THE GAUGE IS NOW A BI-MONTHLY PUBLICATION

LOCAL 891 WELCOMES NEW MEMBERS

COME JOIN US FOR BREAKFAST AND OUR GENERAL MEMBERSHIP MEETING

SEPTEMBER 8, 2018

JACQUELINE KENNEDY ONASSIS HS
120 W. 46TH STREET
NEW YORK, NY 10036
(Between 6th and 7th Avenue)

BREAKFAST AND MARCH TIMES WILL BE ANNOUNCED

THE FUTURE IS NOW

COMING AND SHOW SUPPORT AND SOLIDARITY WITH LOCAL 891 BY MARCHING AT THE NEW YORK CITY CENTRAL LABOR COUNCIL ANNUAL LABOR DAY PARADE 2018

LABOR UNDER ATTACK:
Legal rulings, past and present in an anti-labor climate

THE GAUGE
Local 891 AFL-CIO International Union of Operating Engineers

September 2018
Welcome back to the new school year. The days of school buildings remaining unoccupied over the summer are long gone. I hope that each of you were able to spend some time with family and friends.

In August, eleven new members were hired as Provisional Custodian Engineers. I know you will join me in welcoming them to our ranks; please contact them and offer your assistance. We now have 860 active members! That’s the highest number of members we have had in many years. After constant pressure from Local 891, the NYC Department of Citywide Administrative Services (DCAS) has added the Custodian Engineer (BOE) exam to this year’s annual schedule. Applications are being accepted after September 5, 2018. Once the exam date is set, Local 891 will be scheduling exam prep classes. Also, please be aware that DSF is still accepting applications for Provisional CEs.

By now you should have evaluated your FY 2019 allocations and established a new Annual Building Plan; hopefully one that can be easily accomplished with your base budget. Many assignments have received cuts in the available man hours for the year. We recommend that you reduce expectations. Explain to your Principal that you will continue to provide the best service possible with the funding you receive, but you cannot commit to providing services that the Department is not funding. Remember, ratings of four (4) and five (5) are meant for those who exceed their basic plan.

We recommend you use the sample Building Plan that was emailed to you in the spring. Please keep in mind the CE now writes the plan in consultation with the Principal. If the rating Principal refuses to sign the plan you establish, be sure to keep a record of your consultations with them regarding the plan. In the unlikely event of a Principal’s Rating grievance, the Special Master will now hold the CE accountable for the lack of a plan. The CE will not be held accountable for the lack of a Principal’s signature, if you can show you consulted with the Principal.

DC 37 and the City announced the tentative settlement of a new Collective Bargaining Agreement (CBA). The 44-month deal calls for a 2% raise in the first year, a 2.25% raise in the second year and a 3% raise in the final year. As of the printing of this article, the results of the DC 37 membership vote on the new CBA had not been announced.

Our most recent CBA with the City states: “Upon establishment of a civilian economic pattern for the period beginning in 2017 ("the successor agreement"), Local 891 and the City will promptly commence expedited negotiations and Local 891 will be offered an economic package consistent with the net cost of the pattern established.” I will seek the start of those negotiations immediately.

You deserve a raise and I promise to make that happen as quickly as possible!

PRINCIPAL RATING

Members are reminded they only have 30 Days to file 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.

PEDRO ARROYO’S RETIREMENT PARTY

FRIDAY, SEPTEMBER 28, 2018, 5PM
AT RORY DOLAN’S
890 MCLEAN AVENUE
YONKERS, NY 10704

PRICE AND ADDITIONAL INFORMATION WILL BE ANNOUNCED
LOCAL 891 CONTINUES TO ADD NEW MEMBERS. ON AUGUST 14TH, 2018, ELEVEN NEW MEMBERS ATTENDED AN INDOCTRINATION WHERE THEY WERE ADDRESSED BY LOCAL 891’S COMMITTEE CHAIRMEN.

Local 891’s Business Manager/President Robert J. Troeller addresses the new members.

The new members take a break between classes.

Raecine L. Coles and Dallas Chiles; Representatives from New York City Board of Education Retirement System.

Jeffrey Bilek; Local 891’s Vice President

Kieran McKivergan; Financial Secretary and Entertainment Committee Chairman.

