NEXT UNION MEETING
Thursday, May 4, 2017 at 7 p.m.

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.

VOTE NO TO A CONSTITUTIONAL CONVENTION IN NOVEMBER

LOCAL 891 HEALTH AND BENEFITS ISSUE
Dear Brothers and Sisters,

The Local 891 Annual Dinner Dance was a great success this year; thank you for your participation. Once again, we will be returning to Russo’s on the Bay in 2018. Next year will be our 90th annual gala. I hope you enjoyed the improvements we made this year. The date was moved because members often missed our event due to family obligations that traditionally take place a little later in the spring. We also switched to a professional DJ as members expressed their concern that the band we were previously using was getting stale. As always, I appreciate feedback and would love to hear your opinion on these changes, the venue, and any other aspects of the party. Please email your comments to President@Local891.com

We have been informed that DSF will hire a significant number of Custodian Engineers after the recent Vacancy/Transfer List results are announced. It is expected that the new, mostly Level 1, members will start by the summer. DSF has requested DCAS promulgate a new Custodian Engineer exam. Local 891 met with the Commissioner of DCAS and asked for a new test as soon as possible. We have reached out to them again to press for the test.

Under the previous terms of our Collective Bargaining Agreement (CBA) in the indirect system our members were personally liable for overspending of their school budgets. Under our revised contract we “will no longer have a personal liability.” This is an incredible improvement. In the past, each year the Department would send us a final DAR, which detailed all the expenses you submitted via PO 1s and PO2s. As we all know, these reports were often incomplete. Sometime later we would each receive a “Demand for Excess.” Any unspent funds had to be returned to the Department. Being in Deficit meant we earned less than our full Maximum Permissible Retainage. The fact that our income was separated from the building funds more than five years ago meant that Deficits in our assignments created shortages in the bank accounts we maintained for the Department.

Under the Memorandum of Agreement (MOA) ratified last year, we successfully negotiated that the Department would absorb those deficits so that our members would not have to use their own money to pay for those bank account shortages. Unfortunately, the process of closing the bank accounts revealed a significant number of members who had other unexplained shortages in those bank accounts. Unless they could identify previous overpayments to the Department those members had to pay the missing portion of their excess with their own money. This is something that used to occur when we retired. Anyone that paid part or all of their excess with personal funds and later uncovers documentation of an overpayment or previous deficits, that should have been applied against what was owed, please let us know. We will fight to get your money back. Thankfully, this is the last time we must go through this process.

We have been told on several occasions that the 202 (Day Money) amount in each building will be adjusted upwards to reflect the salary increases received by the custodial helpers. We will continue to advocate for this much-needed increase in funding retroactively to date of the increases.

Dr. Michael Crane is a specialist in Public Health and General Preventive Medicine at Mount Sinai Selikoff Centers for Occupational Health. They are widely recognized as leaders in the prevention, diagnosis and treatment of workplace injuries and illnesses. Their multidisciplinary health care team includes physicians, nurse practitioners, industrial hygienists, ergonomics, social workers and benefits specialists, who provide comprehensive patient-centered services. They also partner with employers and unions to assess and reduce risk factors in work environments and to establish comprehensive occupational health and safety programs designed to encourage a safe, healthful and productive workplace. Medical providers are encouraged to consult with their team when injuries and illnesses may be work related. With a focus on prevention, they strive to keep workers healthy and their workplaces safe. Dr. Crane can be reached at (888)702-0630.

Dr. Michael Crane and Norm Zucker at the April 6th Union Meeting.
MAINTAINING A CLEAN SCHOOL ENVIRONMENT
by Joanne O’Neill, Occupation Health/ Safety Chairperson.

We have many choices of products to use to maintain a clean school environment. Selecting the most appropriate product for a job begins with knowing WHY you need it – to clean, sanitize, or disinfect.

Cleaning, sanitizing, and disinfecting are not the same. Here is a mini guide to understanding their differences.

