



THE MANAGER

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RETIREES, MEA MEMBERS, FIGHTING TO KEEP THEIR MEDICARE HEALTH CARE

By Bendix Anderson



MEA President Emeritus Stu Eber and Recording Secretary Stephen Fisher at the June 22 City Hall Rally opposing Medicare Advantage.

Retired City workers – including many MEA members – spoke up to keep their Medicare plans during recent court battles over their health insurance. Their efforts were a big part of the reason that Manhattan Supreme Court Judge Lyle Frank issued a preliminary injunction July 7, 2023, against City Hall's plan to replace their current healthcare, a combination of traditional Medicare plus a supplemental plan paid for by the City, with a new Medicare Advantage plan run by the private insurance giant, Aetna.

More than a hundred retired City employees showed up at the Supreme Court building in Lower Manhattan for the July 6th Hearing

"The presence of the retirees in the Court put a human face on what could easily be perceived as an ab-

stract legal argument," said Stephen Fisher, the MEA's Recording Secretary, who attended the hearing as part of MEA's advocacy on behalf of the retirees.

Court officials delayed the proceedings 30 minutes while they moved the hearing to a larger courtroom. When Judge Frank finally entered the courtroom, he was visibly surprised to see 75 spectators squeezed into the courtroom with more lined up outside, according to Fisher.

Many retirees on Medicare submitted individual stories that became affidavits submitted to the Court. Many worried for months that they would lose the healthcare they were familiar with and lose access to doctors that they trusted. For many, the new, proposed Medicare Advantage plan does not include in its network the specialists they depend on to treat serious health concerns – especially retirees who have move to places like Florida, where the network of the proposed Aetna plan is not as strong.

IRREPARABLE HARM

During the 90-minute hearing, Aetna's attorneys confirmed that some medical facilities would be unavailable to retirees under Aetna's Medicare Advantage page and some services may be denied. **"To this Court, this demonstrates that should this plan go forward irreparable harm would result,"** said Judge Frank.

"This is now the third time in the last two years that courts have had to step in and stop the city from violating retirees' health care rights," said Marianne Pizzitola, President of the New York City Organization of Public Service Retirees, the lead plaintiff in the suit to stop the City's plan.

The judge issued his preliminary injunction days before a July 10 deadline for Medicare recipients to either opt-out of the Aetna Medicare Advantage plan to receive another privately-run insurance plan offered by the City. Retirees could also waive their right to receive health care coverage from the City, continue to receive traditional Medicare and sign up to pay out of their own pockets to find their own Medigap insurance coverage and prescription drug coverage.

CITY HALL STILL FIGHTING TO CHANGE RETIREES' HEALTH CARE

Neither City Hall nor Aetna have given up their plan to replace the healthcare plans of hundreds of thousands of retired City workers. The change would provide \$600 million a year to the City's health insurance stabilization fund, which was originally designed to help pay for health benefits for active city workers. The fund had been used in recent years to help fund raises for certain employees.

The architects of the plan, City Hall and the Municipal Labor Committee, both call Judge Frank's preliminary injunction a "setback." They are still fighting to put their plan into effect. The City has already filed an appeal of the preliminary injunction.

City Hall's path to winning a possible appeal is narrow, considering that an appeal would bring City Hall's lawyers before Judge Frank again and he has already ruled against them. In his five-page decision issued July 7th, Judge Frank left little uncertainty about how he would rule when he presides over the merits of this case in a full trial, which has not yet been scheduled.

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SMOKE IN THE AIR

Happy Summer! I hope everyone is having an enjoyable season. The past six months have been filled with challenges for our members. MEA has advocated in response to each of these challenges imposed on our membership. Dire economic conditions caused by the COVID-19 pandemic, high inflation, skyrocketing health care costs, and the influx of asylum seekers have caused the City Administration to impose budget cuts and proposed reductions and changes in health insurance and benefits. Our advocacy has extended from testifying at public hearings, writing letters and meeting with the Administration and public officials as well as participating in protest rallies in support of our membership. MEA continues to advocate for overdue and well-deserved pay raises and work-life improvements for managers. We vehemently oppose the involuntary enrollment of municipal retirees and their dependents into the inferior Aetna Life Insurance Company Medicare Advantage Plan (MAP).

