

August
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OSARC newsletter

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SOLIDARITY... FOREVER?

The AFL-CIO, the national labor federation in the United States, marked its 50th birthday in late July with a schism and split in its ranks as three international unions – the Teamsters, the Food and Commercial Workers and the Service Employees – representing a healthy slice of the organization's membership all withdrew from the federation. The three, along with three other unions which had not yet withdrawn from the AFL-CIO as of late August – the Laborers, UNITE-HERE (representing hospitality, textile and needle trades workers), and the United Farm Workers – and one union which had previously withdrawn from the Federation, the Carpenters, formed the Change to Win Coalition (CTW).



Art: © Rini Templeton Memorial Fund

The three unions which left the AFL-CIO took with them approximately one third of the federation's members and some \$20 million in annual dues revenue.

The CTW unions, led by the Service Employees (SEIU) under its president Andy Stern, had produced a critique of the AFL-CIO over the past two years, contending that the AFL-CIO has placed insufficient resources into organizing new members, devoted too much of its budget to political work and allowed labor's power to be weakened by non-sectoral organizing.

SEIU's Stern contends that to be efficient in organizing workers in a globalized economy, certain unions should be exclusively delegated to handle a specific economic sector and barred from organizing workers in other sectors.

For example, the United Auto Workers – in recent years – has seen a significant decline in membership in its traditional base industries of auto manufacturing, parts production and farm equipment and has moved into organizing workers in other fields. Today, it represents printers, graduate assistants at universities, legal service workers, the staff at the *Village Voice*, free-lance writers and so on.

According to the CTW, having more than one union representing an industry's workers dilutes the power of industry-wide bargaining.

[continued page 9]

Next Organization of Staff Analysts

Retirees Club Meeting

Wednesday • September 14, 2005 •
12:30–2:30 pm

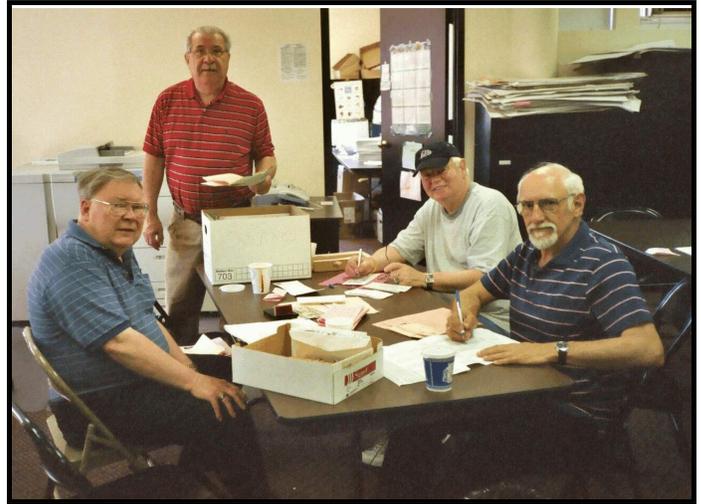
OSA Office • 220 East 23rd Street • Suite 707
Between 2nd and 3rd Avenues

OSARC Officers 2005-2006

Co-Chair.....Madeline Taylor
 Co-Chair.....Shirley Gray
 Co-Vice-Chair.....Dan Morgan
 Co-Vice-Chair.....Ana T. Vives
 Treasurer.....Dan Morgan
 Secretary.....Gilberte Ambroise

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 Newsletter Editor.....Rob Spencer

OSARCers Get Committed



The Membership Committee (left to right) Richard Kucera, Vincent DiGesù, Richard Walters and Fred Ranzoni hard at work processing member dues in May, 2005.

We'll Be Seeing You in All the Old Familiar Places

Lots of members and friends attended the June, 2005 OSARC luncheon at La Maganette Ristorante. So many, in fact, that we lost count. We'd normally print the name of each and every one of you in this space but, without a list, all we can say is – if you were there, you are most likely pictured in the enclosed photo-collage designed and executed by OSARCer Jean Anmuth. And, whether you were there or not, we hope to see you at our next meeting.

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In Memoriam

The union was recently notified of the passing of the following retirees: **Sarah Colson**, who retired in 2002 as an Associate Staff Analyst in HRA, **Hjalmar Jorgensen**, who retired in 1995 as an ASA in HRA, **Lillian Cooper** who retired in 2003 as a Staff Analyst at DHS, **Nancy Wallace-Bailey** who retired in 2000 as an ASA at ACS, and **Alvin White** who retired as a Staff Analyst at ACS in 2002. We extend our deepest condolences to the families of all of these members.

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Sing a Song of Labor

O.K., so your dreams of winning *American Idol* have been dashed, but you still hanker for a singing role. What's a retired worker to do?

Audition for the NYC Labor Chorus. Auditions are held every September and February. The next auditions are to be held on September 19 and 26. Be prepared to sing a song. ("Solidarity Forever" probably wouldn't hurt!) The chorus of 75 was founded in 1991 "for the purpose of bringing the message of workers' history and struggles for social and economic justice through song to people everywhere."

The Chorus performs on picket lines, at conventions, and at rallies and meetings, as well as at community events. Their repertoire "includes songs of labor struggles, protest, and social significance. It also includes a rich diversity of music from the cultures of all working people: songs in the gospel, jazz, classical and folk traditions."

For more information, email the Chorus at info@nyclc.org or call 212-929-3232.

There are several committees which regularly meet to help in the operation of OSARC. The Membership Committee chaired by Richard Kucera (201-288-2634) processes the dues payments that sustain Club activities. Joining Richard are Richard Walters, Fred Ranzoni, Allan Rose, and Vincent DiGesù.