Cleaning removes dust, dirt, grime, and some germs from surfaces or objects. Cleaning does not kill germs, but it lowers their numbers and makes it difficult for germs to survive and multiply, reducing the risk of spreading infection. Continuous cleaning should be done throughout the entire school environment. But, high-touch points, or areas that are touched frequently by many different people, should be cleaned even more often. Using certain tools such as microfiber mops and cloths, high efficiency filtration vacuums and steam cleaning machines can help make cleaning more effective. A thorough, ongoing cleaning program is very important in controlling the spread of infection in schools. However, there are times when cleaning is just not enough. In those instances, cleaning should be done first, followed by either sanitizing or disinfecting.

Sanitizing reduces germs on surfaces to a safe level to help decrease the risk of spreading infection. Sanitizing is done through high heat or by using a sanitizing product registered by the EPA. Sanitizing is more effective if the surface is cleaned first.

Disinfecting kills most germs on surfaces. The process of disinfecting does not leave a surface clean or remove germs, which is why cleaning should be done FIRST. Disinfecting in schools is recommended for TARGETED use in high-risk areas and for high-risk incidents. High-risk areas pose a higher risk for transmitting infectious diseases. High-risk incidents are accidents or events that include vomit, feces, blood, or other bodily fluids. Certain situations require extra care, such as managing disease outbreaks, and cleaning bodily fluids. Vomit and diarrhea can transmit norovirus, a highly contagious virus that is the most common cause of diarrhea and vomiting in the US. When incidents involve blood or other bodily fluids, staff should follow the disinfecting protocols outlined in blood borne pathogen training. For safety reasons, whenever possible, disinfectants should be used after normal school hours when students are not present.

Knowing how and when to properly clean, sanitize, or disinfect can help maintain a safe and healthy school environment.

Thanks to all the brothers and sisters that kept their appointments for the Asbestos Medical Screening in March. I would like to encourage all members to take advantage of this free screening exam. For the new members keep in mind that the requirement is 10 years of service with Local 891, 94, or 32BJ. Remember, the screening can provide you with information to help you get the care you need. You can obtain the form from the union website or contact me at (718) 445-9731 ext. 266. The exam includes pulmonary function, eye test, chest X-ray, blood test and urine analysis, as well as a consultation with a physician. When I receive 30 applications I will schedule another exam which could be in June, if you are available on a Saturday. If not June, the exam will take place in early October. It’s up to the membership.
INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 891 WELFARE FUND COMPREHENSIVE LEGAL SERVICES PLAN

All active members* of the International Union of Operating Engineers Local 891 Welfare Fund (“Fund”) are eligible for the following benefits from the Fund’s comprehensive legal services plan (please refer to your Benefits Booklet for detailed description of each):

If you wish to make an appointment to consult a lawyer, call your Local Organization or the Fund’s panel law firm, Mirkin & Gordon, directly at (718) 895-7160 and identify yourself as a Fund member.

*Retired members, who have not elected the “Stipend Plan” for legal services, are also eligible for the comprehensive legal benefits described above. Please contact the Fund office if you have any questions pertaining to retiree eligibility for legal benefits.

International Union of Operating Engineers, Local 891
Welfare Fund
SUMMARY OF LEGAL SERVICES BENEFITS

The following is a highlight of the Fund’s Legal Services plan of benefits. The amount payable by the member, or “deductible” is set forth in brackets following the explanation of benefit.

SIMPLE WILL
entitling the covered member, his/her spouse/domestic partner, parent(s) and/or parent(s)-in-law to each have simple wills prepared and executed. (Once per year) (No Charge)

LIVING WILL/HEALTH CARE PROXY BENEFIT/POWER OF ATTORNEY
entitling the covered member, his/her spouse/domestic partner, his/her parent(s) and/or parent(s)-in-law to have a living will, health care proxy and durable power of attorney prepared and executed. (No Charge)