During this unprecedented time in modern-day history, it is essential for career managers to provide extraordinary leadership to address the adverse effect of budget cuts on municipal government operations. With an abnormally high municipal employee vacancy rate close to 8% or over 20,000 unfilled positions, the delivery of some essential services reflects the impact of staff vacancies. Managers are taking on more responsibility with a reduced workforce. They are tasked with accomplishing more with fewer resources because of the economic downturn prompting the Administration to mandate a 4% cut from most agencies for Fiscal Year 2024 on top of the 3% budget cut for Fiscal Year 2023. Additionally, the cost of providing accommodations for more than 60% of the 87,000 asylum seekers has caused additional strain on the budget with insufficient affordable housing and shortages in the shelter system.

District Council 37 (DC 37) announced that an Economic Agreement (Contract) with the City was ratified by its members on April 1, 2023. The Contract includes 16.2% in pay raises retroactive from May 26, 2021 through November 6, 2026 with a \$3,000 ratification signing bonus. A special provision of the Contract provides for flexible work schedules with the option to work from home. On June 2, 2023, Mayor Adams approved DC 37's hybrid work option permitting select members, where feasible, to work from home two days per week.

On July 11, 2023, the United Federation of Teachers (UFT) Contract was ratified with pay raises retroactive from September 14, 2022 through November 28, 2027 including a \$3,000 ratification bonus. The compounded base pay raise is 17.58%. The Contract features annual retention incentive bonuses that will be distributed every year in perpetuity beginning May 1, 2026 and will be included in future collective bargaining agreements. Provisions for virtual learning is also in the UFT Contract. New contracts have been ratified by a majority of the municipal workforce. It is anticipated that manager pay raises (consistent with past practice) will follow a pattern similar to the DC 37 Contract.

OLR MEETING

MEA had a second meeting on April 11, 2023 with the Office of Labor Relations (OLR) Commissioner Campion and two of her assistant commissioners. We inquired about the status of manager pay raises, our proposal for changing the Paid Parental Leave Program to a Paid Family Leave Program with the two annual leave days taken from managers earning 27 days per year restored. Other Independence in Action Team (IAT) Slate Platform issues previously proposed for improving managers' work-life experience were also presented. Regrettably, Commissioner Campion did not have answers for any of the issues the MEA presented. Her inability to provide answers to our issues was consistent



*By NYCMEA President
Darrell L. Sims*

with the same experience we encountered during our previous meeting held on July 13, 2022 with her and her staff. During the meeting, we also requested that managers be considered for hybrid work options and voiced our opposition to the Administration's plan to involuntarily transfer municipal retirees into the Aetna Insurance Company Medicare Advantage Plan. The meeting ended similar to the previous meeting with Commissioner Campion reiterating that Mayor Adams would have to approve manager pay raises and the proposed work-life improvements. Commissioner Campion emphasized that there was no timeframe for the approval of managerial pay raises.

Dissatisfied with the OLR Meeting, MEA wrote to a letter to First Deputy Mayor Wright, dated May 8, 2023, expressing our disappointment. We requested assistance in effectuating pay raises and work-life improvements for managers including hybrid work options. We expressed MEA's desire to collaborate with the OLR regarding managerial issues. Deputy Mayor Wright's Office acknowledged receipt of our letter. However, we have not received a written response regarding our dissatisfaction with the meeting (April 11) that was expressed in our letter. As a follow up to the letter to Deputy Mayor Wright, *The Chief* included an interview of Alice Wong and myself in its June 16, 2023 edition. *The Chief* elaborates on the

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SEEKING SOLUTIONS ON ALLOCATING RESOURCES

MEA Profiles Member **GARDEA CAPHART**

By Vanessa DeSantis



Gardea Caphart

Well before MEA member Gardea Caphart, Housing Preservation and Development (HPD) Deputy Commissioner of Finance and Administration, could know he'd one day be working in the upper echelons of New York City government, he was a high school student helping his mother plan the family budget in Liberia, in West Africa.

