlement.

Support yields progress
Almost immediately, progress was made on several key issues.

“Up until now, we’ve seen no progress, so we’re sure the show of support from the campus had a lot to do with the progress we made,” CSEA Organizer Will Streeter said.

“We want to extend our thanks to everyone who came out in support for us, including the students, the faculty, and our fellow union brothers and sisters. It was a needed shot in the arm for all of us,” said CSEA Cortland President Debbie Place.

— Mark M. Kotzin

CSEA stops Iroquois School District’s pay-padding practice

ELMA — CSEA has stopped the Iroquois School District from breaking the union contract and paying off substitute drivers with extra trips and pay when they replaced a regular union driver who was absent.

“Those trips they were awarding to substitute drivers belong to unit drivers,” said Penny Gleason, the CSEA labor relations specialist for the unit of the Erie Education Local.

“If all unit drivers refuse such trips, it would be OK (to give it to a sub), but the district was using the trips as a form of payment to (non-unit) substitute drivers, without any attempt to offer extra trips to unit members. That is a violation of the contract, and the arbitrator agreed with our position,” she said.

Drivers are normally assigned four regular runs each day, resulting in a 22.5-hour work week.

In addition the average driver performs a late run, plus an extra run each week, creating a 25-hour work week.

“They were depriving our unit members of an additional run each time such double run assignments were made,” said Unit Vice President Cheryl Kaczmarek.

— Ron Wofford

Voices of the Work Force

“They need to pay more money so they can get us some help. We are down by three ladies and that increases the tension and pressure. Right now they only pay new employees and subs $5.50 an hour. There are many kids coming through this lunch line who make more than us. Still, we are devoted to our work.”

— Laurel Rasmussen, cafeteria worker and Local president, Bethpage
At times grave, at times absurd, the wheels of justice keep spinning thanks to the diligence of CSEA members working in the state's Unified Court System.

Ted Mahan's 15 years in the court system have been "an eye-opener. I learned a lot about the law. Not what you see on TV, but the reality of the situation," he said.

Currently a court officer/court attendant with the Appellate Division, Mahan has endured huge doses of reality serving in Bronx Family Court with the popular TV jurist "Judge Judy," where she presided over a criminal court where he saw "nothing but high profile criminal cases," and in civil court.

As court officer for the Appellate Division, one of 15 in the state, Mahan operates a metal detector to keep the judges, courtroom workers and visitors safe.

"Send lawyers, guns and money"

"You'd be surprised what you find," said Mahan. "One woman in family court brought in a homemade ball and chain. A juror brought in a loaded .25 automatic, for which she was arrested."

"People bring mace, forks, and knitting needles. They don't seem like much, but they can do real damage. We also find crack, decks of heroin," Mahan said.

The tension doesn't stop once inside the courtroom, where safety must be maintained.

One of Mahan's most trying cases involved a big drug trial where there had been a threat of a breakout.

"There were four defendants — all convicted felons — and three of them hired a hit man to kill the fourth. The hit man was not successful and instead broke the man's ribs. Yet all four defendants were seated at the same table. We wore bullet-proof vests not for guns, but to protect against punches," Mahan quipped.
"You get a good feeling helping litigants through the system, making it friendly and accessible." — Vincent Martusciello, principal appellate court clerk

Court officers face danger not only from the criminals.

"I got hit in the eye by a man who wanted to beat his lawyer up because he only got a $30,000 judgment. He had been offered a $50,000 settlement but rejected it," said Mahan, who has seen inmates slash each other, and even jurors tussling during deliberations.

Beyond the criminal docket

There is much more to the vast state court system than the criminal trials.

Vincent Martusciello, a principal appellate court clerk, is in charge of processing all criminal appeals for more than 12 cities statewide and all criminal motions.

"As an attorney, I deal with legal questions from attorneys, clerks and judges. Appellate is an esoteric section of the practice of law; even Wall Street and Park Avenue attorneys can't comply with statutory requirements and they file deficient appeals," he said.

"I have been in the system a long time, 28 years, and it is fulfilling," said Martusciello.

"You get a good feeling helping litigants through the system, making it friendly and accessible. I treat everyone, all arguments, equally, no matter how frivolous," he added.

