

MICHEL FRIANG/THE CHIEF
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In spring 2021, the Municipal Labor Committee (MLC) and the city announced they would be auto-enrolling retirees into a private for-profit managed care Medicare Advantage plan. They told the retirees this new "custom" plan was better than what they had and would save the city \$600 million, at least according to the city's 2018 agreement with the MLC.

The city later revealed that the retirees would no longer have 14 choices of plans like they had for decades, and if they didn't want to be in the new plan, which was premium-free (and only cost the city \$7.50 per enrollee) they would now have to pay a penalty premium of almost \$200 per person per month to keep a plan that had been in place for 55 years.

That would now mean paying a premium of \$200 for an individual, \$400 for couples and \$600 for families with a disabled child, per month. The new plan would also impose a co-pay of \$15 on every service, visit and test. Ten months later, medical care for the most infirm and disabled retirees amounts to a car payment.

Retirees no longer have union protection after they leave the job but it was never a concern because the unions ALWAYS protected retirees. Labor leaders always knew they would one day be retired and wanted to ensure they had the benefits they earned, in retirement. We knew we would never get rich working for the city but we would have good benefits and a pension.

When news of the pending health changes circulated, retirees got angry because their protections and benefits were being stripped away. They organized and founded an organization called the NYC Organization of Public Service Retirees. They hired lawyers and sued the city to stop them from being forced into a plan they didn't want or pay a penalty premium.

They succeeded in March 2022 when a judge ruled that the surcharge violated city law.

The city appealed the next day. The next court date is scheduled for Oct. 27.

The city will most likely lose again, which is why the MLC and the city are trying to change the law through a City Council resolution. That law, Administrative Code 12-126, provides protections for all employees, retirees and their dependents and it has served us all well since 1967.

Pause. Think about that for a moment. The retirees, with no union, organization or unity, came together, incorporated, hired lawyers, sued the city and won based on a statute that was enacted by the City Council, and protected by Mary Pinkett, a former LOCAL 371 president and Council member, representing neighborhoods in Queens and in Brooklyn.

And now, the MLC is trying to change the basis of the retirees' win and alter history. Yes, you read that right. These retirees' own unions are doing this. Why?

In 2014 the UFT signed a nine-year collective-bargaining agreement. There was a giveback. The union's president, Michael Mulgrew, had to get the MLC to agree to give the city \$1 billion from the Health Insurance Stabilization Fund to offset the cost of the contract and agree to recurring health care savings, the first deal partially funded on the backs of the other unions and retirees. By 2021 the retirees' lawsuit stopped the bloated estimated "savings" of the \$600 million when the judge ruled the enrollment documents were not truthful and found the process arbitrary and capricious and causing irreparable harm.

By March he decided the plan could go forward, but the law prevented the city from charging a premium to the retirees if the plans offered to retirees were under the cap. What is the cap? The law states, "The City will pay the full cost of insurance up to the HIP HMO cap, for every employee, retiree and their dependents."

The HIP HMO price is the cap and it goes up every year like everything else. That gives employees and retirees built-in inflation protection. For the employees, Administrative Code 12-126 pays full premium, covering 100 percent of their insurance.

For a Medicare retiree, it provides reimbursement of Medicare B premiums and the first 80 percent of medical bills and also covers the small city plan called a "Supplement" or "Medigap" that reimburses the last 20 percent Medicare doesn't cover.

Change the code, and the MLC will ultimately shift premiums and costs to all of us, like they are doing for seniors now, where the current law protects us EQUALLY.

The MLC is now trying to change the code. The city allegedly told the MLC it would "eat the \$600 million to \$1 billion it's owed" if they would agree to change the Administrative Code, change the cap to pay for Medicare eligible retirees to the price of a cup of Starbucks Coffee(\$7.50), negotiate a Request for Proposal for the employees, and get this this done before the city's appeal on our case was heard Oct. 27.

The MLC also agreed to remove Montefiore from the preferred network, added hefty coinsurance to out of

network radiology and urgent care centers on the employees GHI plan and enroll new hires into HIP HMO for their first year.

It's up to retirees, and employees, to tell the MLC to stop using the Health Insurance Stabilization fund like a slush fund, repay the \$1 billion taken out for teacher raises, grandfather retirees with their current benefits and renegotiate current plans. We earned and paid for ours! We will be ensuring that happens. For those who want to join us to protect what's due employees and retirees, come to City Hall this Wednesday, Oct. 12 at 12:15.

Marianne Pizzitola, a retired emergency medical technician, is president of the NYC Organization of Public Service Retirees and the FDNY EMS Retirees Association.