WELCOME

NEXT UNION MEETING
Thursday, March 2, 2017 at 7 p.m.

The March 2017 General Membership Meeting will be held at I.S.167; 220 East 76th Street, New York, New York 10021.

PLEASE ATTEND, LET YOUR VOICES BE HEARD.

PRINCIPAL RATING

Members are reminded they only have 30 days to grieve a Principal’s Rating. Any member wanting to grieve a rating should contact their Borough Chairman. Please contact your Union immediately upon receiving a Principal’s Rating you wish to grieve.

NEW YORK STATE CONSTITUTION

LOCAL 891’S LEGISLATIVE ISSUE

2017 NEW YORK STATE CONSTITUTIONAL CONVENTION (VOTE NO)
RIGHT-TO-WORK ISSUES
UNION DENSITY

HONOR THE PAST — SHAPE OUR FUTURE
PRESIDENT’S REPORT

Brothers and Sisters.

Local 891 urges you not to make cash, credit card or other purchases for your assignment. All miscellaneous expenditures are now outside the terms of our Collective Bargaining Agreement (CBA), including our most recent Memorandum of Agreement (MOA), and Circular no. 4 - 2016/17. We have filed a grievance over the continued use of the PO 2 even on a temporary basis. The MOA states very clearly in Section 8, “Custodians will be responsible for managing to building budgets provided by the DOE, but will no longer have personal financial liability.” Once you have reached into your pocket, wallet, or purse you have financial liability. Do Not Spend Your Own Money!

I fully understand the need to make emergency purchases. It is a vital part of our job. We must have the ability to be responsive to the needs of the schools we serve. A side letter in the MOA states, “Custodian Engineers will still have the ability to purchase small items on an urgent basis either in a manner comparable to the current system or other system to be determined by the Department.” The DOE has no right to decide the new system is for you to use your own money. Your Union does not agree with this method. If our members continue to use their own money, the DOE will have no reason to develop an alternative. Additionally, under the MOA, our travel reimbursement is to be reimbursed “consistent with other DSF employees.” With the continued use of the PO2, the DOE will continue to unfairly tax us on our travel reimbursement while other employees are not taxed.

Remember, we always made purchases for the school because we had Department money in the bank. That is no longer true. Many members have told me that once they explain to their Principal that they no longer have an account with DOE funds, some Principals have been willing to pay for emergency purchases. I have discussed this matter with the Principal’s union, the CSA. Regardless, it is up to the Department to provide you the means of making necessary purchases. Even if the Department reimburses you for the expense, custodial audit may later disallow the miscellaneous expenditure and send you to collections. The thorn of Custodial Net Retained Unit (CNRU) was supposed to disappear; please don’t give it new life. Protect yourself and your family and help us win this battle. Do not use your hard-earned money to purchase school supplies.

NEWS COLUMN OF THE MONTH

Taken from February 17, 2017 New York Times

In the current political climate, unions are scrambling to find ways to deal with the changes to policies that can affect their effectiveness in collective bargaining and day to day operations. Unions in the public and service sectors lack economic interests that would provide common ground with the new administration, and their membership is increasingly urban, African-American and Hispanic — easily alienated by Mr. Trump’s pronouncements on race and immigration. The Service Employees International Union, a leading service-sector force, has taken a largely oppositional stand. Many union leaders are at a loss to explain how Richard L. Trumka, the head of the A.F.L.-C.I.O., the nation’s pre-eminent labor federation, will navigate these crosscurrents in the coming months.

Mr. Trumka’s answer for the moment is to proceed gingerly. In an interview, he said that he had a productive meeting with Mr. Trump during the transition, and that the president deserved praise for killing the Trans-Pacific Partnership trade deal. But he has vigorously protested other policies, like Mr. Trump’s immigration restrictions.

“We’re going to call balls and strikes,” he said.
WHY WE MUST SAY NO TO A STATE CONSTITUTIONAL CONVENTION

This article is part of a series about the 2017 statewide referendum on a state constitutional convention.

Imagine, if you will, a day when the state of New York has no obligation to educate its young people; a day when it is relieved of its pension obligations to retirees; a day when you have no rights to collective bargaining or even to join a union. Imagine a day when the governor of New York dictates the state’s annual budget with no requirement for input or approval from the Legislature. These just some of the scenarios under the potential disaster known as a constitutional convention.

