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THE EDGE

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Money Matters



Inflation

The inflation rate as measured by the Consumer Price Index (CPI) for **February 2009** for the **New York-Northern New Jersey Area** was **1.6%**.

Monthly Inflation Rates for NY-Northern NJ Area

Mar 08 3.8%	Sep 08 5.2%
Apr 08 3.6%	Oct 08 4.3%
May 08 4.0%	Nov 08 2.2%
Jun 08 4.5%	Dec 08 1.6%
Jul 08 5.1%	Jan 09 1.5%
Aug 08 5.4%	Feb 09 1.6%

Future **projections** of the CPI by businesses and economic organizations for the **NY - Northern NJ Area** are at **-0.8%** (yes, negative) for **2009** and **1.6%** for **2010**.

Calendar of Events



Local Presidents Conference (Buffalo Niagara Convention Center, Buffalo)	April 1-2
Rockland County Central Labor Council (IBEW, New City)	Apr 2
Representative Assembly (Buffalo Niagara Convention Center, Buffalo)	April 2-4
Rockland County TA Meeting (North Rockland TA Office)	Apr 8
Westchester/Putnam Central Labor Council (NYSUT Tarrytown RO)	Apr 8
ED 15/16 Meeting (Mt. Kisco Holiday Inn)	Apr 16
ED 14 Meeting (TBA)	Apr 23
Hudson-Catskill Central Labor Council (Newburgh TA)	Apr 28
Professional Issues Forum on Health Care (Crowne Plaza, Albany)	May 2
Orange County TA Meeting (Club Ontaroga, Goshen)	May 4
ED 13/14 Contiguous Meeting (TBA)	May 7
Rockland County Central Labor Council (IBEW, New City)	May 7

Here's To Your Health (& Safety)

The Air We Breathe...In Sickness or in Health



Indoor air quality refers to the numerous environmental and physical elements that affect the purity of air or the perceived purity of air within enclosed structures. Factors that influence indoor air quality include temperature, humidity, air movement or lack thereof, and contaminants such as dust, tobacco smoke, fumes from paints, cleaning materials, fumes from copy or print machines, mold, and formaldehyde. In addition, building exhausts, car exhausts, mowing equipment and dust, paving, roofing and other activities may cause pollution to come into school buildings and affect the quality of air within. Information about indoor air quality, including an action toolkit, is available electronically through the Environmental Protection Agency (EPA).

Regarding mold, the State Education Department (SED) recommends that school districts take prompt action at first signs of excess moisture to prevent mold growth. Waiting for mold problems to develop can cost much more to correct, in terms of money, time, absenteeism, building closures, and poor morale. The EPA offers guidance, information and resources.

The heat, ventilation, and air-conditioning (HVAC) system in a school building may affect its indoor air quality under certain circumstances. School districts should periodically clean the ducts and filters in their buildings. Districts also should pay special attention to changes in and around school buildings due to plant growth (trees and shrubs) and during construction and maintenance activities.

The comprehensive public school safety program and the uniform code of public school building inspection, safety and monitoring require that school districts establish a comprehensive maintenance plan that includes maintenance procedures and guidelines that will ensure acceptable indoor air quality (Commissioner's Rules and Regulation 155). The uniform safety standards for school construction and maintenance projects require that all plans and specifications for construction projects in occupied facilities include a plan detailing, in part, how adequate ventilation will be maintained during construction (CRR 155). It also requires that districts make provisions to prevent the passage of dust and contaminants into occupied areas and the control of chemical fumes, gases, and other contaminants during construction and maintenance projects (CRR 155).

“Stimulus Package” Provides 65% Subsidy of COBRA for Laid-Off Workers

American Recovery and Reinvestment Act of 2009 (AKA the “Stimulus Package”) to provide a 65% subsidy of COBRA for Laid Off Workers for nine months. For details contact your LRS.