Patronage abuses spurred union leader

Martusciello, now the Local president, said he became involved in CSEA "when I saw a lot of promotions and favored assignments were given to those with political connections. People were afraid to speak up for fear of reprisal."

Patronage has a strong tradition in the court system, and still persists in some areas.

According to Martusciello, new jobs are often listed as "confidential," allowing managers to bypass civil service tests and seniority.

"This is against everything the union stands for," Martusciello stressed.

"We advocate for hiring and promotion based on merit and seniority. That is why we have accelerated our fight against these positions. We review every proposed line and adamantly fight against those that don't comply," Martusciello said.

Fran Sims-Davies, an administrative clerk in the Attorney Registration Unit, has seen the effect of patronage jobs on her department.

"Morale is low," said Davies. "People will be hired off the street with a higher grade and you have to train them, yet you are never getting that grade.

"It is extremely political. You really can't work on a job if you are afraid you are going to be black-balled or reprimanded for speaking up," Davies said.

— Ann Carroll

Ted Mahan’s 15 years in the court system have been “an eye-opener. I learned a lot about the law. Not what you see on TV, but the reality of the situation.”
State in rush to cover Camp Summit evidence

SUMMIT — The state wants to destroy and bury evidence from a contaminated sawmill that may be the link between employees' illnesses and their exposure to dangerous chemicals, CSEA health and safety experts charge.

The union wants full-scale testing of the sawmill buildings to help prove the chemical contamination of workers before the aging structures are dismantled and buried.

"This quiet action by the state to destroy and bury the Camp Summit structures speaks loudly of the situation the state is trying desperately to cover up," said Matt Kozak, an industrial hygienist with CSEA's occupational safety and health department.

"The state is missing a great opportunity to thoroughly analyze these structures and see just how the PCP chemical did contaminate the buildings, and most likely the workers in the structures, in the early 1960s and again in the mid 1990s," he added.

Since CSEA blew the whistle on chemical contamination at the Camp Summit sawmill, similar operations at Camp Georgetown and Camp Pharsalia have been designated contaminated sites.

All three — located at shock incarceration camps operated by the state corrections department — will require eventual cleanup by the state Department of Environmental Conservation.

Years of contamination

For years, CSEA members supervised the hand dipping of logs used in conservation projects and outdoor buildings into dangerous preservatives, including suspected cancer-causing agent PCP.

Employees were not given appropriate protective gear or information about the chemicals.

While the safe disposal of these contaminated sites is a priority for CSEA, Kozak said the state's rush to bury the evidence before tests are conducted is a problem.

"The Camp Summit situation proves that PCP can travel in a building and contaminate the wooden roof support system, while also leaching into the concrete flooring and sub-structure areas," Kozak said.

"Medical researchers, scientists, and other groups should be allowed to do needed research on this situation before the state literally buries the evidence," Kozak added.

CSEA fights for disclosure

CSEA believes at least three of its members at Camp Summit and possibly other workers at both Camp Georgetown and Camp Pharsalia, including correction officers and inmates, were unknowingly exposed to PCP and other heavy metals.

While the state is refusing to allow CSEA members Vic Dibble, Steve Doan, Virgil Oakley, Bill Johnson and Gerry Hooper to have contract-required physicals to see if the PCP or other heavy metals are causing them to suffer various illnesses, the union is pushing their case forward.

"The state seems more concerned with getting rid of the buildings than addressing the needs of the workers who were exposed to the chemicals," Kozak said.

— Daniel X. Campbell

Members testify in D.C. about work-related ills

CSEA member Irene Easling, a cook at the Corning/Painted Post School District, recently testified in Washington, D.C., urging lawmakers to pass a proposed Occupational Safety and Health Administration (OSHA) standard.

This standard would protect workers from repetitive motion disorders.

Also testifying for CSEA were state Department of Transportation (DOT) bridge maintenance worker and CSEA member Peter Niznik.

Easling has been with the school district 22 years, a hard-working and dedicated employee who left the OSHA panel speechless with her compelling testimony.

An excerpt from Easling’s testimony follows. (Read both members’ testimony in full on CSEA’s Web site at www.cseainc.org.)

"I started to feel the effects of my work after a couple of years of working without sufficient help. Small things at first, a sore neck, painful shoulder muscles, aching elbows, etc. When I first brought this to the attention of my director, I was told, ‘Well, Irene, maybe you had better start looking for another job’.