The Mailing Committee, chaired by Dan Morgan (718-768-8963) meets monthly to mail out this *Newsletter* and other notices. Joining Dan are Ana Vives, Louis Starkey, Mary Hillman, Paul Henry, Manny Friedman, Allan Rose, Hattie Thomas, Liz Borden, Betty Henderson and Marvin Lutenberg.

The Travel Committee, which plans OSARC trips includes Renee Bash, Chuck Baroo, Richard Fink, Mary Hillman and Allan Rose (718-339-8128).

Forgive us if we've inadvertently left anyone out. If you'd like to get involved in the work of these committees, call the contact at the phone numbers listed.

Or propose a new committee and organize other members' participation.



OSARC members on the OSA staff Michael Schady (left) and Marvin Lutenberg (third from left) join members of the Mailing Committee (left to right) Elizabeth Borden, Ana Vives, Elizabeth Henderson, Paul Henry and Louis Starkey in May at the OSA office.

I'll Take (Lower) Manhattan

by Mary Hillman & Allan Rose

In an extension of the walking tours begun by OSARC last year, for the first time, an OSARC outing was scheduled during the summer months. On August 16th, seven members of OSARC met at the Customs House for a "Lower Manhattan History Walking Tour." In attendance were Joan Doheny, Manny Friedman, Rosanne Levitt, Chuck Baroo, Allan Rose and Mary Hillman under the able guidance of amateur historian and OSARC member T. Rasul Murray.

The tour started in front of the former Customs House, which is now home to the National Museum of the American Indian.

Mr. Murray explained that there are many interpretations of New York City history. He noted that the early history of NYC is hard to trace because of the impact on the City and its records of a major fire set by rebels during the Revolutionary War and an additional destruction of records by another major fire in 1835. In order to reconstruct the missing history of the Dutch and English periods, historians had to depend upon Dutch and English accounts.

Murray argues that early historians were biased in their view of NYC because it did not fit the Anglo-Saxon idea of what a city should be. In addition, due to its good harbor, the City had early established a large international trade – which Boston, for example, did not enjoy as its trade was mostly with England. This caused much animosity and tension between the cities. By the 1800s, no fewer than eighteen languages were spoken in New York.

In 1623, the Dutch arrived in the City and tried many ventures to make a successful colony. Henry Hudson was part of the Dutch expansion. Fort Amsterdam was located in the City and New Netherlands extended from the City north to the Canadian border and Lake Erie.

In 1628, the first enslaved Africans arrived. Under Dutch rule, slaves had status and were allowed to marry and, by 1664, they were offered land grants and could inherit land. Slaves were brought here as a result of naval encounters with slave ships. In 1653, the Dutch enlisted slaves to build the wall at the northern boundary of the City which would later become Wall Street. At the same location, later, under English rule, slaves were sold as property. Broad Street had quarters for enslaved Africans.

Before continuing our walk to the Battery, Murray pointed out that State Street, the oldest street in the City, was at the shoreline and had a battery of cannons along its length aimed at the harbor.

In upper New York harbor, just south of the Manhattan tip, what is now Castle Clinton was an island called Clinton Island. The island was connected by a stone jetty to the mainland. The bay between Stone Street and Clinton Island was later filled in with rocks and landfill extending the shoreline and forming what is now Battery Park.

The English arrived in New Amsterdam in 1665, changing the name to New York. They considered the New Amsterdam they inherited to be a loose city whose residents were lazy drunkards. At first, the English were a minority and the Dutch population and influences continued until the



Incoming and outgoing OSARC officers behind the podium at the June 2005 luncheon at La Maganette Ristorante: (left to right) outgoing co-chair Mary Hillman, incoming co-chairs Shirley Gray and Madeline Taylor, outgoing co-chair Allan Rose, incoming co-vice chairs Ana Vives and Dan Morgan and incoming secretary Gilberte Ambroise.

1720's. The Dutch briefly recaptured and held the City for two years beginning in 1672, renaming it New Orange.

When the English took power, slaves lost all freedoms and privileges enjoyed under Dutch rule.

Our guide said that the Statue of Liberty was a gift from France to celebrate the Emancipation Proclamation, freeing the slaves.

We continued our walk to Pearl Street, where we stopped across the street from Fraunces Tavern Museum. It was originally built in 1719 as a residence for Stephen Delancey and his family. In 1762, the home was purchased by a tavern keeper, Samuel Fraunces, a West Indian of African descent. He turned it into one of the most popular taverns of its day. It is also known as the site where Washington bade farewell to his officers of the Continental Army in 1783. Fraunces died in 1795. In 1904, the "Sons of the Revolution in the State of New York" bought the tavern and had the building restored to its Colonial appearance. It opened as a museum in 1907.

Our walk continued down Pearl Street to the original site of Gov. Francis Lovelace's Tavern, built in 1670. Lovelace was appointed governor of the English colony of New York by King Charles II. Excavations on the site in 1980 for the office building at 85 Broad Street unearthed the original stone wall from the tavern, which was torn down in 1706.

OSARCer Murray has offered to repeat his lower Manhattan walking tour at a later date for additional OSARC members. If you'd be interested in taking part, please call Allan Rose at (718) 339-8128.

Quote Without Comment

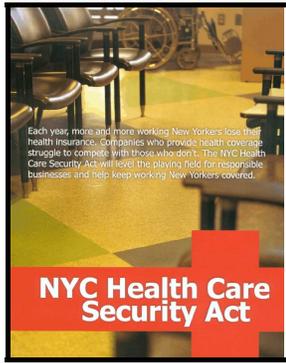
"The campaign for [Social Security] privatization provided an object lesson in how the administration sells its policies: by misrepresenting its goals, lying about the facts and abusing its control of governmental agencies... study that lesson... forewarned is forearmed.