On Election Day — Nov. 7, 2017 — voters will be asked to decide whether the state should redraw the state’s charter document — its constitution. This referendum will overshadow all other decisions citizens will be asked to make that November, and the outcome could have far-reaching effects for decades to come. Opening up the constitution to haphazard and wholesale changes could alter working conditions, our retirement security and our members’ ability to provide a sound and basic education.

“A constitutional convention has ramifications for all New Yorkers, even those not residing in the state,” said Local 891’s Legislative Chairman, William Carroll. “A convention will only continue the attacks we’ve seen in recent years on the children, working and retired people of this great state.”

Under the State Constitution (Article 19, §2), every 20 years the people are asked a seemingly simple ballot question: “Shall there be a convention to revise the constitution and amend same?” It’s an option, but it’s not the only way to update or fix the basic outline of our state government.

The constitution can be amended in two ways. The first is through the passage of individual bills to amend specific language by two separately elected state Legislatures. If passed, such bills would then appear on the following November ballot as a referendum. Most recently this process was undertaken in 2014, and it has been used 200 times since the last major constitutional revision in 1894. It works. The second process is a constitutional convention. This option allows for much wider modifications, including a full rewrite. If in 2017 voters approve holding the convention, delegates would be elected at the next general election, in November 2018. The convention would meet in Albany the following April for an unspecified duration, until it presents its recommendations, which would then be put to the voters for another referendum no sooner than six weeks later.

Why is this important to us as Local 891 members? What’s at stake?

At the February 7, 2017 PEC Conference, New York State Senator, Diane Savino said, “delegates to a possible convention can essentially blow up the way of life New Yorkers enjoy and the expectations and priorities each of us have.” She added, “whether it’s public education, collective bargaining, our retirement security, environmental protections, spending caps in the budget, or any other issue one cares about, it’s all at risk.”

The constitution sets the most important policy goals for the people of New York state, and thus, has an impact on every other law currently in place and on future statutes yet to come. For example, following a 1967 convention, voters rejected the proposed changes that included repeal of the “Blaine Amendment,” which prohibits the use of state monies to assist religious schools. Had this repeal not been rejected by the voters, public education would look very different here in New York.

At the February 2nd union meeting, president and business manager, Robert Troeller said Local 891’s members must work together to educate each other, friends, families and communities about why we cannot risk destroying the state’s charter document.

“We must understand the facts,” he said, “talk about serious repercussions from a possible constitutional convention, and vote to defeat the referendum on the ballot in 2017.”

To do that, said Mr. Troeller, “we need to work with others who share this priority, and there are a lot of them.” Voters rejected the last required call for a constitutional convention in 1997, after many groups worked together to convince voters that it was not in the best interest of the people of the state. They are:

- Public and private organized labor;
- Environmentalists and conservationists who do not want to see the repeal of “forever wild” provisions;
- Advocates for public education at all levels;
- Social welfare advocates;
- Fiscal conservatives who want to keep existing state debt limits in place; and
- Government watchdog groups who just don’t want to “spend the millions of dollars to hold a party in Albany.”

“All of these groups, and more, will need to work together in 2017 to make sure voters understand just what could happen,” Mr. Troeller added.

WHAT’S AT RISK?

Many of the rights we enjoy as New York state citizens would be fair game should a State Constitutional Convention take place. The entire document would be exposed, and these rights with it:

- Guaranteeing the right to a free public education (Article 11, §1);
- Prohibiting reductions in public pension benefits (Article 5, §7);
- Rights to workers’ compensation (Article 1, §18);
- Rights to be a member of a union and bargain collectively (Article 1, §17); and
- Requiring the state to provide for social welfare needs (Article 27, §1).
The Unit Value for February 2017 is $94.681

TDA Goal Amounts are not shown on the printed pay stub from the payroll portal. If there is any member who has set up for direct deposit and is only able to print their pay stub and wishes to receive the blue and white stub, contact me for instructions on making that change. All members will still be able to print their stub from the payroll portal if they elect to receive the blue and white stub. As you may already know, BERS is going through a major renovation of their office space including a new state-of-the-art Comprehensive Pension Management System (CPMS) which will “roll out” in late spring. During the CPMS transition, BERS will not be processing new member loans. Any member considering applying for a loan should read the following carefully.

Members filing for a new loan must have their completed form at the BERS office no later than March 3, 2017 for processing. (Final loan distributions will be on March 10, 2017.)