"As I said before, I believe in my job and have put many years of hard work into it. I didn’t want to lose my job. I am not a complainer and I give 100 percent every day to my job. I very seldom take any time off because we are almost always working short staffed. I try to set a good example of attendance for the others because I have been working for the district longer that most. I have nearly 700 hours of accumulated unused sick leave."

No wonder their bodies ache

Corning/Painted Post School District food service workers serve 3,000 lunches daily at 13 schools.

Duties for one cook include:

• Cooking up to 840 pounds of ground meat a week, 120 to 150 pounds at a time over four hours;
• Slicing 360 pounds of meat a month;
• Preparing 50 to 75 gallons of soup from scratch two days a week;
• Prepare 25 to 50 gallons of pizza sauce a week;
• Preparing 50 gallons of cheese sauce a week, stirring 280 pounds of cheddar cheese into 36 gallons of milk.
CSEA member sacrifices for abused, hurt horses

When the race is run, her work’s just begun

ESPERANCE — Barbara McNee’s second family consists of 11 horses and two ponies which she calls her “kids,” two dogs, a stray cat, a flock of ducks, three geese and a black bird with a broken leg.

Her first family — a 20-year-old son — lives elsewhere.

A one-woman, horse-saving institution, McNee, a self-described “military brat,” was born in Texas, bitten by the horse bug as a child in Tokyo and learned her horse skills as a teen-ager at riding stables and well-known East Coast racing tracks.

She now lives a hard scrabble, hand-to-mouth celebration of life on 20 wind-blown acres of beautifully wild land atop a plateau in rural Montgomery County that shoulders a 4,000-acre state wildlife area.

Her simple calling: rescuing abused horses before they enter the slaughterhouse gate.

“I love my kids,” McNee said, calling each of her horses by name as they amble around in the pasture waiting to be fed, hugged, caringly scolded and unconditionally loved.

What a beautiful morning

McNee’s day starts at about 4 a.m., perhaps as late as 4:30, when she rises to begin her day by caring for her horses.

Then she drives 40 miles to Albany where she works as an investigative aide in the state Attorney General’s office.

After the office work is completed, the 13-year state employee McNee returns to her private paradise where the sky extends forever and a hundred shades of green tinge her horizon.

Her horses anxiously await her daily return.

“Each horse here has its own story, but they can’t tell it. They have all been abused some way or other — we’ll never know who did it, how it was done or why. As a person who has been abused, we seem to understand each other very well,” McNee said.

Most of the horses at her Giddy-Up-Go Riding Stable have been rescued from the horse auction in Unadilla. McNee recalled paying $700 for one horse which was already on the truck to the slaughterhouse when she saved him.

“Usually I pay $400 to $500 for a horse. But this one was special,” she said.

Grim fate of racing industry

Standing 16 hands high, Baby Cakes is a thoroughbred, once a high-strung ill-tempered money maker which won race after race for its owner.

But when the winning stopped and the costs exceeded the horse’s worth, someone took a baseball bat to the horse’s head and sent it to the meat auction.

“I can’t wait for the CSEA raises to kick in,” she said.

“Usually I pay $400 to $500 for a horse. But this one was special,” she said.

“Couldn’t let it happen,” McNee said, cuddling Baby Cakes.

“The horse spent two years here just learning to be a horse, I took care of him every day, not making any demands. Slowly the bruises faded away. I just rode him for the first time recently. It was terrific,” she laughed.

Living her life on these terms is not easy, McNee admits.

For me, my pay goes for the horses, my mortgage, my bills. “This year was a little bit better than last. Sometimes the riding stable makes enough to cover hay, feed and shoeing.

“If not, I pay,” McNee said. “They’re my kids, after all.”

— Daniel X. Campbell
New York's public sector retirees have dedicated their lives to serving the people of this state and they deserve to be treated with dignity and respect in return. They must no longer be left to struggle to survive with inadequate pensions.

— Danny Donohue, CSEA president and chair of the AFL-CIO Pension Task Force
Labor support growing for farm worker rights

ALBANY — Chanting “workers united will never be defeated,” hundreds of New York State farm workers and labor supporters marched on the state Capitol recently, demanding the same basic and fundamental rights enjoyed by other workers in the state.