– Paul Krugman, "Social Security Lessons"
(*NY Times*, 8/15/05)

City Council Mandates Health Coverage

In a move with potentially national significance, the New York City Council voted 46 to 1 on August 17th to require that large grocery-industry employers operating in New York City provide funds for health insurance for their employees at the “prevailing health care expenditure rate” for the industry.

The bill, the “Health Care Security Act,” sponsored by Democrat Christine Quinn of Manhattan, is seen by sponsors as a pilot program focused on a single industry. The backers chose groceries because Wal-Mart and similar non-union big-box merchants do not supply health insurance to all of their employees and tend to put smaller, more established merchants who do provide health insurance at a competitive disadvantage.



The move was seen as a way to help level the playing field and was supported by established supermarket chains including Key Food, Gristedes, D'Agostino and Pathmark, along with a coalition of unions, non-profits, business groups and others.

The legislation would apply to stores with more than 35 employees and require those employers to contribute \$2.50 an hour toward health care for each hour worked (\$5,000 a year for a full time worker). Employers can reimburse employees or pay the money into an insurance plan.

The Council believes some 27,000 workers in 300 stores will benefit, as would Wal-Mart workers should the chain successfully locate in the City. (Wal-Mart is still trying to find a site on Staten Island as we went to press.)

Mayor Michael Bloomberg promised to veto the legislation as over-reaching, arguing national legislation regulates employee benefits, but the Council will likely override, as they have 33 times during his tenure. Similar legislation was recently introduced in Suffolk County, NY.

Eventually, sponsors would like to see the same requirements apply in the construction, building service and hotel industries

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Help Others Answer Taxing Questions

AARP's Tax-Aide program, which offers free tax counseling and preparation services to seniors, is seeking volunteers in New York State for the 2006 tax season. From February 1 to April 15, volunteers work on federal, state, and local income tax returns for income-qualified taxpayers, with an emphasis on those 60 and older. Volunteers receive free training and, after passing an IRS exam, become certified. Volunteers are especially needed to assist in electronic tax-return filing. In 2005, some 1,500 volunteers assisted 75,000 taxpayers at 700 sites in New York State.

If you'd like more information or to volunteer, call AARP Tax-Aide at 1-888-687-2277 (1-888-OUR-AARP).

Social Security Turns 70, Republicans Want it To Retire

Social Security, the nation's cornerstone retirement benefit turned 70 on August 14th. While Bush Administration efforts to promote privatization of the program have thus far received a cold shoulder from the public, efforts continue in the Republican Congress to try to retire the program as it has existed and worked well for 70 years.

The AFL-CIO affiliated Alliance For Retired Americans warns that, when Congress returns in September, the House is “widely expected to take up legislation to inject private accounts into Social Security.”



Representative Jim McCrery (R-LA), chair of the House Ways and Means Committee Subcommittee on Social Security introduced a bill in mid-July, HR 3304, that professes to bring new approaches to the debate, but simply swaddles the privatization baby in a new blanket.

The plan would use Social Security's current substantial surpluses for private accounts rather than for the purchase of Treasury bonds for the Social Security Trust Fund. The surplus-shifting would cease when the surpluses disappear. The plan's sponsors admit that it would do nothing to restore or bolster long-term Social Security solvency.

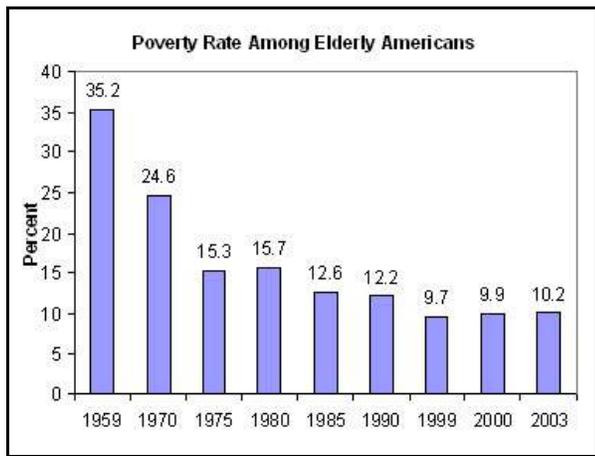
An analysis by the Center for Budget and Policy Priorities (www.cbpp.org/6-22-05socsec.htm) concludes: “Supporters of the plans do little to hide the fact that they view it as a foot in the door. Their stated goal is to get private accounts in place. Once in place, supporters of such accounts would argue that it made no sense to halt contributions to the accounts and that the shift of Social Security payroll tax revenues to private accounts needed to be continued even after the Social Security surplus was gone.”

Write or call your representative and let him or her know you oppose McCrery's bill, HR3304, and all attempts to privatize Social Security. You can send an email to your representative at www.unionvoice.org/campaign/Don't_Privatize_SS.

While you're at it, sign up to become an e-activist at www.unionvoice.org/wfean/home.html. You will receive periodic announcements of legislative and solidarity campaigns important to working people and the opportunity to easily and quickly send an email or fax to those deciding the issue.

Meanwhile, the 70th anniversary of Social Security, is an opportune moment to review a few of the accomplishments of the program. As Alex Baker of the Century Foundation (www.tcf.org) reports, “in the not so distant past, being old in America very often meant simply being unable to financially support one's self. For most of our history, elderly Americans no longer able to work were forced to rely on the charity of relatives or face serious poverty.”

Older Americans confronted poverty at a rate that exceeded younger Americans up to the 1960s, when Medicare and Medicaid joined Social Security as part of the social



Source: Century Fndtn website citing Bureau of the Census Income, Poverty & Health Insurance in the US: 2003, Current Population Reports, August 2004 Table B-2 p46.

safety net. In 1959, the percentage of those 65 and over in poverty stood at more than a third (35.2%). By 2003, that number had dropped to approximately a tenth (10.2%). Without Social Security, approximately half of the elderly would be in poverty today.