Any loan application received after March 3, 2017 will not be processed until May 26, 2017. Loan distributions will resume on June 3, 2017. Loan applications can be obtained online at the BERS website and emailed to loans@bers.nyc.gov or faxed to 718-935-3234. Loans submitted in person will be accepted at 65 Court Street, 16th floor, Brooklyn, NY 11201 weekdays between 8:30 am and 5:00 pm.

Any questions regarding this matter should be directed to our Pension Committee Chairman, Chris Attianese at pension@local891.com

UNION DENSITY

At the last Local 891 Executive Board meeting, President Robert Troeller discussed his observations regarding the state of public sector unions from his recent travels. Mr. Troeller touched on the subject of union density. The report below from the Bureau of Labor Statistics elaborates further on the issue. Given the current political climate and the downward trend in union density, it has never been more critical for unions to be more organized.

The union membership rate—the percent of wage and salary workers who were members of unions—was 10.7 percent in 2016, down 0.4 percentage point from 2015, the U.S. Bureau of Labor Statistics reported today. The number of wage and salary workers belonging to unions, at 14.6 million in 2016, declined by 240,000 from 2015. In 1983, the first year for which comparable union data are available, the union membership rate was 20.1 percent, and there were 17.7 million union workers.

The data on union membership are collected as part of the Current Population Survey (CPS), a monthly sample survey of about 60,000 eligible households that obtains information on employment and unemployment among the nation’s civilian non-institutional population ages 16 and over. For more information, see below.

- Public-sector workers had a union membership rate (34.4 percent) more than five times higher than that of private-sector workers (6.4 percent).
- Workers in education, training, and library occupations and in protective service occupations had the highest unionization rates (34.6 percent and 34.5 percent respectively).
- Men continued to have a slightly higher union membership rate (11.2 percent) than women (10.2 percent).
- Black workers were more likely to be union members than were White, Asian, or Hispanic workers.
- Median weekly earnings of nonunion workers ($802) were 80 percent of earnings for workers who were union members ($1,004). (The comparisons of earnings in this release are on a broad level and do not control for many factors that can be important in explaining earnings differences.) (See table 2.)
- Among states, New York continued to have the highest union membership rate (23.6 percent), while South Carolina continued to have the lowest (1.6 percent).
A NATIONAL RIGHT-TO-WORK LAW?
This is a follow up article to last month’s piece in the Gauge.

Both President Troeller and Education Chairman, Francis Byrne expressed their concern regarding the recent increase in right-to-work activity, including this newly proposed bill. Such a law would devastate unions, and it’s closer than ever to becoming a reality.

House Republicans plan to introduce a bill that would institute right-to-work policies in the entire country if it became law, delivering a severe blow to the labor movement.

Right-to-work laws give workers the option to stop supporting unions while still enjoying the benefits of representation. There’s nothing new about such proposals being made in Washington, the difference now is the political climate, which should alarm labor unions and their allies.

Republicans who back such laws control both chambers of Congress and the White House for the first time in years. Meanwhile, more and more states under Republican control continue to pass their own right-to-work measures, increasingly making them the norm rather than the exception.

Republicans and business groups would still face a Democratic opposition in the Senate. But they have all the momentum on this issue, and there’s no reason to think that will change anytime soon. As reported in the Huffington Post, a spokeswoman for Rep. Joe Wilson (R-S.C.), a sponsor of the legislation, said as much in a note to reporters recently, "similar legislation has been introduced in the past, but we believe that this year, the legislation could garner more support than ever before."

Under U.S. labor law, a union must represent all the employees in a workplace it has unionized, even those who may not want to be in a union. Unions argue that it’s only fair for all workers to contribute money to help cover the costs of bargaining.

But right-to-work laws make such arrangements illegal, allowing workers to opt out of paying fees to a union that will have to represent them anyway. Unions call the phenomenon "free riding." Supporters of right-to-work laws argue that no worker should be required to support a union, regardless of whether it bargains on his behalf.

Republican lawmakers and business groups have had startling success with right-to-work legislation in the last few years. Indiana, Michigan, Wisconsin, West Virginia and Kentucky, and most recently, Missouri, have all gone right-to-work since 2012. "In Kentucky and Missouri, it was essentially the first order of business last month when the GOP assumed full control of the statehouse for the first time in nearly a century," said the HP report.