The workers were joined in solidarity by labor leaders, clergy and state lawmakers on Farm Worker Advocacy Day 2000 as they sought legislation to give them all the benefits other workers are entitled to.

For years, farm workers have been specifically excluded by state labor law from basic labor protections such as a day of rest, overtime pay, workers’ compensation and unemployment insurance, the right to bargain collectively, and a minimum wage.

New York State AFL-CIO President Denis Hughes, who led the march, pledged the federation’s continued support.

“We will stand by you and work with you until you have the full rights of any employee of this great state,” Hughes said.

“The labor movement in New York State is here to stay, and we will be successful,” he added.

Earlier this year, lawmakers passed a law, which CSEA lobbied for, giving farm workers the same minimum wage as other workers in the state.

Farm workers and union leaders said they hope the wage hike will pave the way for improvements in other areas.

— Ed Molitor

SIGN OF THE TIMES: Support is growing for a new law to give New York’s farm workers the same rights as other workers in the state.

Farm workers applaud as labor leaders, clergy and lawmakers pledged their support.

Survey says: Union women are better off

Union women are far better off than women who don’t belong to a union, according to the Ask A Working Woman 2000 survey conducted recently by the AFL-CIO.

The survey found union women are more likely than women who are not union members to have: employer provided pension benefits, health insurance, equal pay, paid sick leave and family and medical leave.

This came as no surprise to members of the CSEA Standing Women’s Committee, whose mission is to safeguard the rights of women in employment.

“It’s all about unions,” said Committee Chair Cathy Barretta.

What was surprising to many is that nearly half of all women surveyed who are married or living with someone said they work a different schedule than their spouses or domestic partners.

Committee members blamed this on a lack of affordable day care and elder care.

“The reason they’re working different shifts is so one can take care of the child at one time and the other can take care of the child at other times to save that cost,” said committee member Ellen Burke.

“And I wouldn’t be surprised because I know several people who do that,” she added.

The survey also found working women want to be heard and they think working together will give them a stronger voice.

The Women’s Committee tries to give CSEA members that voice.

“We feel as a women’s committee that we address these concerns through our workshops and through our resolutions,” Barretta said. “Any rank and file member who has any kind of concerns should feel free to come to us. As a committee we are there for our members.”

So what is the priority of CSEA working women, who already enjoy most of the benefits other working women are seeking?

“Maintaining everything that we have,” said committee member Chris Mumma. “Getting it is one thing, keeping it is another,” she said.

— Ed Molitor
National labor leader makes Long Beach pact a priority

LONG BEACH — The big guns of the national labor movement have trained their sights on Long Beach Medical Center’s first contract fight, with AFL-CIO President John Sweeney pledging his support.

“Management at the Long Beach Medical Center has tried to discredit and undermine CSEA at every turn, but organized labor isn’t going away and we will fight until these workers have a fair contract,” said Sweeney, who heads the national labor federation representing 13.1 million workers.

Rally June 13 to keep heat on

Meanwhile, union activists are organizing a large rally to support the medical center workers on June 13 at 6 p.m.

Sweeney told labor leaders and the press at a meeting at the State University at Stony Brook recently that medical center workers “deserve better. They should have their voices heard and we support them,” Sweeney said. “Our members deserve a safe and healthy work environment. They deserve a workplace free of discrimination. They deserve a fair contract. CSEA will see that these workers get these things,” said CSEA Long Island Region President Nick LaMorte.

CSEA Lead Organizer Mary Bryant and Long Beach Medical Center worker Maria Cappello described for Sweeney the difficulties hospital workers face on the job.

“The problem is I love helping people and I love my work so I don’t want to leave. I just want to make it better for me and my co-workers,” Cappello said.

CSEA has been fighting for a contract in the newly organized, private sector local since September.

The union has filed several unfair labor practice charges against the medical center for bargaining in bad faith, unilaterally charging union members more than twice the amount as non-union members for health insurance, and for harassing and disciplining CSEA activists and supporters.

“These workers are the heart of the hospital. They need and deserve to be treated with dignity and respect. They must be able to afford to feed their families,” said Bryant.