In addition, disability and survivors' insurance protect more of the overall population from economic disaster. Social Security's benefits, unlike private life insurance or disability policies do not require certification of prior health conditions, are maintained even when you change jobs and are inflation adjusted.

It has been estimated that an average earner with a spouse and two children can expect disability benefits that would be the same as a private disability policy worth \$353,000 and protection for survivors that would be equivalent to a \$403,000 life insurance policy.

So, wish Social Security a happy 70th birthday – and fight to make sure it has many more birthdays to come.

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Pataki Signs Internet Drug Posting Bill

In early August, New York Governor George Pataki signed into law legislation passed by the state legislature in July which would mandate online posting of prescription drug pricing.

The new law requires all pharmacies in NY State to provide a weekly-updated prescription drug price list covering the 150 most frequently prescribed drugs to the NY State Department of Health. The Department of Health will post the information on its website. Signs will be posted in all pharmacies notifying consumers of the availability of the list online and the web address at which it can be found. The database will be searchable by zip code.

The same information was already available to consumers who requested a list from a pharmacy in person. The new website will make obtaining the lists from a number of pharmacies much simpler.

For those without prescription drug coverage, the new law will provide a means of comparison shopping for the source for a medication in their area with the lowest price.

Medicare Coverage For Care in the Home

The Medicare Rights Center (www.medicarerights.org) (1460 Broadway, New York NY 10036) reminds Medicare enrollees that Medicare will cover services from a Medicare certified home health agency as long as a doctor certifies that the patient is homebound and needs a skilled nurse or therapist to administer medication or therapy.

Home health coverage under Medicare includes skilled nursing services and a limited number of hours each week of personal care from home health aides, such as assistance in dressing, bathing and going to the toilet.

Medicare's home health care benefit does not usually cover 24-hour-a-day home care, most prescription drugs, meals delivered to the home, homemaker or custodial care services such as cooking and shopping, or personal care unless skilled nursing or therapy is also needed.

Medicare will pay for a home health agency to train individuals to provide medication by injection if a spouse or other caregiver is willing to undertake the task, but if no one is willing or able to administer the medication, the agency must send a skilled nurse to the home to administer it. Medicare will continue to cover the cost of this care as long as the skilled nurse is needed and the patient is homebound.

If you or a loved one are hospitalized and you think you may need home care post-discharge, it's best to ask your hospital's discharge planning office for a list of Medicare-certified home health agencies in your area and have your doctor discuss with them the type, frequency and duration of the home care needs.

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March With OSA in the Labor Day Parade

The Labor Day Parade is to be held on Saturday, September 10th this year. It's the one day in the year when the labor movement in New York City comes out in full force. OSA's contingent is gathering promptly at 11am at the eastern side of Sixth Avenue, on 45th Street, in front of the Wachovia Bank branch. Those joining the OSA contingent will receive an OSA hat and t-shirt.

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Ana Vives, Betty Henderson, Edna Riley and Liz Borden at the June OSARC luncheon.

Free Credit Reports Available

As of September 1, New York, New Jersey and Connecticut consumers are entitled to a free credit report annually from each of the three major credit reporting agencies under a recently adopted federal law. If you live in another state, you are already eligible for the free reports.

The agencies – Experian, TransUnion and Equifax – have established a special website www.annualcreditreport.com and a toll free number (877) 322-8228 from which you may request the reports. You can also write to Annual Credit Report Request Service, POB 105281, Atlanta GA 30348-5281.

The new law does not require the provision of a consumer's credit score for free, however. You can purchase a proprietary score from Experian for \$5 online at www.experian.com or by phone at (888) 322-5583. The other two agencies are expected to offer similar pricing soon. *Consumer Reports* magazine recently recommended, however, that individuals seeking a credit score should purchase it from Fair Isaac, which developed the scoring system, at www.myfico.com or (800) FICO SCORE.

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Judge Blocks One Attack On Federal Workers' Rights, Bush Administration To Move Forward With Others

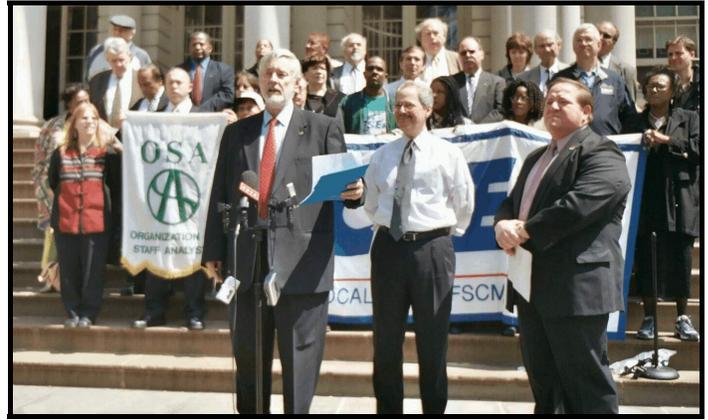
The Bush administration's plan to revamp workplace rules at the Dept. of Homeland Security (DHS) and – in the process – eviscerate union and civil service protections, ran into a roadblock when US District Court Judge Rosemary Collyer ruled in mid-August that the plan “does not lead to enforceable contracts and thus fails to comply with the direction of Congress to ensure employee collective bargaining rights.” The impact extends beyond DHS's 160,000 workers, since the Bush administration was preparing to implement similar changes at the Dept. of Defense (DOD), affecting 746,000 workers. The Office of Management and Budget has proposed legislation that would curtail union and civil service rights for more than 1 million other workers.

In criticizing the proposed rules, Judge Collyer said, “the department would retain the right to change the underlying bases for the bargaining relationship and absolve itself of contract obligations, while the unions would be bound.”

According to the *Washington Post*, the proposed rules would stop unions from negotiating over staffing, deployment, technology and other issues. DHS's secretary could also override any provision in a collective bargaining agreement by issuing a departmental directive.

