M/C Salary Equity---Where Are We?

Reprinted here are messages received from Senator John DeFrancisco, primary sponsor and champion of our M/C Salary Commission bill, and the response letter that Assembly Speaker Sheldon Silver sent to M/Cs asking him to support passage of the bill.

Management Confidential Legislation Update from Senator John DeFrancisco

I am pleased to report to all of you that the management confidential commission legislation, which I drafted, passed both the Senate and the Assembly in the last week of the legislative session.

This measure provides for the establishment of a special commission to study and set pay scales for management confidential employees on a four-year cycle.

Now, all that is left is for Governor Cuomo to sign the legislation so that it will become law. Hopefully, he will do so to ensure that the pay inequity that you have experienced can finally be corrected.

Speaker Silver letter to M/Cs re Salary Commission bill

Dear xxxxx,

Recently the Assembly Majority passed legislation (A246) establishing a special Commission regarding managerial or confidential employees’ (M/C) compensation.

Although the Legislature approved salary increases for M/C employees in 2008, the increases were administratively withheld in 2009 and 2010. The new Commission would examine, evaluate and make recommendations with respect to managerial or confidential compensation.

This will ensure the proper salary level is set on a regular basis. More importantly, these proper salary levels would ensure the State’s ability to continue to recruit and hire qualified managers. Additionally, the recommendations of the Commission would have the force of law.

Again, thank you for contacting me and for keeping me up to date on matters that are important to you. Your input enables me to better serve our state.

Sincerely,
Sheldon Silver

MC Salary Commission Bill Passed

It’s done! It passed! Our OMCE M/C Salary Commission bill passed the Assembly 141-1 and the Senate 62-1 on the night of June 20. This almost unanimous, bipartisan support for the bill sends a strong message for fairness and equity for M/C employees.

Thanks to all of you who responded to our repeated calls to contact your legislators—-who wrote, called, e-mailed, visited and told your story so your legislators could understand why it’s so important to resolve the “salary mess” caused by the withholding of your salary increases and how negatively it affected your lives and financial stability.

Thanks to our legislative counsels for their guidance and hard work in moving the bill through the legislative process; and to OPEIU Local 153 and the NYS AFL-CIO for their support.

And, of course, many thanks to the members of the legislature who voted to provide M/Cs with a mechanism for obtaining fair and equitable compensation.

Thank you all.

The next step is transmission of the bill to the Governor for approval and signing (staying focused and positive is essential) - no date is yet available for when the bill will be delivered. You will soon receive materials from us, including a letter to send to the Governor urging...
him to sign the bill.

We must be as focused in phase two as we were for phase one - here we need to flood the Governor’s office with letters, and e-mails to sign the bill. Phase three will be establishment of the Commission, which will include an OMCE appointee (other appointees by the Governor, Comptroller, Senate and Assembly).

**Other Legislation**

OMCE’s pension calculation bill is in the Civil Service and Pensions, and the Government Employees committees in the legislature. This bill is important to the ongoing discussion about restoration of the withheld funds.

**New Benefits**

As you know OMCE provides a variety of benefit programs for our members, from insurance programs to scholarships, discount movie tickets, driver improvement courses, and many discounted services. There are several changes to the benefits array of programs. First, there are two programs no longer available—the PERKS card and mortgage services through Continental Home Loans, Inc. Be sure to keep the Road Service card that was attached to the PERKS Card, the roadside assistance program (for all drivers in your household) remains in effect. Check out our member benefits page on the OMCE website.

Members are eligible for a $3500 death benefit and $275 disability benefit payment through OPEIU Local 153. New Insurance benefits have been added - at no additional cost to you

- A $2000 death benefit through OPEIU International
- A $2000 accidental death and dismemberment benefit through OPEIU International

*(Beneficiary forms will be available soon)*

Existing benefits that are worth your attention include Working Advantage and Union Plus which provide discounts on many services and products, and the free Identity Theft Protection plan for members and their families, through OPEIU Local 153.

**Board Member Election**

It’s that time of year again. The nomination and election process for OMCE Board Members is underway. Nominations have been received by the Nominations Committee which will review them and make recommendations to the Board. A ballot will be prepared and mailed by the end of July, with responses due back to OMCE by August. Result are announced at the September annual meeting.

**Scholarship Winners**

OMCE members and their children have the opportunity to apply for several different scholarships through OPEIU and the AFL-CIO. This year we are pleased that OMCE had four scholarship winners, one for the Howard Coughlin Scholarship, one for a Union Plus Scholarship, and two for the Lavina Michl Wright Scholarship. Meaghan, the daughter of our member Brenda Wood, an Administrative Aide working at the Department of Transportation, won the Coughlin Scholarship and will receive $6500 for 2 years. Brenda’s daughter Marci won a $3000 Union Plus Scholarship. Brittany and Felicia, the twin daughters of our member Marilyn Barr, a Secretary II who works at St. Lawrence Psychiatric Center, won the Wright Scholarship and were awarded $2500 each. We are thrilled! Congratulations to all!