"She entrusted me with that," he said.

Gardea remembers being inspired by the accounting professionals he encountered when he met his mother at her workplace after school. She was working for the Central Bank of Liberia, in the office of the comptroller.

"I'd spend time hanging out with the guys working there in their suits and ties and I'd listen to their conversations."

Looking back, he can see how he was destined to do the sort of work he does now.

"I was always interested in numbers."

This past February, Mr. Caphart was promoted to his new role as Deputy Commissioner of Finance

and Administration. The promotion came after a little over a year at his agency, initially joining HPD as the Assistant Commissioner of Budget in December 2021. In this earlier role, he focused on managing the agency's operating budget: the expense budget, grants, and revenue.

Beginning his City career as a Personnel Analyst, then Fiscal Administrator at the Health Department, and later Director of Finance and Operations at the Landmarks Preservation Commission, Gardea had worked many sides of his current role before he applied for it.

Just months after joining HPD, the former Deputy Commissioner stepped down, leaving a void that needed to be filled urgently. During this transitional period, Gardea and his colleagues worked together to hold down the fort until someone was hired – and that someone was eventually him.

In his new role at HPD, Gardea shoulders significant responsibilities: cost savings, financial analysis, and budget management across various offices within the agency are just a few of the many facets of his work.

As Deputy Commissioner of Finance and Administration, he serves as the agency's Chief Financial Officer, where he works closely with the First Deputy Commissioner and the Commissioner to make sound decisions regarding the allocation of Federal, State, and City funds.

Though he calls his new job "a huge responsibility," with three

primary parts to it: 1) budget and fiscal affairs, 2) HR management and payroll and 3) general services and facilities management — he enjoys the challenge of the dynamically distinct roles it requires of him and sees financial planning as the fundamental foundation from which anything can be achieved.

"Budget touches everything. For anything to get done the first thing we need to ask is how much does it cost, and can we afford it?"

Because of that, Gardea meticulously seeks clarity on each proposed agency program to ensure a clear understanding of where the funds will be allocated.

ON BEING AN MEA MEMBER

Prior to joining the NYC MEA in May 2018, Gardea Caphart was a member of the Organization of Staff Analysts (OSA), and prior to that, a member of DC 37, New York City's largest public employee union. Before he was promoted into a management role, he'd already heard about the MEA, knowing it was an advocacy group for NYC managers.

"As soon as I became a manager I signed up for the MEA," he said. "The benefits far outweigh the cost of membership."

Gardea has actively participated in programs such as Toastmasters in Progress (TIP), the MEA's local Toastmasters club – which helps with public speaking – an essential skill when you manage a team.

He also enjoys the legal representation and employment advocacy offered by the Association.

CHANGING THE PERCEPTION OF PUBLIC CARE

MEA Profiles Member

DR. ANNIE GEORGE

By Vanessa DeSantis



Dr. Annie George

Growing up in a small town in southern India, MEA member Annie George, Corporate Senior Director of Nursing Excellence/Research at New York City H+H, knew by the time she was eight years old that she wanted a career in nursing like her mother.

"I saw the trust the people had in her," said Dr. George.

Annie moved to New York City in 2003 after completing her undergraduate degree in Nursing. She later pursued her graduate degree in nursing education, eventually getting her doctorate (PhD) at Adelphi University in 2020. She also received an MEA Scholarship award in 2018.