Collyer, a Bush appointee, criticized DHS for also trying to reduce the rights of federal employees to appeal demotions and layoffs to an independent agency, the Merit Systems Protection Board. Collyer wrote, “Rather than afford a right of appeal that is impartial or disinterested, the regulations put the thumbs of the agencies down hard on the scales of justice in their favor.”

The Bush Administration announced it was pressing forward with the change in work rules in DOD and elsewhere while it reviewed Collyer's decision.



OSA Chair Bob Croghan (at mic) endorses Democrat mayoral hopeful Fernando Ferrer (center) on the steps of City Hall, while Civil Service Employees Assn leader George Boncoraglio waits his turn to endorse. OSA board members and staff are gathered on the steps behind the candidate.

Exercise the Franchise

Tuesday, September 13th is primary day in NY City. In contention are nominations for mayor, comptroller, public advocate, borough presidents and many City Council seats. OSA's executive board has endorsed **Fernando Ferrer** (www.ferrer2005.com) for mayor, **Bill Thompson** for comptroller and **Norman Siegel** (www.norman2005.com) for public advocate in the Democratic primary.

In Council races, OSA is supporting **Brian Kavanagh** (www.kavanaghforcouncil.com/main.cfm) in District 2 and **Dan Garodnick** (www.garodnick.com) in District 4. OSA recommends **Jessica Lappin** (www.jessicalappin.com/main.cfm) and **George Spitz** (www.georgespitz.com) as the two best candidates in District 5 and **Yasmin Cornelius** (www.yasmin2005.com/indexn.htm) and **Rodney Carroll** (www.rlcarroll4council05.com/index.html) as the two best candidates in District 9. Cornelius is the daughter of OSARC member Azeeza Hurston.

No matter who you support, do get out and vote!

OSARCers Among The Elect(ed)

OSA retiree Liz D'Aversa and husband Frank are the newly elected Democratic Committee Members in Plainfield, New Jersey. They now represent Ward 1, District 4 of the City and say they are eager to continue spearheading Plainfield's progressive comeback.



Liz and Frank D'Aversa at OSARC's 2004 June luncheon.

Liz and Frank were always wonderful in HRA in their advanced thinking, group solidarity and solutions to problems, so look out Plainfield, here they come.

Congratulations to both Liz and Frank!

– Jean Anmuth

COLA Comes To Some

Starting in September, eligible retirees will begin receiving a 1.6% cost-of-living adjustment in their monthly pension checks. The COLA is paid on a retiree's maximum retirement allowance up to a cap of \$18,000. Therefore, eligible retirees will see a maximum of \$24/month extra. The COLA is calculated at 50% of the annual inflation rate for the year ended March 31 and features a floor of 1% and a cap of 3%. For most retirees, eligibility for the COLA kicks in five years after retirement.

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Medicare Part B Reimbursement Paid in August

Retirees over 65 on Medicare should have seen a reimbursement check in the mail during August for Medicare Part B premiums paid in 2004. Approximately 116,000 retirees were due checks by the end of August. The checks covered reimbursement of the \$66.60 per month deducted from Social Security checks in 2004 for Medicare Part B premiums – up to a maximum of \$799.20 if an individual was retired and over 65 for the full year.

If you did not receive a reimbursement check and are due one, write to the City's Office of Labor Relations, Employee Benefits Program, 3rd Floor, 40 Rector Street, New York, NY 10006.

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Man Fights City Hall And Lives To Tell The Tale

by OSARC member **John Ost**

It was not among my intentions to become a neighborhood activist when I took a City severance package several years ago. Then, along came September 2001. To most, 9/11 probably remains a horrific, only fleetingly thought about, memory. Unfortunately, for those, like myself, who live downtown, it has never left us. Not the actual event so much as its continued aftermath.

Post-9/11, the police closed Park Row, a major north/south thoroughfare, as well as a northbound exit off the Brooklyn Bridge, and many local streets. These have been used to park the private vehicles of police headquarters personnel. They also decided to take out one lane on the bridge itself in each direction, parking a patrol car there and reducing a three lane highway to two. In the process, traffic is backing up all over the surrounding area.

Attempts to correct this situation by letter writing – to the mayor, police commissioner and newspapers – went nowhere.

So, with other residents in the area, I co-founded a neighborhood group, the Civic Center Residents Coalition. Even so, we still got the "brush-off" from the NYPD and the mayor, although our elected officials were now speaking up for us.



John Ost

We were successful in getting a bill through the City Council requiring street closures in excess of six months to be taken to a public hearing. And, with the assistance of the Asian American Legal Defense and Education Fund – **we sued!**

The City took the position that all these closures had no impact and did not require any review, statutes to the contrary. Guess what? Judge Tolub thought otherwise and ordered a full environmental impact study. He also told them to stop using a public park as a parking lot for their private vehicles.

Of course, the City appealed – then dropped their appeal and agreed to do a full study. We are currently continuing the appeals process to get some fine points clarified.

I wonder if police commissioner Ray Kelly had any concept of – or perhaps even any concern about – the effect of his actions on our community. An ex-military man, his solution to security around 1 Police Plaza was to employ the same military tactics that he would employ in an occupied country. In other words, in his view, the area around 1 Police Plaza needed to be "locked down," no matter the impact on residents. He sold Mayor Bloomberg on the wisdom of his methods and also got a lot of good press for his "counter-terrorism" efforts. Never mind that by keeping NYC at "orange alert" while the rest of the country is at "yellow" costs city taxpayers between \$1.3 and \$1.9 million a week. The Feds only pick up the cost when *they* call an orange alert.