HOMEOWNERS RIGHTS BENEFIT
entitling the covered member to legal representation in the purchase or sale of any home, condominium or co-operative as a primary residence, or the purchase of any unimproved property for the purpose of building his/her primary residence, or the refinancing of a mortgage on a primary residence ($60.00); or representation in mortgage foreclosure proceedings; (pre-litigation negotiation - $15.00; Litigation - $125.00)

LEGAL DEFENSE BENEFIT
entitling the covered member named as a defendant, to legal representation in any civil action brought against him/her, and which does not fall within any of the other specified benefits listed herein. Excluded from this benefit are the defense of criminal or quasi-criminal matters, Family Court matters and appeals. (Pre-Litigation-$15.00; Litigation-$35.00)

GENERAL CONSULTATION BENEFIT
entitling the covered member to consult an attorney and seek his professional advice concerning any legal problem whatsoever. (No Charge)

DOCUMENT REVIEW BENEFIT
entitling the covered member to have an attorney review and interpret legal documents such as guarantees, leases, loan and installment contracts, insurance policies, contracts of sale, etc. (No Charge)

UNCONTESTED DIVorce AND ANNULMENT PROCEEDING BENEFIT
entitling the covered member to representation in an action for uncontested divorce or an uncontested annulment proceeding where you are either the plaintiff or defendant. ($60.00)

UNCONTESTED LEGAL SEPARATION BENEFIT
entitling the covered member to legal representation in seeking a separation from his/her spouse, either by means of a negotiated separation agreement or relief through the court by an action for an uncontested legal separation. (Uncontested or cooperatively agreed - $45.00; settlement after extensive negotiation-$75.00)

PERSONAL BANKRUPTCY BENEFIT
entitling the covered member to personal bankruptcy, negotiate and finalize same. (Simple Personal Bankruptcy - $75.00; Complex Personal Bankruptcy-$100.00)

PLANNING FOR THE ELDERLY
entitling the covered member, his/her spouse, parent(s) and/or parent(s)-in-law to consult with an attorney on matters involving placement of elderly family members in nursing homes, available Medicare entitlements and health planning for the elderly, including preparation of powers of attorney*. (No Charge)

IDENTITY THEFT PROTECTION BENEFIT
entitling the covered member to consult an attorney if the member believes he/she has been a victim of an act of identity theft or personal information theft. (No Charge)

ADOPTION BENEFIT
entitling the covered member to legal representation in formal adoption proceedings (limited to those services normally rendered by any attorney to formalize an adoption). ($65.00)

CHANGE OF NAME BENEFIT
entitling the covered member to all legal services required to effect a legal change of name. ($45.00)

PERSONAL INJURY (NEGLIGENCE) BENEFIT
entitling the covered member, as well as all members of his/her family to legal representation in connection with the prosecution of a claim for personal injuries suffered as a consequence of negligence in those cases which legal counsel believes are worthy of prosecution. The individual will be represented on the basis of a contingent fee of 33 1/3% of the net sum recovered.

ARRAIGNMENT ASSISTANCE-TELEPHONE CONSULTATION BENEFIT
entitling the covered member or dependent who is a defendant in a criminal proceeding in Dutchess, Rockland, Orange, Westchester, Putnam, New York, Queens, Richmond, Kings, Bronx, Nassau and Suffolk counties to the legal defense cost of the assistance by an attorney where the member/dependent is charged as the defendant in a criminal matter. The Fund has arranged for this benefit to be
The panel law firm has agreed to provide
ormative Petition for Letters of Administration).
state from its inception (probate of a will
connection with the handling of an es-
dependent to all legal services required

**HEALTH CARE PROXIES: DIFFICULT QUESTIONS**
*By: Mirkin & Gordon, P.C.*

Health care proxies have proven popular
among New Yorkers, as they enable
individuals to appoint a trusted family
member or friend to make health care
decisions in case he or she loses capacity
to make those decisions personally. How-
ever, there are difficult problems and ques-
tions that can arise in connection with the
creation and use of health care proxies.