In her current role as Director of Nursing Excellence/Research, Dr. George reviews the nursing quality data to evaluate the performance of hospitals to lead nursing excellence programs. If the data shows below the benchmark she and her team develop action plans, using a strategy she follows of "structure, process and outcome," with facility leaders to address and improve the performance.

The research part of her role has her facilitating and guiding a research team at all 17 facilities

and more recently at Elmhurst and Bellevue, respectively.

Dr. George recently received a "Nurse Leader of the Year" award for advancing the human experience of healthcare. She was nominated by her peers for the national award given by Press Ganey, a healthcare company known for their patient surveys and honored her work in advancing the human experience of healthcare. She was one of only five awardees to be selected for the HX23 Annual Human Experience event.

As a nurse "leader" Annie is recognized for her ability to empower nurses to share their thoughts on how to advance the profession. She has also fought hard to change the way public hospitals and care are perceived in New York City and is responsible for all system-wide research and nursing excellence initiatives.

"We provide equal care, and we manage our patients in an equal way the private hospitals manage theirs."

She's been readily recognized for that effort: last year Dr. George facilitated and supported Pathway to Excellence designation from the American Nurses Credentialing Center (ANCC) for NYC Health + Hospitals/Kings County in October 2022, and NYC Health + Hospitals/South Brooklyn Health in November 2022, the first of such awards for NYC Health + Hospitals system.

"I truly believe that passionate and engaged nurse leaders inspire, motivate, and empower nurses to be the best at what they do. I am

proud to be a nurse leader at NYC Health + Hospitals, representing more than 10,000 nurses and other nurse leaders who are fostering a better health care environment for all."

Annie was also recognized as a "Woman of Excellence" by the MEA back in March in honor of International Woman's Day.

She's honored to be a part of the Association.

"I appreciate everything the MEA is doing to promote the professional work of managers. Managers should not feel that they are left out."

In the last 2 years, she helped six units achieve the prestigious Beacon Award for Excellence from the American Association of Critical Care-Care Nurses (AACN):

- Gold Beacon for NYC Health + Hospitals/Bellevue Coronary Care Unit (CCU)
- Gold Beacon for NYC Health + Hospitals/Elmhurst Medical Intensive Care Unit (MICU)
- Gold Beacon for NYC Health + Hospitals/Woodhull Intensive Care Unit (ICU)
- Gold Beacon for NYC Health + Hospitals/ Queens Intensive Care Unit (ICU)
- Silver Beacon for NYC Health + Hospitals/Elmhurst Coronary Care Unit (CCU)
- Silver Beacon for NYC Health + Hospitals/South Brooklyn Health Surgical Intensive Care Unit (SICU).

To see the full list of Dr. George's awards, visit:

<https://nycmea.org/member-highlight-annie-george/>

SAVING MEDICARE

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"The petitioners have shown that numerous promises were made by the City back then to New York City employees and future retirees that they would receive a Medicare supplemental plan when they retired, and that their first level of coverage once they retired would [be] Medicare," he wrote.

City Hall has not yet revealed a new strategy to change Judge Frank's mind, other than to express "disappointment" in his "misguided" ruling.

Judge Frank's ruling also cites New York City Administrative Code 12-126. The law is 'unambiguous' in protecting the essential, cost-free health care that retirees have been promised, according to a statement from the Common Sense Caucus of the New York City Council.

MEA ADVOCACY AND WEBINARS

MEA held webinars May 5 and 19 that allowed retirees to ask their questions directly to representatives of the City's Office of Labor Relations, the Management Benefits Fund and Aetna.

Earlier in 2023, City Hall proposed changing the law to explicitly allow its Medicare Advantage plan to be implemented. The change would provide retirees with choice; accept enrollment in the Medicare Advantage program or remain in traditional Medicare and pay for GHI Senior care, which is now provided by the City at no cost to the retiree. Judge Frank's decision a few months earlier held that the City violated the Administrative Code by charging retirees to remain in GHI Senior Care if they decided to opt out of the first Advantage program by the Alliance. The proposal did not have enough support to pass. MEA leaders testified before City Council January 9, 2023 to oppose City Hall's proposed changes.