Christopher Attianese; Pension Committee Chairman

William Carroll; Legislative Committee Co-Chairman

Michael King, Bronx Borough Chairman; Peter Maddaloni, Queens Borough Chairman and Annual Children’s Christmas Party Chairman; Francis Byrne, Recording-Corresponding Secretary and Education Committee Chairman and Robert J. Troeller, Business Manager/President.
2018 NYC LABOR DAY PARADE & MARCH
NYC IS A UNION TOWN
SATURDAY, SEPTEMBER 8, 10AM
PARADE STEPS OFF FROM
44TH STREET & FIFTH AVENUE

GRAND MARSHAL
MICHAEL MULGREW
PRESIDENT
UNITED FEDERATION OF TEACHERS, AFT LOCAL 2

INFORMATION:
(212) 604-9552
NYCCLC.ORG

PARADE CHAIR
LESTER CROCKETT
REGIONAL PRESIDENT
CSEA/AFSCME LOCAL 1000, REGION 11
#LDP2018
TWITTER/INSTAGRAM:
@CENTRALLABORNYC
FACEBOOK.COM/NYCCLC

BECOME A PART OF THIS HISTORIC PARADE.
BRING YOUR FAMILY AND FRIENDS.
COME OUT AND JOIN THE LOCAL 891 FAMILY FOR A GREAT DAY.
LABOR UNDER ATTACK

Ever since organized labor came into view, it was met with resistance of some sort. The same applies today. The chippering away of workers’ rights and abilities to effectively organize and provide an environment that fosters unity, equality and safety is ever increasing. In the past, unions had to face the effects of the Taft – Hartley Act of 1947. The mainly anti-labor Taft – Hartley was a counter to the 1935 Wagner Act that was considered the most important labor law ever passed in the United States. It gave much needed leverage to labor organizations and was quickly dubbed “labor’s bill of rights. Taft – Hartley reversed many of the Wagner Act’s pro-labor provision in favor of capital/employer.

Recently, two Supreme Court rulings with far reaching potential to impact labor were set in place. The U.S. Supreme Court’s decision in Epic Systems Corporation v. Lewis, ruled that employers can use arbitration agreements to prevent employees from forming groups to pursue class action claims. Corporations are increasingly adding arbitration language in their hiring contracts to eliminate the potential of class action lawsuits. Individual lawsuits can be filed but the actuality of an individual taking on a giant corporation is quite minimal. The Federal Arbitration Act or FAA of 1925 authorizes parties to agree to circumvent the courts and settle their dispute with an arbitrator. The class action option was also an option for employees who faced (as a group) injustices from an employer. The class action option is now gone. An example of this ruling’s impact is Mexican food chain Chipotle, who has already decided to use the ruling against a class of 10,000 employees suing them for forcing the employees to work “off the clock” and not get paid for that time. Chipotle has told the court that under the Epic Systems decision, the employees cannot sue them as a class, they have to pursue their cases individually, through private arbitration. Chipotle will win that argument. Most of the claims of their employees will evaporate, and they are contractually prevented from taking Chipotle to court.

Another recent Supreme Court ruling that will affect unions is the Janus v. American Federation of State, County and Municipal Employees Council, focused on what are known as “fair share” fees. In the U.S., a union must represent everyone in a particular bargaining unit equally, whether or not they personally join the union. In states that allowed it, unions have gained for contracts that require everyone to chip in for the costs of bargaining and representation on employment conditions (although workers were still free not to fund their union’s political causes). The Janus ruling made fair share fees illegal in the public sector, on the grounds that they amount to compelled speech and violate a worker’s First Amendment rights. In a 5-4 decision issued by the court’s conservative wing, gives millions of workers in 22 states the opportunity to stop paying union fees, even though they can continue to enjoy the benefits of a union contract. (Workers in the other 28 states, which have passed so-called right-to-work laws, already had the option to not pay with fees.) Effects of this ruling had already been seen by teachers in Rochester, White Plains and Maryland where anti-union groups are now reaching out to teachers and advising them on how to opt out of their unions. Groups are planning to target all 22 states that are not right-to-work to spread the word on how to opt out.