Twenty-eight states are now right-to-work, and New Hampshire could soon follow suit. Local 891 members should understand that there were 26 such states at the end of 2016. Union-dense, Democratic-leaning states on the coasts are highly unlikely to pass their own right-to-work laws, but a federal statute could take care of that for them. The passage of a national right-to-work bill would make it the law of the land in all states, regardless of their own statutes.

A Democratic filibuster is currently the only sure firewall against a federal right-to-work law. Although President Donald Trump has tried to play nice with certain unions, he voiced support for such policies while on the campaign trail.

"I love the right-to-work," he said last February. "It is better for the people. You are not paying the big fees to the unions."

Even if Democrats can beat back such proposals in Congress, right-to-work may spread anyway thanks to the Supreme Court. Unions narrowly dodged a bullet last year when the case known as Friedrichs died with a split decision following Justice Antonin Scalia’s death. A conservative majority could have ruled in favor of the plaintiffs, a group of public school teachers in California who argued that workers in public-sector unions should not be required to pay any union fees.

A ruling against unions would effectively make the entire public sector right-to-work throughout the country, regardless of state laws. Although they did not succeed with Friedrichs, right-to-work backers plan to try again once a solid conservative majority is in place on the Supreme Court.

COMPENSATION INSURANCE

John Maderich

If any Custodian Engineer receives a letter from the State of New York Workers’ Compensation Board Bureau of Compliance with a penalty of $8,000 for noncompliance, do not ignore this notice and contact me immediately 718-455-9731 x 251. Do not pay this fine, I am currently in the process of trying to have these letters stopped.

Reporting of Injuries:

Go to the NYSIF website https://www.nysif.com/efroi/reportaninjuryentry.aspx. Fill out an EFROI (Electronic First Report of Incident) just like Custodian Engineers did in the past with the exception being the employer is now NYCSSS. The Policy number is X2395989-3, and we are signing as the Third Party. Answer all other questions on the EFROI to the best of your ability.
LOCAL 891’S DINNER DANCE IS FRIDAY, APRIL 28, 2017

Don’t miss out on being part of the memory and good fun. Join us for a fabulous evening of food, drink and the great company of friends and family.

**Tickets are $120 each beginning March 1st.**

Be sure to make your check payable to Local 891 Beneficiaries Fund. Lastly, please be in contact with your District Steward regarding your ad. The due date for ads will be here before you know it.

**The deadline for ads is March 24th.**

Make your checks payable to: Local 891 Beneficiaries Fund

Send your check to:
I.U.O.E Local 891
63 Flushing Avenue-Unit 358
Brooklyn, New York 11205

Please make sure to include the names of guests and a contact number

The Entertainment Committee has arranged discount pricing for the Sheraton Hotel. JFK, located at 132-26 South Conduit Avenue, Jamaica, NY 11430. Up to ten rooms are available at $159 each. Reservations are available at this rate until March 28, 2017.

Call 1-800-325-3535 and use the code Local 891 International Union of Operating Engineers. The parking rate is $21 for self parking and there is non-meter parking available around the hotel.

The Entertainment Committee has also arranged discount cab-fare from the hotel to Russo’s on the Bay.

Cross Bay Car Service-Ozone Park has a rate of $18.00 each way for 4 people, $36.00 round trip. Call (718) 835-9900

Howard Beach Car Service has a rate of $15.00 each way for 4 people, $30.00 round trip. Call (718) 835-3500

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LOCAL 891 BLOOD DRIVES

MAY 26, 2017

Local 891 holds a blood drive two times per year. The date for the next drive is May 26, 2017. You are encouraged to participate in this important outreach. Members have the choice donating at the union hall at Brooklyn Navy Yard or at the Melville, Long Island blood center. Check your local 891 calendar or contact Evan Manca at bloodbank@local891.com for more information.

The New York Blood Center states that donating blood is easy and the blood supply relies exclusively on the generosity of volunteer blood donors. There is no substitute for human blood. Most people qualify as a volunteer donor, even if they are taking medications. Visit the New York Blood Center’s website at www.nybloodcenter.org for qualifications and restrictions.
New York State Comptroller, Thomas DiNapoli addresses the PEC Conference audience regarding the State’s budget and how any major changes such as a Constitutional Convention could affect spending on current services.