So what have I learned? You *can* fight City Hall, even in an oppressive environment. But it's a long fight, victory is not assured, city government is not above lying (even under oath) and the fight takes a lot out of you – physically and mentally. Nevertheless, victories, however small, are delicious.

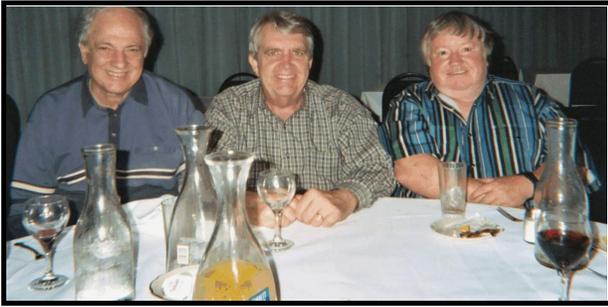
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Don't Talk, Don't Organize

In a 2 to 1 decision that demonstrates the extent to which the National Labor Relations Board (NLRB) is in the pocket of employers in the Bush administration, the NLRB ruled in June that employers have the right to ban off-duty fraternizing among co-workers. Whether the decision will stand up to court challenge, as will undoubtedly occur, remains to be seen. Nevertheless, in the interim, the decision sets a bad (if bizarre) precedent in further eroding the free association and speech rights of American workers. Only time will tell whether employers will see this new ruling as a green light to set proscriptions on workers' off-duty behavior and then fire those who violate these limits, but the NLRB has opened the door.

In the case at hand, Guardsmark, a security firm directed employees not to "fraternize on duty *or off duty*, date or become overly friendly with the client's employees or with co-employees."

The Service Employees International Union filed unfair labor practices charges with the NLRB, contending the rule would inhibit workers from exercising their right to form a union or discuss organizing off-duty, as protected by the National Labor Relations Act.



OSARCers Richard Guarino, John Mazzarella and Tom Gorse at the June 2005 luncheon.

The law already permits employers to ban association among co-workers during work time, but the NLRB has now extended the concept to off-duty association.

The NLRB majority claimed the anti-fraternization rule would be seen by employees only as a dating ban, but, in fact, Guardsmark's rule mentions dating separately from fraternizing, so it would be reasonable to expect that employees would assume fraternizing meant something other than dating, like planning an organizing drive or even something as simple as hoisting a few beers with a co-worker at a local bar.

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Drink No Wine Before They Say It's Time

The United Farm Workers Union has announced a new boycott of Gallo wine, the second in 32 years. The UFW says "the Gallos deny the majority of their Sonoma County vineyard workers benefits and grievance rights... The Gallos say they have no responsibility for the miserable conditions endured by their vineyard employees because they are 'temporary workers.'"

The UFW's next bargaining session with Gallo of Sonoma is September 14th. You can help increase the pressure on the Gallos by downloading the "No Gallo!" leaflet from the UFW website (www.ufw.org) and bring it to your local liquor store or restaurant. Ask to speak to the manager and give him or her a copy of the leaflet.

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An Introduction to the Prescription Drug Law

Lawrence J. Kaplan, emeritus chair of the Committee of Municipal Retiree Organizations presented the following to COMRO in June. The details were excerpted from *Medicare Prescription Drug Benefit: A Guide Through the Maze*, researched and written by Dianna M. Porter, Director of Policy, Alliance for Retired Americans, Washington, D.C.

Editor's Note: While it is useful to understand the mechanics of Medicare Part D, for City retirees the key question will be what changes, if any, will occur in the various City health plans enjoyed by medicare-eligible retirees as those plans address the new benefit. As of the publication date of this issue in late August, the union still had no information from the City on the drug plans purchased through monthly deductions from your pension check. Once the City has made clear its intentions and the options, the trustees of the OSA Welfare Fund will

meet to address any changes needed in the current levels of drug reimbursement provided to medicare-eligible retirees. In other words, as soon as we have information, you will have it. In the meantime, there is no action to take. As OSA chair Bob Croghan noted in March 2005, "in the months to come, [you] can expect to hear about Med D drug rider government qualified plans being established and on what terms they will provide coverage to those who choose them...We do not yet know how many available choices we will have, nor the terms of those offers, but we do have a right to hope a bit."

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (P.L. 108-173) will become effective on January 1, 2006. The law makes sweeping changes to Medicare while adding a prescription drug benefit.

New York City municipal retirees are primarily concerned with the section of the law on prescription drugs relating to employer/union plans, but it's important for everyone to understand the law's impact on Medicare members who have no drug insurance coverage.

To be eligible for the prescription drug benefit, an individual must be entitled to or enrolled in Medicare's Part A (hospital insurance) and/or Part B (medical insurance for doctor services and outpatient care). Part C of Medicare, added in 1997, was about the Medicare + Choice Plan, changed to the Medicare Advantage Plan by the 2003 law. The new prescription drug benefit is Part D of Medicare.

Currently Operating Prescription Drug Plans

These plans include employer and/or union plans and Medigap Plans H, I and J. Prescription drug coverage under these plans will likely continue, but there may be changes. The Centers for Medicare and Medicaid Services (CMS) estimates 11.4 million, or 33 percent, of the Medicare 65+ population are currently enrolled in plans offering prescription drug coverage. Of that number, 9.8 million, or 86 percent, will continue receiving their drug coverage.

Current prescription drug plans may apply for a retiree drug subsidy for continuing drug coverage for their members. To be eligible for the subsidy, the plan must submit an application to CMS to show that their benefits are at least as generous as the standard Part D benefit shown below. If the plan is "creditable" (equal or better than the standard Part D benefit), then CMS will approve the subsidy. CMS estimates an average tax-free drug subsidy payment of \$668 per participant in 2006.

In addition to the expenditures for the prescription drug benefit, beneficiaries will also see an increase in the Medicare Part B premium from \$78.20 in 2005 to \$89.20 in 2006 and a continued increase in the Part B deductible which is \$110 in 2005.