Opponents of the plan also proposed their own change to the Administrative Code to rule out the City Medicare Advantage plan even more explicitly. That proposal has not yet gathered enough support to overcome a likely veto by Mayor Adams.

PRESIDENT'S PAGE

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plight to achieve well-earned and deserved pay raises and work-life improvements for managers. The article further expressed a lack of acknowledgement and respect by the Administration for the level of responsibilities and accomplishments managers have achieved with limited resources, budget cuts, and staff vacancies. These issues, including overdue pay raises and the lack of improvements to work-life conditions, have adversely impacted manager morale.

To provide information in support of our retirees regarding the effect of the proposed Medicare Advantage Plan on MBF benefits, a question-and-answer webinar was held by the MEA with OLR's Management Benefits Fund (MBF) on May 5, 2023. To further assist our retirees, a question-and-answer webinar was held by MEA with Aetna Life Insurance Company regarding the proposed Medicare Advantage Plan on May 19, 2023. Each webinar was well attended and appreciated by our retirees.

NYCOPSR LAWSUIT

On May 31, 2023, the NYC Organization of Public Service Retirees and several retirees filed a lawsuit in the NYS Supreme Court against The City of New York in opposition to the Aetna Insurance Company Medicare Advantage Plan. By mutual agreement of all parties to the lawsuit (plaintiffs, the City, and the Court), the deadline for opting-out / waiving City retiree health care programs was extended from June 30, 2023 to July 10, 2023. However, on July 6, 2023, a hearing on the case was held with all parties present, and the following day Judge Lyle Frank issued a preliminary injunction based on the merits of the lawsuit. Thereby, the schedules to opt-out / waive City retiree health care programs and for implementation of the Medicare Advantage Plan were suspended until further notice by the Court. The preliminary injunction could possibly last until the final ruling on the lawsuit. The City has already filed an appeal of the preliminary injunction.

A City Council hearing titled "Exit Surveys For Resigning and Retiring Employees of City Agencies: *Intro 0877-*

2023 Version A" was conducted by the Civil Service and Labor Committee on May 31, 2023. Alice Wong and I testified on behalf of MEA in support of the proposed bill. The bill would require agencies to have resigning and retiring employees submit exit surveys upon departure. It is anticipated that information collected could be used to improve civil service employment in an effort to attract workers from the private sector to city government and to retain the existing workforce because of the high vacancy rate. It is proposed that agencies submit exit surveys to the Dept. of Citywide Administrative Services for distribution to the Human Rights Commission and City Council Speaker for review and follow up when appropriate.

CHAPTER ELECTIONS

In light of the COVID-19 pandemic remission, chapter elections are being conducted in-person unless scheduled specifically as a Zoom meeting. Members are encouraged to participate in chapter elections and volunteer as candidates to fill chapter officer positions. It is extremely important for all agency chapters to be represented on the Executive Board. As chapter director, you are an ambassador for your agency and MEA - sharing managerial concerns and issues, and having a vote as a member of the Executive Board. Members are also encouraged to invite non-MEA managers to chapter meetings in an effort to recruit new members for your chapter as well as to increase MEA's membership. Please remember, recruitment leading to membership growth is MEA's life blood - "There is strength in numbers."

AUDITS

The 2021 Audit of MEA and the Career Development Program (CDP), conducted by an independent certified public accounting firm, has been completed. The auditor concluded that the financial operations and procedures practiced by the MEA office were acceptable and consistent with the 2021 fiscal reviews. MEA and CDP have been rendered financially sound. The 2022 audit is in progress.

The MEA acknowledges and appreciates the hard work of our members and continues to represent NYC managers to the best of our abilities. We wish everyone a Safe, Healthy, and Happy Summer that is full of achievable hopes and dreams.