Probe of human rights, safety violations

CSEA has also asked federal officials to investigate charges of human rights violations, and the state Department of Health and the federal Occupational Safety and Health Administration to probe health and safety violations in the medical center.

The union recently conducted a health and safety inspection and found these problems:

• The laundry’s folding machine roll bar is not tested regularly;
• An eye wash area is blocked with storage;
• Frayed wires on floor buffers;
• Blocked fire extinguishers;
• Missing stickers from electrical cut off switches;
• Tray carts in the kitchen blocking electrical service panels.

CSEA Occupational Safety and Health Specialists Dan Morra and John Bieger discussed these safety problems with management.

“Management reacted positively and we will see that these problems are rectified. If workers are aware of other safety and health issues they should call CSEA,” Morra said.

— Sheryl C. Jenks

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Health care changes for CSEA state government members

CSEA members working in state government have ratified a new four-year contract, which includes some changes in health care coverage for active union members enrolled in the New York State Health Insurance Program (NYSHIP).

Article 9 - Health Care Changes
(ASU, ISU, OSU, DMNA)

Effective: 1/1/2000
Empire Plan Enrollees:
Hearing Aids: $800 benefit once every 4 years.
Children 12 and under once every 2 years. For additional information, members may contact United HealthCare at 1-800-942-4640.

Effective: 5/1/2000
Empire Plan/HMO Enrollees:
Graduating Dependent Student: Covered dependent students who graduate from a qualified course of study will be eligible for 3 months of continued coverage. After the 3-month extension, the dependent student is still eligible to continue COBRA coverage. To apply for an extension, contact the health benefit administrator usually located in the agency's personnel department.

Effective: 7/1/2000
Empire Plan/HMO Enrollees:
Military Activation: Activation declared by the President of the United States or by Congress provides for up to 12 months premium free coverage — for dependents only.

Empire Plan/HMO Enrollees:
Prescription Drug Premium Contributions: Individual and/or family contracts will have a no premium contribution.

Empire Plan Enrollees:
Hospital Pre-hospitalization Coverage: Hospital Pre-admission Testing Copay: The $25 outpatient copayment for Pre-admission testing and/or pre-surgical testing prior to an inpatient admission is waived.

Physical Therapy Outpatient Hospital Copay: $5 office visit copayment applies.

Empire Plan Prescription Drug Copayment:
Prescription Drug Copay: $3 for generic - $13 for brand name. Up to a 90-day supply retail/mail order; mandatory generic.

Empire Plan Participating Provider Enhancements:
Routine Adult Immunizations: The influenza, pneumococcal, measles, mumps, rubella, varicella (chicken pox), and tetanus toxoid are to be covered under a participating provider, subject to an office visit copay.

Pediatric Immunizations: The influenza vaccine will be added to the list of covered pediatric immunizations, not subject to office visit copays or deductible.

Empire Plan Basic Medical Enhancements:
Routine Newborn Allowance: Increased to $150 not subject to deductible and coinsurance.

Routine Physicals: $250 for employees, spouses and domestic partners age 50 and older annually.

Effective: 7/1/2000 or As Soon As Possible
Empire Plan Initiatives:
Organ/Tissue Transplants: A voluntary Centers of Excellence Program for organ and tissue transplants will be included. The center will be required to provide pre-transplant evaluation, hospital and physician service, transplant procedures and follow-up care. A travel allowance for transportation and lodging will be included. The CSEA Joint Committee on Health Benefits (JCHB) will work with the state and carrier(s) in the design, implementation and ongoing oversight of the benefit.

Infertility Coverage: A voluntary Centers of Excellence Program will be available for all covered enrollees. $25,000 lifetime coverage per individual. A travel allowance for transportation and lodging will be included. The JCHB will work with the state and carrier(s) in the design, implementation and ongoing oversight of the benefit.

Disease Management: The medical carrier will implement a voluntary program to oversee chronic, high-cost diseases which impact the quality of life and rely considerably on the patient’s compliance with treatment protocols. The JCHB will work with the state and carrier(s) in the design, implementation and ongoing oversight of the benefit.

Nurse Line: A voluntary 24 hour/7 day per week nurse-line feature to provide both clinical and benefit information through a toll-free phone number. The JCHB will work with the state and the carrier(s) in the design, implementation and ongoing oversight of the benefit.