**The Justice Center**

The Justice Center for the Protection of People with Special Needs began operation on June 30th.

The Justice Center will strengthen the level of monetary oversight and accountability of state operated, licensed or certified programs and facilities that serve more than one million New Yorkers with developmental disabilities, mental illness, substance abuse disorders and children in residential facilities.

The agency will track, investigate and prosecute the most serious allegations of abuse and neglect against vulnerable individuals. It will also operate a statewide 24/7 hotline and incident reporting systems to receive and assess reports of allegations of abuse and neglect. Serious cases of abuse or neglect will be assigned to the Justice Center investigators or to a local law enforcement agency for a follow-up investigation. Cases may also be referred to another appropriate entity for investigation and follow-up action.

Agencies under the jurisdiction of the Justice Center include the Department of Health, Office of Mental Health, Office for People with Developmental Disabilities, Office of Children and Family Services, Office of Alcoholism and Substance Abuse Services and the State Education Department.

Jeffrey Wise was recently confirmed as the Executive Director of the Justice Center, Patricia Gunning is the Special Prosecutor and Inspector General for the Justice Center. The Justice Center website is [www.justicecenter.ny.gov](http://www.justicecenter.ny.gov); general phone number (518) 549-0200. Hotline number is 1-855-373-2122.
OMCE and Justice Center representatives are planning to meet at the end of July. Questions or concerns you want to share - call OMCE.

New Law Increases Penalty for Cell Phone Use Texting While Driving

Governor Cuomo signed a law that will impose new penalties for texting-while-driving for young and new drivers. They will get a 60-day suspension if caught texting or using a handheld cell phone on the road.

The State Department of Motor Vehicles recently raised the number of license points for any driver’s convicted of improper cell phone use from three to five points, the same as for reckless driving. Getting 11 points within 18 months results in a suspended license.

JCOPE Posts Lawmakers Financial Disclosure Forms

The Joint Commission on Public Ethics (JCOPE) recently posted to its website financial disclosure reports of state legislators. Information for the statewide elected officials is also available. The documents include information on financial holdings, investments and income from outside employment, among other information. The website is www.jcope.ny.gov.
A fancy title for describing what we need to provide the services, especially representation services, we currently provide for members and what will be necessary in the near future as we respond to a constantly changing environment, with the implementation of Project Sunlight, the Justice Center for the Protection of Vulnerable Persons, JCOPE investigations, new procedures for addressing affirmative action complaints and allegations of discrimination, in addition to continuing our M/C Salary Parity campaign for restoring withheld monies, defending the merit system and fighting efforts to remake the M/C workforce from a competitive class to an appointed workforce, and addressing systemic salary compression issues which will remain even if the Salary Withholding is reversed.

We always try to resolve issues at the lowest appropriate level within the agency. The state administration however increasingly requires that any allegation of improper conduct be investigated, that the individual(s) be interrogated, rather than the supervisor doing the initial assessment of the allegation/situation and taking appropriate action. This process requires representation of the members to ensure due process and protection of their rights. This strains our staff and financial resources.

For the last year we have experienced a dramatic increase in requests for "legal" assistance from members, with most of them coming from employees in OMH and OPWDD (two of the numerous agencies that will be under the jurisdiction of the Justice Center for investigation of allegations of abuse or neglect of vulnerable persons under their care). OMCE staff is deployed to represent members at their interrogations: in many cases this is all that it takes, in others however an attorney may be required.

While the representation needs dramatically increased, we also maintained our laser like focus on pushing forward the M/C Salary Commission bill in the legislature, which as you know was passed at the end of session. This involved significant staff time as well as our legislative counsels’ time and activity. And we continued discussions with Governor’s Office and Budget staff toward payment of the withheld funds. This resulted in payment of the 2012 performance advances and longevity payments over one year late and a promise to pay the 2013 payments—-not yet accomplished.

At the same time we continued to provide the day to day services, e.g., responding to inquiries on personnel policies and actions, health insurance issues, deficit reduction leave issues, retirement issues, civil service questions, movement of M/C positions to PEF (action suspended), tracking pre-implementation activities of the Justice Center, tracking legislative and regulatory proposals issued by JCOPE, the Attorney General, the Governor for applicability to M/Cs, and fighting numerous administration proposals that would have negative impacts on you.

And, we never stop our recruitment activities, for which we receive support from OPEIU. Historically, and currently, approximately 20% of M/C employees are OMCE dues-paying members. Our services and benefits should inspire more M/Cs to become members. Since membership is voluntary many choose not to join but expect us to work on their behalf. If we can increase and sustain higher membership levels, it would have a very positive impact on our revenues and help us to stabilize our dues. We ask you to talk to your colleagues about joining OMCE - as we continue to prove our commitment to fighting for M/Cs - to make us an even stronger organization and advocate.