TRS Employer Contribution Rate: Impact on Pensions & Bargaining

Opposite is a bar graph charting the history of the Teachers’ Retirement System (TRS) Employer Contribution Rates. The graph depicts TRS employer contribution rates for every other year from 1979 to the present. The employer contribution rate for School Year 2009-10 is 7.63%, slightly less than the current year, which was 8.73%. This means the districts must contribute 7.63% of teacher payroll from school year 2008-09 to the TRS to support the NYS TRS pension system. These payments will be collected in September, October & November of 2009 by deducting the money from state aid payments. One of the key calculations in the TRS employer rate contribution is the investment performance of the system. These investments include equities, real estate and other types of investments. The TRS, under the able guidance of our elected teacher representatives, utilizes proven, long-term investment strategies, including professional and prudent asset management and broad diversification of portfolio holdings, in order to minimize short-term risk and maximize long-term returns. This proven strategy continues to serve the long-term public interest of ensuring that all of the system’s liabilities (or benefits) are met as prescribed by the NYS Constitution, and provides an investment income stream to meet those liabilities that is NOT reliant on income tax or property tax.

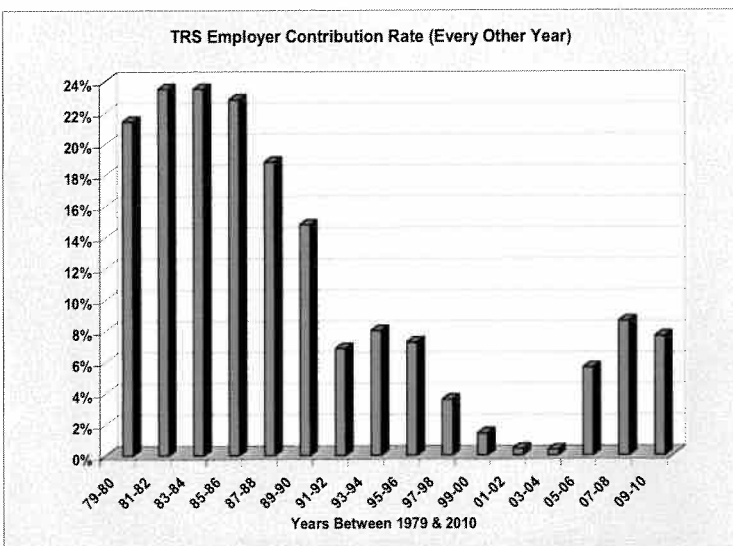
Recall two things: 1) all four current Tiers of the TRS are “defined benefit” pensions; 2) the money in the retirement system is invested in an effort to grow the fund and to keep the fund solvent and to enable the system to payout pensions promised to TRS members. Since the funding of the retirement system has to be maintained to guarantee the payment of pensions, the employer contribution rate is calculated to offset downturns in the investment performance. The rate is inversely proportional to the health of the investment market. When the investment market is booming, the employer contribution rate is low; when the investment market is in the tank, the employer contribution rate is high. There is a formula employed by the TRS that “smoothes out” the rates year to year so as to avoid radical fluctuations in the

rate, making it a little more predictable for school districts. This is important when the market is highly volatile from year to year. The employer contribution rate for the following year is set in July based on the five-year “smoothing” process. When the employer contribution rate is high, we hear about it at the bargaining table...it is an expense for the BOE, sometimes larger than anticipated.

The new Tier V plan proposed by the governor is a “defined benefit” program that mirrors the Tier IV plan prior to the legislative achievements NYSUT and the other unions have secured over the years. In the proposal for the new Tier V, retirement benefits are calculated on a formula, but an inferior one compared with current Tier IV members... More specifically, this legislation will:

1. **Increase Employee Contributions:** Require employees to contribute 3% of salary over the duration of their careers as opposed to the 10 year cap on employee contributions in place for current public employees; and
2. **Increase Vesting from 5 to 10 Years:** Increase the threshold for eligibility for deferred vested benefits from the retirement plan from 5 years to 10 years of service; and
3. **Increase Minimum Age for Retirement to Age 62:** Increase the minimum age for retirement from age 55 with 30 or more years of service OR age 62 with 5 or more years of service to age 62 with 10 years of service; and
4. **Reduce Pension Factor from 2% to 1.66%:** Reduce the pension factor for members with less than 25 years of service to 1.66% per year versus the current 2% calculation provided to members with 20 or more years of service.