Effective: As Soon As Possible
Empire Plan Initiatives:
Alternative Medicine Benefit: The medical carrier will develop a panel of alternative health providers who will accept discounted fees for services. Employee-pay-all program to be designed and overseen by the JCHB.
Remembering workers killed and injured on the job

CSEA Executive Vice President Mary Sullivan and CSEA Central Region President Jim Moore, right, greet national AFL-CIO Secretary-Treasurer Richard Trumka.

AFL-CIO Secretary Treasurer Richard Trumka joined CSEA in mourning the work-related deaths of two members this year and united with the union to fight like hell for the safety of the living.
Trumka attended the Central New York Labor Council’s Worker Memorial Day ceremony, where he was joined with CSEA Executive Vice President Mary Sullivan and CSEA Central Region President Jim Moore.
Moore is also president of the Central New York Central Labor Council.
CSEA member Edward Miller, and Oswego County Highway Department worker, was one of two CSEA members who died in work-related incidents.
Miller suffered a fatal heart attack while driving a county truck in September.
Also remembered was CSEA member Kevin McCarthy, a head custodian at a Long Island elementary school.

McCarthy was honored at the State Office Building ceremonies in Hauppauge. He died in December 1999 from an infection contracted following an on-the-job injury.
In Albany, Miller and McCarthy were added to a memorial plaque honoring CSEA members, who died in work-related incidents, at CSEA headquarters.

Union members across the state attended ceremonies to mourn the passing and honor the memory of workers who have been killed or injured on the job.

Workers Memorial Day services focused attention on the union’s fight to create and maintain safe workplaces, and evoked poignant memories of co-workers who have died.

At the Hauppauge ceremony, Colleen McCarthy, Kevin’s widow, lit a candle in his memory and planted flowers in front of the memorial stone outside the office building.

“It means so much to me to have Kevin remembered in this way,” McCarthy said.

Observances were also held in Westchester and Orange counties.

“Let’s keep this place a safe place,” said Diane Hewitt, president of the CSEA Local at the Middletown Psychiatric Center, during a worker memorial program.

— Sheryl C. Jenks

and Lynn Thompson

Union presses for safer worksites following accident

POUGHKEEPSIE — A devastating on-the-job injury suffered by a City of Poughkeepsie sanitation worker more than a year ago has prompted a call for workplace safety measures.

The recommendations follow an accident on a local arterial that left CSEA member Victor Norris an amputee.

Norris, 33, who joined CSEA about four years ago, was riding on the steps of a garbage truck at 7:30 a.m. when he was rear-ended by a pickup, pinning him between the two vehicles.

“I was hurt pretty bad,” said Norris, who later discovered the driver of the pickup did not see him because of sun-blindness.

Despite five operations in two weeks, doctors couldn’t save Norris’ left leg. Unit President Bruce Dooris said union members have asked managers to schedule trash pickups earlier in the morning to avoid dangerous rush-hour traffic.

Union leaders also pressed managers to put strobe lights on the garbage trucks to increase their visibility.

Norris is a parking lot attendant at the Mid-Hudson Civic Center in downtown Poughkeepsie.

He credits support from his family, friends and fellow union members with keeping his spirits up, adding because of CSEA, he lost none of his benefits.

Norris refuses to feel sorry for himself and maintains a positive outlook.

“Look, I’ve got kids and I’ve got bills to pay,” he said. “I’ve gotta keep going!”

— Lynn Thompson
Union leaders closely study Nassau County bailout offer

NASSAU COUNTY — A proposal to create a state authority that would refinance Nassau County’s debt is being scrutinized by CSEA leaders, who stressed the union will not make any more concessions to bail out the county.

“CSEA members voted overwhelmingly to accept a lag payroll rather than face 500 layoffs. We have done our part,” said CSEA Nassau Local President Tony Giustino.

“This plan looks good as long as the county does not think it will get any concessions from CSEA. CSEA has no intentions of discussing further givebacks,” he added.

The state authority could become a full-fledged control board if the county doesn’t meet stringent deadlines for cutting $50 million by June 30.

“I remain cautiously optimistic this plan will help bail the county out of this fiscal crisis,” Giustino said, adding the plan could keep the county from raising taxes.