FEBRUARY 7, 2017
NYS PEC CONFERENCE

Left to right: Michael Kelly, Willie Carroll, Eddie Leong, Gordy Warnock (NYS Troopers PBA), Michael Clarke, Richard Gorgoglione and William X Carroll

WHILE ATTENDING THE 2017 NYS PEC CONFERENCE, LOCAL 891 MEMBERS VISITED WITH STATE ASSEMBLYWOMAN CATHERINE NOLAN

Left to right, Michel Kelly, Michael Clarke, Willie Carroll, William X Carroll, Catherine Nolan, Richard Gorgoglione, Eddie Leong and Daniel Danvers

THE EGG

Empire State Plaza, Albany, NY. Site for many of the legislative functions.

MESSAGE TO NEW MEMBERS

If you haven’t already done so, remember to send in your transfer cards and initiation fees to Kevin Gallagher. Also, try your best to attend the monthly union meetings.

IN MEMORIUM

ROBERT WALSH
RETIRED CE LEVEL I
PS 224 BROOKLYN

ALBERT FREY
FORMER BRONX BOROUGH CHAIRMAN
RETIRED CE LEVEL II
PS 475 BRONX
CONDOLENCES:
EILEEN FREY
21 PASADENA ROAD
BRONXVILLE NY 10708

ROBERT KERRIGAN
RETIRED CE LEVEL I
PS 46 QUEENS
CONDOLENCES:
MICHELLE KERRIGAN
27 ASPEN STREET
FLORAL PARK NY 11001

DINO RUELL
RETIRED CE LEVEL II
PS 292 BROOKLYN
CONDOLENCES:
HELEN RUELL
950 NE 199TH STREET
MIAMI FL 33179
### BUSINESS MANAGER / PRESIDENT
### Vice President
### Recording-Corresponding Secretary
### Financial Secretary
### Treasurer

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<td>Bronx</td>
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<td>Kieran McKivergan</td>
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<td>Queens</td>
<td>Peter Maddaloni</td>
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<td>Steve Ready</td>
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### Committee Chairs

| Annual Childrens Party | Peter Maddaloni               |
| Blood Bank             | Evan Manca                   |
| Compensation Insurance | John Maderich                |
| E.P.E.C.               | Gregory Sutton               |
| Editor, "The Gauge"   | Daniel Danvers               |
| Education             | Frank Byrne                  |
| Engineers Protective  | Frank Felix                  |
| Entertainment         | Kieran McKivergan            |
| Exceptions            | Dan Morgan                   |
| Good and Welfare      | Sandra Morton                |
| Grievances 32B/94     | Edward Brier, Jr.            |
| Grievances 891        | John Maderich                |
| Hospitalization       | Andrew Samberg               |
| Indoctrination        | Steven Williams              |
| Legislative Co-Chairman | William Carroll             |
| Legislative Co-Chairman | Michael Kelly               |
| Membership            | Kevin Gallagher              |
| Membership Assistance | Vincent McParland            |
| Occup. Health/Safety  | Joanne O'Neill               |
| Payroll/Permits       | Andrew Foti                  |
| Pension               | Christopher Attianese        |
| Rating and Transfer   | Robert Calamia               |
| Store Keeper          | Steve Pejdonovic             |
| Supplies              | Michael Kelly                |
| Temporary Care Assign | Joseph Sanfilippo            |
| Watchdog Committee    | Christopher J. Attianese     |
| Web Master            | Dan Morgan                   |
| NYC Central Labor Council Delegate | Anthony DelRosso |
| NYC Central Labor Council Delegate | Richard Gorgoglione |

### PAYROLL AND PERMITS

**Andrew Foti**

**PERMITS / SPACE SHEETS**

- Many members brought up the issue of not getting paid on submitted space sheets.
- 65% of space sheet payments is putting stress on their operating budget.

The suggestion at the moment is to make a list of all your unpaid space sheets (permit numbers, period end dates, estimated amounts, etc.) You will need this information if action is required later to recoup any unpaid funds. In regards to the 65%, make whatever changes which are necessary to operate your building with your budget guidelines. It is also a good idea to report such inefficiencies to DSF.

### SNOW REMOVAL

Custodian Engineers will be fully reimbursed for labor furnished for snow removal outside the employee’s normal work schedules, with the exception of three hours at time and one half for one employee on Saturday. No prior approval is necessary.

### ADDITIONAL HEAT

Custodian Engineers will be fully reimbursed for labor furnished for additional heat needed to maintain their buildings on Saturdays, Sundays and holidays when the temperature falls below twenty (20) degrees Fahrenheit with the exception of three hours at time and one half on Saturday. No prior approval is necessary.