

August 25, 2023

Dear Speaker Adams and City Council Members,

We have reviewed the latest deceptive letter of disinformation from the Municipal Labor Committee. We make the following statement.

We clearly see the MLC trying to steal support in this desperate attempt to sway the Council, and we give them all an Emmy for this level of drama.

Councilman Barron's Intro 1099 is not an "Attack on Collective Bargaining." We think at this point they wouldn't know what that looks like if it bit them in the rear, as they could have bargained for funding to infuse their misused stabilization fund, which operates with no oversight instead of stealing benefits from retired workers many from their own unions.

The organizations on their "letter of support," are all private sector unions NOT SUBJECT to the Taylor Law. There are no signatures. More egregious is that before the close of business today, two of the organizations reached, advised they do not support forcing retirees into Medicare Dis-Advantage, but were told that CM Charles Barron's Intro 1099 was taking away their Collective bargaining and were lending their support against that. They never read the bill. **Another union we knew did not support the MLC position and did in fact support 1099, did NOT authorize the MLC to use his or his Union's name. He immediately wrote to the MLC and requested his name be removed and a corrected version sent out to the Council.** We hope you received the update, but with this developing information, we believe more statements like this will be forthcoming.

Intro 1099 is NOT illegal, and does not violate collective bargaining as unions can only bargain for those in their units. We are not in their units, and they are free to bargain for their members' retirement benefits. But the Supreme Court and OCB have both held this position. ([Chemical Workers V Pittsburg Plate Glass](#)), and in [OCB L621](#) where the City said you cannot bargain for those not in your unit. The NLRB and Unions thought it incredulous that a Judge question would a union ever diminish a retired worker's benefit. But that is exactly what is happening here, that our unions have NEVER DONE BEFORE. Retirees must defend that illegal action by legislating our own protection.

Intro 1099 sets a "floor" so to speak that reinforces what we had for the last almost 60 years. Nothing more, nothing less. The unions are free to use their power of collective bargaining to build on that and should be thankful for us saving them from themselves. We are sorry, but they do not realize the far-reaching impact they had of auto-enrolling us into an inferior plan our doctors don't accept so the value of what we earned could be used to enrich them. Our lives, our health, and the survival of the Federal Medicare Trust were all at stake. Also the shocking impact of other employers forcing their retirees into inferior healthcare while coming out of a major death event, Covid, all because NY did it. We have to set an example of responsibility. This behavior of the MLC is a Failure of the Duty of Fair Representation and a Fiduciary Failure.

After repeated malicious acts from the MLC sharing dis-information and flat-out lies for the last two years, in one attempt after another - trying to get this Council to change the Admin Code to stop our litigation, telling you what they were doing wasn't illegal, the fake "order" from the "arbitrator" to insisting the Medicare Dis-Advantage plan was better than Traditional Medicare and now this stunt, of a fake letter, with no signatures and people already walking back when contacted - we ask you, when will you recognize the MLC has lost all credibility?

The MLC has NOT bargained for 50 years. Actually, they have no statutory "bargaining" power. See this document attached from the former OLR commissioner James Hanley and Arvid Anderson of OCB. The MLC is an administrative body and does not hold a bargaining certificate. This has also been affirmed by the OCB just last November and that has not changed. See the attached file, their testimony is in two separate parts one for each witness.

Lastly, we would not be here if the MLC did not purposely, willfully, and intentionally diminish a retired worker's benefit, stripping many from access to the Federal Public Health Benefit of Medicare, causing harm, anxiety, and stress by forcing us to fight this for the last two years. No matter how they dress this pig, it is still a pig. Medicare Advantage is NOT Traditional Medicare and not only do we see that, Congress sees it, and the Courts have. The only ones still perpetuating the lie are the MLC and Mayor Adams.

We ask the Council to sign onto Intro 1099 and protect traditional Medicare and retired workers' benefits from being diminished. The hard sell by the MLC is because they failed to bargain for stabilization funding which pays for them, and since our litigation was successful, they are now blaming retirees for them being in this situation. We didn't make these deals, and we certainly didn't take \$1B out of the Stabilization Fund for UFT raises and bargaining, or negotiate over \$5B in "givebacks," suppress the HIP rate benchmark causing the fund to drain faster, or lie to you. We are retired. And we simply want the vested benefit we earned through our golden years as promised and the Court affirmed.

Sign Intro 1099 and make a statement that this City Council will prevent any diminishment of a retired worker's vested benefits. But do not trust the MLC a second longer. If they still feel the law once passed is illegal, they will challenge it and we will be glad to take on that fight too. But that decision is for the Court, not the Legislative Office of the City Council to make.

Thank you,

Marianne Pizzitola

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