We should also remember Wisconsin, where in 2015, Governor Scott Walker signed into law anti-union legislation that prohibits union workers from being required to pay union dues. The so-called right to work law was an effort to reduce the power of unions. In 2011, he pushed through the highly controversial legislation called Act 10 that reduced the bargaining power as well as health care and pension benefits of public sector unions. The move led to a recall election which Walker won. With so many legal victories against organized labor, it is an indication that unions need to be proactive in increasing solidarity, knowledge, and member participation to remain strong and resilient.

EDUCATION

Submitted By Francis J. Byrne

The next Certified Pool Operator Course (CPO) is scheduled for Monday and Tuesday, October 1st and 2nd from 8:00am to 4:00pm both days. Contact the Education Committee if you are interested in attending.

In order to renew your Q01, Q99 Certificate of Qualification (Refrigeration Engineer) you must complete a course in Building Operation, Maintenance and Recordkeeping (BOMR).

Contact the Education Committee before your Certificate of Qualification expires.

PENSION

Submitted By Christopher Attianese

UNIT VALUE

JULY 2018 VARIABLE RATE WAS 107.939

IN MEMORIAM

JOHN A. FORGIONE
RETIRED CE, K068
Condolences to: Christina Eckler (Daughter)
470 Baldwin Avenue
Baldwin, NY 11510

MICHAEL FARLEY
RETIRED CE, K105
Condolences to: Nancy Farley
189 Beach 124th Street
Rockaway Park, NY 11694

JOHN V. CIRELLO
RETIRED CE
Condolences to: Mrs. Pasqualina Cirello
24 Sherman Drive
Syosset, NY 11791
LOCAL 891 FOCUS ON HEALTH

Advanced Cardiovascular Diagnostics will be on site again to provide their state-of-the-art, cardiac testing. At last year’s labor-day event, many Local 891 members took advantage of this very valuable and important service.

UNION MEETINGS

Please make it a point to attend the monthly union meetings. This is your opportunity to interact with fellow members and get answers to many of the questions and issues regarding your job. Business Manager/President Robert J. Troeller and members of the Executive Board provide answers and information directly to you. You also have the opportunity to ask questions, provide information, agree or disagree. Come out and have a cup of coffee and snacks and let your voices be heard.

Membership Pins for 2018

Service pins for active members will be issued at the October 2018 Union Meeting.
Every year Local 891 selects a deserving school as the site for the Children’s Christmas Party. This year it will be P.S. 22 in Staten Island. As the determined date gets closer, our contribution of $30.00 to $35.00 in cash or gifts will be collected. Local 891 thanks you in advance for your ongoing generosity for this tradition.

**SCENES FROM LAST YEAR’S CHILDREN’S CHRISTMAS PARTY**
Please know that in the event that you have operating money or the "base budget." Do not put more than the allocation due to additional coverage, this record may stand as evidence to request additional funds or proof of over spending.

DID YOU KNOW?

The first Labor Day holiday was celebrated on Tuesday, September 5, 1882, in New York City, in accordance with the plans of the Central Labor Union. The Central Labor Union held its second Labor Day holiday just a year later on September 5, 1883.

In 1884 the first Monday in September was selected as the holiday, as originally proposed, and the Central Labor Union urged similar organizations in other cities to follow the example of New York and celebrate a "working men's holiday" on that date. The idea spread with the growth of labor organizations, and in 1885 Labor Day was celebrated in many industrial centers of the country.

GRIEVANCES 891

Submitted By John Maderich

ANNUAL PLAN

When Custodian Engineers are formulating their Annual Plan, please refer to the 2016 MOA, #7 (Budgets) Paragraph 3. “The Custodian Engineer, in consultation with the Principal, will be responsible for establishing a building plan which will fit within the base budget.”

Local 891 recommends using the generic Annual Plan the Business Manager/President Robert J. Troeller emailed to the membership on 7/17/18.

The Annual Plan is formulated using only operating money or the “base budget.” Do not put more than the Annual Plan than you can accomplish within the base budget.

Please know that in the event that you have grievances, the Principal’s rating, the Annual Plan is the Custodian Engineer's minimum responsibility.