What's Wrong With The Prescription Drug Law

Following are a few of the major weaknesses:

1. **Private insurers are in charge.** Giving the administration of the prescription drug program to private insurers guarantees high costs. The program should be assigned to Medicare where it belongs. Private health coverage insurers raise premiums about 10 percent annually, requiring beneficiaries to pay steadily rising costs.

2. **It guarantees high profits for insurers.** Since the law provides government subsidies in the billions to private companies, these insurers will profit enormously while seniors struggle to meet rising costs.
3. **No negotiating for lower drug costs.** The law expressly prohibits the federal government from negotiating for lower drug costs.
4. **Prohibits cheaper foreign purchases.** The law bans re-importing safe, affordable drugs from countries like Canada by requiring safety certification from the Secretary of Health and Human Services, which HHS refuses to do.
5. **Undermines employer drug coverage.** It is likely that some employers, offering prescription drug plans which are more generous than the standard Part D schedule, will end their coverage, forcing their members into the private market for drug coverage.

The Proposed "Medicare for All" Program

It is a sad fact that the United States is the only industrialized nation in the world without universal health care. Business executives explain that health care costs hurt the global competitiveness of American companies. It is truly a crisis, and healthcare experts agree that the U.S. must inevitably adopt universal healthcare coverage which would include prescription drugs.

It would be simple to accomplish such a program by taking healthcare out of the hands of private insurers and gradually expanding the existing Medicare program. Medicare is currently working successfully for senior citizens, allowing free choice of physicians and required treatment. The administrative overhead cost of Medicare is less than 3 percent as compared with private insurance companies whose overhead is as high as 30 percent.

The "Medicare for All" proposal should be included in the 2006 political agenda. "Medicare for All" would significantly reduce healthcare costs for the nation and also provide affordable health insurance for the 45 million Americans who currently lack coverage.

The Standard Part D Prescription Drug Benefit

Under the standard benefit, which will be offered by private insurance plans, beneficiaries in 2006 will pay:

- A monthly premium estimated at \$37 (\$444/year);
- A deductible of \$250;
- 25 percent of drug costs between \$251 and \$2,250;
- 100 percent of drug costs between \$2,251 and \$5,100 (the \$2,850 coverage "gap" or so-called "donut hole");
- The greater of 5% of drug costs over \$5,100, the catastrophic threshold, (after reaching \$3,600 out-of-pocket limit), or \$2 for generics, or \$5 for brand name drugs.

Private Insurance Plans for the Uninsured

Medicare members who presently do not have prescription drug coverage will be able to obtain coverage through private companies. According to the 2003 law, two options are offered:

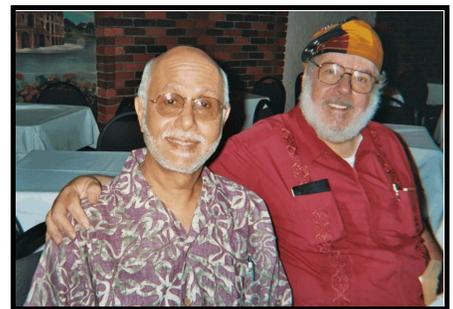
Option (1): They can buy coverage in a private insurance company plan as a stand-alone prescription drug policy, or

Option (2): They can join a Medicare Advantage Plan (private insurance company), which offers healthcare coverage plus prescription drug coverage.

Under Option (2), three private plan types are available:

- (1) Health Maintenance Organization (HMO), a managed care plan, owned and operated by a private insurance company.
- (2) Preferred Provider Organization (PPO), a network of doctors and hospitals that contract with an insurer to provide health care on a fee-for-service basis at lower rates for those enrolled, and
- (3) Private Fee-For-Service (PFFS) plan, that covers enrollees through a private indemnity insurance policy.

Since the new drug benefit will be offered by private plans, the formulary (covered drugs), premiums, co-payments, and pharmacy network may vary substantially. Some plans may be more generous than the standard benefit for a higher monthly premium.



OSARCers Chuck Baroo and T. Rasul Murray at the June luncheon.

Plans must cover at least two drugs in each therapeutic category, but they do not have to cover every drug. Beneficiaries will have to decide which available plan best addresses their medication needs. The initial enrollment period is November 15, 2005 through May 15, 2006.

For more information, call 1-800-Medicare (1-800-633-4227).

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Ruptured Solidarity [continued from page 1]

Stern's initial proposal included giving the AFL-CIO the right to force small unions to merge into larger bodies with enough clout to have what he believed would be sectoral bargaining/organizing success. The CTW unions had also sought rebates of per capita dues sent by the various unions to the AFL-CIO to be dedicated to organizing.

The current AFL-CIO leadership under John Sweeney, Stern's predecessor as SEIU president, argued that increased spending on political action was also needed (directed largely, if not exclusively, at Democrats).

CTW placed far less emphasis on political action and overtly criticized Sweeney's emphasis on supporting Democratic candidates. They argued for a return to the AFL's pre-New Deal position of rewarding labor's "friends" regardless of party affiliation.

Neither side expressed any interest in the possibility that labor should or could build its own political force to push for

a worker-friendly vision of society in the form of a labor or social democratic party, as is common in other countries.

In the run up to and at the AFL-CIO's July convention, the federation implemented some of the changes the CTW unions had promoted. The size of the federation's staff was cut and more resources dedicated to organizing. Negotiations between the factions were carried on in the hopes of avoiding the break.

In the event, negotiations failed and the split occurred. In recent weeks, Stern of SEIU has stated in interviews that he views the rift as permanent. Reuters quoted him in an August 24th interview as saying "The AFL-CIO as we know it will never exist again. We need to build something new...start from zero." He added, "our seven unions are prepared to build a new, 21st century, modern and more flexible organization that focuses its attention outside Washington D.C. and political parties."