One issue that can arise is that of com-
petency. For example, someone who is
experiencing dementia, or someone who
is incapacitated to the point of needing
a guardian, may lack the competency
to make a major health care decision – like
undergoing surgery – because of their
loss of certain faculties. However, that
may not prevent them from appointing
a health care proxy to make that deci-
sion. The person may be lucid enough
to know that they are unable to make such
decisions on their own and can therefore
be qualified to appoint a proxy.

In rare cases where there is both a guar-
dian and a health care agent, the health
care agent will have decision-making
priority over the guardian when it comes
to health care decisions.

While the proxy has a limited right to
receive certain medical information neces-
sary to make informed decisions regarding
the principal’s health care, it is best for
them to have a HIPAA authorization.

It is important to note also that when
appointing a health care proxy, only a
single agent can be appointed. The law is
intentionally put in place so that deci-
sions are not made by committee, but by
a sole agent given the authority in case of
an individual’s incapacity.

An integral part of understanding health
care proxies is that it is only when an
individual is determined to be incapaci-
tated that the proxy is able to make
decisions. As long as the patient has the
capacity to make decisions, they alone
will continue to do so, regardless of
whether they have assigned a health care
proxy. The proxy also usually can’t over-
ride a decision that a patient has already
made – such as a do-not-resuscitate
(DNR) order – unless there is evidence
that the patient did not understand what
they were agreeing to or was coerced
into signing a DNR. Moreover, the proxy
is not allowed to make personal decisions
on behalf of the patient, such as who can
visit and when.

A proxy does have substantial deci-
sion-making authority, however, and can
remove a patient from a hospital even if it’s
against medical advice, provided the deci-
sion is consistent with the patient’s reason-
ably known wishes. Additionally, the proxy
can complete a MOLST (Medical Order for
Life Sustaining Treatment) on behalf of the
patient, regarding end-of-life decisions.

Although appointing health care proxies
can seem like a difficult question fraught
with uncomfortable decisions, the at-
torneys available under the Union’s legal
services program are able to assist and
counsel, if so desired.

**CONSUMER PROTECTION BENEFIT**
entitling the covered member to legal
representation needed to pursue action
against fraudulent practices by mer-
chants, department stores, home repair
contractors, public utilities, automobile
dealers, appliance dealers, etc. (Small
Claims Court litigation - $50.00; Litigation
in other courts or Federal Agencies -
$100.00; Lemon Law litigation - $250.00)

**APPOINTMENT OF AGENT TO CON-
TROL DISPOSITION OF REMAINS
BENEFIT**
entitling the covered member, his/her
spouse, parent(s), and/or parent(s)-in-
law to have an Appointment of Agent to
Control Disposition of Remains docu-
ment prepared and executed under the
supervision of an attorney from the panel
law firm. (No Charge)

**DESIGNATION OF PERSON IN PARENTAL
RELATION BENEFIT**
entitling the covered member to designate
another person as a person in parental rela-
tion to a minor or incapacitated person to act
in his/her/their behalf in matters relating to
education and health care. (No charge)

**ESTATE PROBATE AND ADMINIS-
TRA-TION BENEFIT**
entitling the covered member or eligible
dependent to all legal services required
in connection with the handling of an es-
tate from its inception (probate of a will
or Petition for Letters of Administration).
The panel law firm has agreed to provide
legal representation in these matters with
a 25% reduction in usual hourly rate.

Court costs and disbursements will be
the responsibility of the member.

A Hotline telephone number will be
provided on an emergency 24-hour basis.