During the last year, our staff was reduced by two (2) full-time positions; one position has been eliminated, the second will be filled on a part-time basis beginning July 1, 2013 because the administrative support activities that are necessary for us to provide services to our members in a timely and effective manner are seriously backlogged.

We believe it is important for you to know that our Board Members, including Officers, are all volunteers who serve without compensation—they are reimbursed for documented travel and lodging expenses, if appropriate, to attend OMCE meetings. President Barbara Zaron, who is a retired state M/C employee, serves and works full-time without compensation. As a comparison, the PEF and CSEA Presidents are paid approximately $110,000 and $175,000 respectively.

While we have always been prudent and judicious in our spending, in recent years our continuous monitoring of expenses has increased and every opportunity to reduce costs is pursued. Despite this, our income is not keeping up with the dollars needed to continue to provide assistance and representation to M/Cs who need these services. For months the Board of Directors has been reviewing options. The Board eventually concluded that a modest dues increase is necessary for OMCE to continue and that without it we will no longer be able to effectively respond to the needs of our members. Annual dues will increase as follows, effective the Administrative check of September 11, 2013 and the Institution check of September 5, 2013:

- Regular Member SG 1-22 - $26 per year to $266.50 ($1.00 per pay period increase)
- Regular Member SG 23 and up - $52 per year to $533.00 ($2.00 per pay period increase)
- Associate Member (Retired M/C) - $5.00 per year to $40.00
- Affiliate Member (Salary below Hiring Rate G22) - $13.00 per year to $133.25 (50 cent per pay period increase)
- Affiliate Member (Salary above Hiring Rate G22) - $26 per year to $266.50 ($1.00 per pay period increase)
You are probably wondering how our dues compare to union dues for organizations representing state employees. The simple answer is our dues have always been lower and they will continue to be; see OMCE Dues Comparison chart. Working Every Day for You describes how our dues dollars are spent and shows that over 75 cents of every dollar is directly focused on providing, protecting and informing our members of their rights and benefits.

**Working Every Day for You**

**Protection of Member Rights**: This category reflects legal, personnel, professional and administrative expenses to define, protect and/or defend an individual member’s civil service, Section 75 (discipline interrogation/hearing representation), personnel, retirement, labor law, etc. rights. Class action lawsuits may also be included here since this is an economical way of combining individual actions where appropriate.

This category also includes all professional and administrative services and expenses expended in pursuit of our legislative program, political action, education and contributions, and special challenges confronting the membership that call for legislative and possible legal action outside of our normal legal services activities.

**Membership Outreach**: This category includes all production and mailing costs associated with our member newsletters, website, pamphlets, recruitment mailings, special mailings on emergency issues to both members and non-members, and personnel and non-personnel recruitment costs.

**Office and Operating Expenses**: This category includes our headquarters rent, telephone, equipment costs, maintenance of all equipment, paper and other supplies.

**Affiliation Expenses**: This category includes all expenses related to our affiliation with OPEIU (Office and Professional Employees International Union), the AFL-CIO and the NYS AFL-CIO. OMCE membership entitles you to all voluntary benefits and discounts programs offered through our affiliation with these unions. Institutionally, these affiliations give OMCE a seat on the NYS AFL-CIO Taylor Law and Pension Task Forces as well as lobbying support and access to the OPEIU membership defense fund (funding source for our free $3500 death and $275 disability benefits, scholarship programs, organizing funds, special issues, etc.) Recent additions are Identity Theft Protection Program for your family, new $2000 death benefit, new $2000 death by accident or dismemberment benefit, and roadside assistance for all drivers in your household.

We understand that many of you are struggling financially due to the salary withholdings; that is the same reason we are struggling financially, and we have postponed taking this action as long as we could while cutting costs. These additional financial resources are needed to continue fighting for complete restoration of all the withheld monies, defending M/Cs accused of wrongdoing, monitoring and reacting to issues raised by implementation of Project Sunlight, the Justice Center, investigations conducted by the Inspector General, JCOPE, Affirmative Action officers, etc. as well as defending the merit system and challenging the efforts to turn the M/C workforce into an appointed workforce, and dealing with salary compression issues beyond the salary withholdings.

Taking advantage of the many discount programs and services offered through OMCE and OPEIU could result in savings that help counteract a dues increase. Most important in remaining a member is that you will continue to have the advocacy and representation we provide to defend your job security which increasingly appears to be threatened.

More and more M/Cs find themselves in need of these services even if they have done nothing wrong. Do you know that only 60% of M/C positions are now in the competitive class, 27% in the exempt class and 12% in the non-competitive class and there is a clear trend to diminish the competitive class further. So much for a merit and fitness based civil service career service and job security. Addressing this issue is another area of activity for us.

Our commitment to fighting for parity and equity for M/Cs and to protecting and preserving your rights is unwavering. As we have seen in the fight for passage of the M/C Salary Commission we can prevail when we work together. We need your continued support to keep fighting with us and to provide the necessary resources. Thank you for your membership. May we go from success to success.