“CSEA is still analyzing the specifics of the plan and I think that mid-year 2001 and 2002 are going to be difficult for the county to come up with the specified payments, but it’s certainly a step in the right direction,” he added.

The proposal was applauded by Wall Street, which also gave the county until June 30 to cut costs or have its fiscal rating downgraded to junk bond status.

“CSEA members not only work in the county, they reside there, too. CSEA wants to see the county regain its fiscal health and we believe this proposal may be the lifeline Nassau needs to pull itself out of the fiscal crisis,” said CSEA Long Island Region President Nick LaMorte.

“CSEA has assisted the cost-cutting by agreeing to the lag payroll. The county is going to have to stop playing games and meet the criteria of this plan. They will have to cut personal service contracts and patronage,” said LaMorte.

— Sheryl C. Jenks

Check it out — The
Guernsey Memorial Library in Norwich granted voluntary recognition of CSEA based on a card check. The unit includes 15 full-time and regularly scheduled part-time employees ... Driving for a new contract — Williamsville School District union members staged a school bus rodeo before a board of education meeting recently to remind the public CSEA members are working without a contract. The rodeo also showcased the talents of CSEA members who safely transport kids to school each day ...

“Social insecurity” — A small group of CSEA retirees picketed outside the Buffalo Federal Office Building against presidential candidate George W. Bush’s plan to partially privatize Social Security. They carried signs and handed out fliers explaining the dangers of linking the volatile stock market to accounts that would fund pensions, making for “social insecurity.” ... Budget vote and rally — CSEA members at the Cheektowaga Central Schools conducted an informational picket as voters went to the polls to vote on the district’s annual budget. The

CSEA members in communities across the state participated in the annual March of Dimes Walkathon in April. Pictured here, members from Empire State College take part in the walk at Saratoga Spa State Park. CSEA Capital Region President Kathy Garrison is at right.

CSEA unit has been working without a contract one year ...

Welcome to the family — The Clarkstown Central School District in New City (Rockland County) has granted CSEA voluntary recognition for a unit that consists of 20 security guards, hall monitors and security aides ... Cool cash — CSEA Labor Relations Specialist Edward “Bud” Mulchey raised the most money for a North County hospital benefit by shedding all common sense and his overcoat to jump into the 31-degree St. Lawrence River during the annual polar bear dip. Mulchey raised more than $500 for the hospital. He declined medical treatment for hypothermia.

Break in membership affects eligibility for union office, voting privileges

A break in union membership status can have long-term future implications. Your membership status affects your eligibility with respect to:

• seeking or holding union office;
• signing nominating petitions for potential candidates;
• voting in union elections, and;
• voting on collective bargaining contracts.

Only members “in good standing” can participate in these activities. To be in “good standing,” your dues cannot be delinquent.

If you go on unpaid leave or for any other reason have a break in your employment status, your dues will not continue to be paid through payroll deductions. You must make arrangements to pay your dues directly to CSEA to continue your membership status. If you are either laid off or placed on leave without pay status due to becoming disabled by accident, illness, maternity or paternity, you may be eligible for dues-free membership status for a period not to exceed one year.

Note, however, you must continue to pay dues to run for office. Dues-free or gratuitous membership allows members to continue their insurance coverage while out of work. It does not protect your right to run for or hold office.

You must notify the CSEA Membership Records Department at 1-800-342-4146, Ext. 1327, of any change in your status and what arrangements you are making to continue your membership in CSEA.

June 2000 THE WORK FORCE Page 19
When the New York State AFL-CIO brought thousands of retired public employees to the Capitol recently, the issue was fairness. Retirees who dedicated their lives to serving the people of this state have seen their pensions seriously eroded in retirement.

Most members of the state and local government pension system receive pensions of less than $10,000 a year. All we’re asking for is what retirees in 38 other states already have — a permanent, automatic, Cost of Living Adjustment — a COLA.

Gov. George Pataki, state Comptroller H. Carl McCall, Senate Majority Leader Joseph Bruno and Assembly Speaker Sheldon Silver are all on the record in support of COLA. What’s more, they say the state’s pension funds — with assets in excess of $300 billion — can easily absorb the cost with virtually no effect on taxpayers.

Retirees can’t live on a promise. Call your state legislators toll-free at 1-877-255-9417.

We need a COLA supported by both parties.