

# The Chief

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Labor officials 'less than truthful' on Medicare bill, say ex-union leaders

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RICHARD KHAVKINE/THE CHIEF

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BY RICHARD KHAVKINE

Nearly three dozen former city labor officials are disputing current union leaders' contention that pending City Council legislation that would keep municipal retirees' existing health benefits is illegal.

"The Municipal Labor Committee (MLC) and others are being less than truthful in telling you that supporting Intro 1099-2023 is an attack on collective bargaining. We strongly disagree with that statement. As former labor officials, we have the utmost respect for collective bargaining," says the letter, addressed to City Council Speaker Adrienne Adams and the Council generally.

Among those signing the letter, which is dated Thursday, are former presidents of the Detectives' Endowment Association, Lieutenants Benevolent Association, Captains Endowment Association, Assistant Deputy Wardens/Deputy Wardens Association, Correction Officers' Benevolent Association and the New York Public Library Guild.

The current heads of the influential unions who in April sanctioned the Adams administration's intention to switch about 250,000 to a cost-saving, privately managed Medicare Advantage plan, claim that the legislation runs against state law. "State and local law make health benefits received in retirement a mandatory subject of bargaining," they wrote in an Aug. 24 letter to the Council speaker, urging her to oppose the bill.

The union leaders, among them District Council 37's Henry Garrido, the United Federation of Teachers' Michael Mulgrew and the Uniformed Sanitationmen's Association's Harry Nespoli, also maintain that the bill "would illegally curtail the ability of City Unions to exercise their state-law right to fully negotiate retiree health benefits for in-service and retired employees going forward."

The president of the New York City Organization of Public Service Retirees, Marianne Pizzitola, and other advocates for the retirees, however, insist that the contrary is true, since the retirees are no longer represented by their former unions. "This bill does not interfere with the collective bargaining process in any way. It simply protects retirees from being forced into an inferior Medicare Advantage plan that strips away access to our long-term doctors, physicians, and treatment facilities," Pizzitola said in a statement accompanying the former labor leaders' letter.

The former union officials argue, as have the retirees, that the state's Public Employees Fair Employment Act, known as the Taylor law, forbids unions from acting on behalf of retirees.

"As you know, unions certainly have the right to bargain for current employees who will become future retirees. But in no way would any of us negotiate for current retirees, because that is illegal," they wrote.

Thomas Von Essen, who served both as head of Uniformed Firefighters Association in the mid-1990s and then as FDNY commissioner from 1996 through 2001, said he signed the letter because current benefits permit retirees to "feel really secure."

Noting that he's been "on both sides of it," he added that while he understood the impetus for the city's proposed switch — as well as the unions' support for it — the Medicare Advantage plan is likely not all its proponents suggest it would be. "I've been around long enough to know that when they say something's going to be better and they save millions of dollars, that's not usually true," Von Essen said in an interview last week. "It's usually good for the city ... but it's not an improvement in the benefit for the worker."

Sid Schwartzbaum, formerly the president of the Assistant Deputy Wardens/Deputy Wardens Association, said he agreed to add his name to the letter because the current arrangement works well, and also since Medicare was what he was assured when he worked for the city.

"That's what I felt I would be getting into my retirement, not a Medicare Advantage plan. And I'm very happy with Medicare," he said last week. Schwartzbaum, who said he has some health issues, suggested that if the Aetna plan is as good as city officials say it is, they would do well to allow the retirees to opt into rather than oblige them to switch.

While Schwartzbaum said he does not think Aetna is a terrible company, it is a business entity and as such its prime motivation is to make a profit. That, he said, will by definition leave retirees wanting on some occasions, unlike according to their current arrangement.

Schwartzbaum said that he paid for his Medicare coverage in increments every two weeks during his 36 years with the Department of Correction. "I was paying a mortgage on a Cadillac plan," he said. "That's what they called it — actually a Cadillac plan. And what they want to give me is a Pinto."

The former heads of several District Council 37 Locals representing city workers also signed on to the letter, among them the past presidents of Local 372, which represents Board of Education employees; of Local 2507, which represents EMTs, paramedics and fire inspectors; and of Local 2627, which represents IT professionals. Numerous others signed the six-paragraph letter.

The Council bill was drafted last year by the retirees organization. It did not find a sponsor until earlier this year, when Brooklyn Councilman Charles Barron agreed to shepherd it through the legislation process. The former labor leaders urged the Council to support the bill.

Its fate is uncertain, however, with neither the Council speaker nor the chair of the Civil Service and Labor Committee, Councilwoman Carmen De La Rosa, supportive of the bill or of the retirees' efforts.

Although the Council speaker in June suggested that that bill would go through the requisite legislative process, neither De La Rosa, whose committee would first hear the bill, nor Adams have responded to inquiries about when it might get an initial committee airing.

The unions' hostility to Barron's bill is such that Garrido, the DC 37 executive director, in a call with the union's board earlier this year, promised to withhold endorsement and campaign funds from Council members who support the legislation.

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