**THIS CHART IS A CONTINUATION FROM APRIL’S GAUGE GHI ARTICLE**

<table>
<thead>
<tr>
<th>Typical Out-of-Pocket Costs for Receiving Care from Out-of-Network Providers:</th>
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<tbody>
<tr>
<td><strong>Established Patient Office Visit (typically 15 minutes)</strong></td>
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<td>Estimated Charge for a Doctor in Manhattan</td>
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<td>Reimbursement Under the Schedule</td>
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<td><strong>Member Out-of-Pocket Responsibility</strong></td>
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<td><strong>Routine Maternity Care and Delivery</strong></td>
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<td>Estimated Charge for a Doctor in Manhattan</td>
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<td>Reimbursement Under the Schedule</td>
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<td><strong>Member Out-of-Pocket Responsibility</strong></td>
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<tr>
<td><strong>Total Hip Replacement Surgery</strong></td>
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<td>Estimated Charge for a Doctor in Manhattan</td>
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<td>Reimbursement under the Schedule</td>
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<td><strong>Member Out-of-Picket Responsibility</strong></td>
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PENSION
Christopher Attianese
The unit value for April is $97.585
Any member wishing to apply for a loan must have their completed application at BERS no later than April 21st for processing. Loan applications received after April 21st will not be processed until May 26th.
If you have any questions, please contact Christopher J. Attianese, Pension Committee Chairman, at (718) 455-9731 X-268.

LOCAL 891 BLOOD DRIVES
THE NEXT BLOOD DRIVE IS FRIDAY, MAY 26, 2017.
CHECK YOUR BUILDING AND BOOK OUT FOR BLOOD BANK
Local 891 holds a blood drive two times per year. 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.

IN MEMORIAM
JOHN A. JORDAN
RETIRED CE LEVEL 1
Condolences to:
Denise McFadden
378 Renee Drive
Bayport, NY 11705

ARTHUR E. JEFFREYS
RETIRED CE LEVEL 2 Q620
Condolences to:
Joan Jeffreys
26 Fourth Avenue
South Farmingdale, NY 11735

JOSEPH L. ESPOSITO
RETIRED CE LEVEL 1 R055
Condolences to:
Beatrice Esposito
13 Bramble Lane
Matawan, NJ 07747

FREDERICK E. BERTEL
RETIRED CE LEVEL 1
Condolences to:
Dawn Bermel
87-06 97th Avenue
Ozone Park, NY 11416

YOUR MERGES
It is important that all Custodian Engineers treat their merged buildings as they treat their main buildings. Please meet with your Principals and crew to show that you are present and accessible. Keep your principals informed of the new operating guidelines and changes if they apply to your application of service. If you need assistance in dealing with difficult situations, please contact your Borough Chairman or Local 891.

BROTHERS AND SISTERS
At this time I will be making available the sign up sheets to increase/decrease your TDA percentage for the upcoming LUMP SUM payments being received in July. Please understand that whatever percentage you choose for the lump sum distribution will also be the percentage deducted from your primary check for that pay period. All percentage rates will revert back to the original rate after the lump sum has been issued.
Sign up sheets will be available at the May and June general membership meetings. I arranged for the Borough Chairmen to have sign up sheets available for anyone who cannot attend these meetings.
When filling out the sheets please print first and last name clearly, also have your BERS member number available. It can be located on the top left corner on the blue/white Bi-weekly stub under pension# or on the top right corner of your BERS statement of accounts.
Respectfully,
Chris Attianese
Pension Committee Chairman

PLEASE MAKE SURE YOU’VE ACQUIRED ALL HSBC DOCUMENTS THAT YOU WILL NEED FOR 2015/2016 AUDITS.
FYI – DAVIS-BEACON AND LABOR

There is a lot of talk these days that the only proposal for which we are likely to see bipartisan support is President Trump's promise to rebuild the nation's infrastructure. According to Trump's website (www.donaldjtrump.com), "Infrastructure investment strengthens our economic platform, makes America more competitive, creates millions of jobs, increases wages for American workers, and reduces the costs of goods and services for American consumers." What’s not to like? Spending that benefits everyone – new airports, bridges, freeways, clean water, less traffic – plus new jobs and increased wages? So, if increased wages are promised, why target the very foundation that would guarantee it? Repealing Davis-Beacon sets the table for deeper attacks on organized labor and collective bargaining.

The Davis-Bacon Act of 1935 required that workers on all federally funded or federally aided construction projects be paid at least the “prevailing wage” in the area where the project is located. The Department of Labor determines the prevailing wages on the basis of the wages and benefits earned by at least 50 percent of the workers in a particular type of job or on the basis of the average wages and benefits paid to workers for that type of job. Many opponents of the Act called it racist and undesirable because was passed with the specific intent of preventing non-unionized black and immigrant laborers from competing with unionized white workers for scarce jobs during the Depression.