A range of insightful analyses have been written about the significance of this major rupture in the labor movement, but it is largely too early to tell its full impact.

Dividing the labor movement while it is under full-scale attack is seen as either a foolhardy guarantee of ensuring labor's increased weakness or a way to create an increase in competitiveness that will spark new ideas and new organizing and thus strengthen the movement.

One of the most interesting assessments came from Rose Ann DeMoro, the leader of the California Nurses Association. She argued that the debate amounted only to a power play amongst union leaders or groups of unions and that rank and file union members were largely excluded from the debate over the direction of *their* movement.

Significant issues facing working Americans – declining wages, skyrocketing healthcare costs, outsourcing of jobs, a deteriorating social safety net – were not at the center of the debate. Instead, she said, structural and bureaucratic issues were front and center. Solutions to significant problems – whether single payer universal healthcare, curbing corporate power, restoring a more progressive tax system to tax fairly the wealthy and corporations – were not on the table.

That sectoral density was the only answer, said DeMoro, was too simplistic. Some unions with such density were destroyed by political forces, economics or social policies.

She saw the proposed forced mergers as anti-democratic and likely to "silence the voice of the most active and militant unions and leaders."

And, DeMoro pointed out, some of the CTW unions have been favorable to expanded labor-management partnerships which she said would "only serve to further alienate the American worker from the labor movement [and] further erode labor's power."

DeMoro concluded that "no discussion of non-bureaucratic strategies" was on the table – including "expanded coalitions with non-labor community, religious and environmental groups, active grassroots education and mobilization campaigns to challenge the corporate/far right agenda, building genuine political independence and holding the democratic party accountable to worker and public interests and serious consideration of – imagine – a labor party for a labor movement."

Post-convention, the AFL-CIO at first barred locals of the disaffiliated internationals from participation in Central Labor Councils or state-level federations. This caused great furor within these bodies, where locals of the departed unions often played a major role. A more recent softening of this stance, in the form of "solidarity charters" to allow the locals of the dissident unions to continue participation, was met with ambivalence because various "strings" were attached to the charters, including a ban on leadership roles by members of unions with a "solidarity charter." How the split will finally shake out on the local level still remains to be seen.

In addition, what impact – if any – the schism might have on the Alliance for Retired Americans, the senior lobby created by the AFL-CIO as a pro-worker counter-force to AARP is also unclear.

In the meantime, if the results of the first major labor action in any industry since the split are an indication, the labor movement as a whole is in serious trouble and denial.

Airline mechanics at Northwest Airlines, represented by an independent union, the Airline Mechanics Fraternal Association (AMFA), went on strike in August, rebuffing airline demands for massive concessions. According to *Labor Notes* magazine, Northwest had sought a 25.7% pay cut, layoffs for over half the workforce, reduced sick pay, reduced vacation/holidays, increased healthcare costs, a pension freeze, and increased outsourcing to non-union shops.

The strikers have so far met a remarkable lack of solidarity from other unions – expressing public criticism of AMFA in the corporate media, refusing to come to AMFA's aid and, in the case of airline unions which accepted the concessions, crossing their picket lines.

The history of AMFA's relationships with other unions is vexed. AMFA has a history of craft union elitism, arguing that larger unions like the International Association of Machinists (IAM) do not effectively represent the interests of mechanics. In addition, they successfully pulled mechanics out of the IAM at Northwest and at United Airlines, which the IAM saw as raiding. On the other hand, mechanics' decision to leave IAM and affiliate with AMFA came after the IAM accepted extremely concessionary contracts.

The impact of this strike is likely to resonate well beyond the labor struggle at hand. The AFL-CIO and the CTW appear to have learned little from the 1981 Professional Air Traffic Controllers (PATCO) strike, when a pro-Reagan independent union went on strike and found its leaders arrested and its members banned from the workplace and permanently replaced. Organized labor did not come to PATCO's aid. The impact of the PATCO strike on the labor movement as a whole has been catastrophic, setting a precedent for permanent striker replacement, reducing the use of the strike weapon and, if only in perception, signaling the weakness of the labor movement. The employer offensive of the last quarter century against workers and their unions was green-lighted by the PATCO strike.

If we are now repeating the same tragic strategic mistake with AMFA, labor may remember this summer less as the time when the AFL-CIO split as the time when labor forgot the larger meaning and importance of solidarity.

Scenes From the OSARC Luncheon



Happy Birthday to OSA Retirees Born in August & September!

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Mary H Murphy
Michael Murphy
Ruth Murray
Leslie Myers
John F Nash
James R Nealon
Gabriel Neama
Kathleen Neary-Burns
Annie Newell
Erwin F Nied
Jack Niznick
Elizabeth Nobile
Kathryn Nocerino
Iris M. Nowes- Hecht
Stephen M O'Brien
Catherine O'Connell
Elizabeth O'Reilly
Stephen Obeng
Procesion Obra
Jane Offen
Thomas Ogden
Sheldon Oloff
Sadye Olivieri
Patricia Ollison
Murray Olsen
Henry Opad
John Ost
Amorita Pakilit
John Pape
James Pappalardo
Larry Pappert
Dennis Parham
Lucille Parris
Melvin Pascoo
Anita O. Payne
Carol Payne
Regina E Pegues
Elba Pelaez
Delores A.W. Peloso
Antony Penel
Millicent Perry
Sara Perry
Robert Pfefferman
William Pfister
Mary Ellen Phifer
Susan Piccirillo
Jack Pilchman
Arlene Pitt
Vincent R. Polimeni
Phyllis Pomerantz
Pauline Pon
Annie J Poole
William Pope
Peter Post
Douglas Potts
Peter A. Prestia
Evelyn Marie Pridgen

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