After President Trump took office, U.S. Senator Jeff Flake (R-Ariz.) introduced the Transportation Investment Recalibration to Equality (TIRE) Act, which proposes a repeal of the Davis-Bacon Act and would eliminate the prevailing wage requirement on federal infrastructure and construction projects. And on January 30, 2017, Congressman Steve King (R-Iowa) re-introduced the Davis-Bacon Repeal Act in the House with Senator Mike Lee (R-Utah), who introduced the companion bill in the Senate. The Congressional Budget Office gave an estimated savings of $13 billion from 2018 through 2026. There would be only nominal administration cost savings — the rest of the savings would come directly from workers’ paychecks.

Those in favor of the repeal argue that, federal minimum wage have been put in place that ensure minimum wages for workers employed in federal construction, projects are likely to use more capital and less labor than they otherwise would. Additionally, repealing the Davis-Bacon Act reduces paperwork associated with the Act.

One argument against repealing the Davis-Bacon Act is that doing so would lower the earnings of some construction workers. In addition to wages, the Act requires a certain amount per hour be designated as fringe benefits that typically fund medical and retirement plans. If not required, employers would be incentivized to curtail their benefit spending to have more competitive bids. Another argument against such a change is that it might jeopardize the quality of projects. Lower wages might attract workers who are less skilled and do lower-quality work. Also, if one of the objectives of Trump’s infrastructure proposal is to increase earnings for the local population, repealing the Davis-Bacon Act might undermine that aim. The Act prevents out-of-town firms from coming into a locality, using lower-paid workers from other areas of the country to compete with local contractors for federal work, and then leaving the area upon completion of the work.

With Republicans planning spending cuts within the next two years, the repeal will most likely have a lot of support. If it ends up on the President’s desk, the decision to repeal or leave Davis Bacon intact will prove whether President Trump is serious about his promised commitment to the American worker and their wages.

ISSUES FOR YOUR CONCERN

Unions and organized labor are under attack from all angles, as union members, these are two of the most prominent areas to watch.

New York State Constitutional Convention

First of all, keep in mind and spread the word, “VOTE NO ON THE CONSTITUTIONAL CONVENTION” question November 17.

National Right to work

Currently, there are 28 states with right to work designation, either by law or constitutional provision. On February 1, 2017, bill H.R.785 – National Right-to-Work Act was introduced to Congress by Rep. Steve King of Iowa. The goal is to make all states Right-to-Work, which means that unions will be obligated to protect all workers in a sector regardless membership or dues payment.
PENSION AND PERMITS

PAYROLL AND PERMITS

Andrew Foti

SPRING RECESS

The spring recess begins on Monday, April 10 and ends on Tuesday, April 18. All staff and students return on April 19. Friday, April 14 (Good Friday) is a DOE holiday for CE’s and their staff. Good Friday is in the schedule and therefore is not reimbursable.

UNPAID PERMITS

I’ve been receiving many calls regarding unpaid permits. After doing some research, I’m finding that the permits aren’t being approved. Listed below are the steps to follow to check if a permit is approved or not.

1. Log into CPS
2. Extended use Advanced Search
3. Permit Browse
4. Click Retrieve
5. If there is a blank (No#) in the district column, then the permit is not approved. If you click Inquire, that will explain the reason.

OVERLAPPING ACTIVITY

If a school building has overlapping activity where two separate groups are simultaneously using the school in two separate areas, the CE will be paid for labor only once.

F.I.C.A.

The annual earnings limit (Social Security tax) will increase in 2017 to $127,200. There is no limit and no change in the Medicare portion of FICA.

Payroll and Permits Committee Chairman
330 59th Street
Brooklyn, N.Y. 11220
(718) 290-2340 phone
(718) 290-2341 fax
(718) 455-9731 phone ext. 267