Keep in mind that the legislature would have to approve any proposal to create a new TRS tier. Needless to say, NYSUT and other public employee unions are strongly opposed to the plan to create a Tier V. For more information on the proposed Tier V, contact your LRS.





Reminder



The 2009 Tarrytown Regional Office's School Related Professionals Conference will be held April 24-25, at the Crystal Springs Resort in Vernon, NJ. Registration materials were sent out to local presidents in February. If you did not receive your copy, or need another copy, call Cheryl at the TRO.

Ask The Edge: Changes to Special Education Laws

A reader asked *The Edge*...Did the proposed changes to the Special Education Laws regarding CSE meetings and IEPs become law? If so, are these legal mandates?



The Edge responds...Yes and No: significant changes were made in these areas pursuant to the Reauthorization of the IDEA and recent changes in the NYS Special Education Law. To summarize, the law was changed in the following specific areas:

- The excusal of certain CSE members in IEP team meetings;
- The revision of IEPs without a CSE meeting after the annual review;
- Limiting school staff in making initial referrals to special education;
- Limiting the CSE role in reevaluation decisions.

However, since the IDEA allows school districts, but not states, to exceed the federal requirements, local leaders should work with school administrators to continue previous practice. For example, a district may choose to not allow the excusal of members from CSE meetings. A district may also continue to allow CSE referrals for special education evaluations from teachers and other professional staff of the district. Local leaders should examine their collective bargaining agreements to determine whether any of these changes, such as the submission of written information prior to the CSE meeting, if an excused teacher's curriculum area is discussed, would constitute changes in terms and conditions of employment.

For detailed information please see the NYSUT Information Bulletin regarding the reauthorization the IDEA referenced in the "**Worth A Look: Hot Off the Web**" feature in this edition of *The Edge*.

A Lesson to Share: Workers Memorial Day

Each year, thousands of American workers are killed while performing the duties of their jobs. In recognition of the sacrifice made by them and their families, April 28 is designated as Workers Memorial Day. First recognized in the United States in 1989, Workers Memorial Day coincides with a similar day of recognition in Canada with the anniversary of the establishment of the Occupational Safety and Health Administration.

Since their inception, unions have fought hard to ensure the greatest possible safety standards available for workers. Work-related training, S.A.V.E. legislation, mandated use of green cleaning products, hazardous material identification, and asbestos abatement procedures are all examples of safeguards that have been put in place to protect our workforce. It is in part these measures that have led to a decrease in work-related fatalities over the past few years.

It is important that we educate our members and students about Workers Memorial Day and the statistics associated with work-related fatalities. The United States Department of Labor, Bureau of Labor Statistics maintains a database of work related injuries and illness that is searchable by state, job category, age, gender, and ethnicity as well as other search criteria. The final statistics for 2007 have recently been released and can be found by going to: www.bls.gov/iif. In addition, the AFL-CIO has issued a report "Death on the Job: The Toll of Neglect." This report provides a national and state profile of worker safety and health in the United States. The AFL-CIO site also has materials including poetry and a Worker Memorial Day Proclamation that can be used in recognizing the day on April 28. This material can be accessed at: www.aflcio.org/issues/safety/memorial.

Support Green Schools for Earth Day

As the recession continues, the debate on how best to spend stimulus money has broadened. Our elected politicians are weighing the need to provide taxpayers with cash in hand to spend with the need to create jobs now. As a result of this process, we have heard a great deal of discussion about "shovel ready" construction projects. One area of focus of the stimulus has been on a green public school facility initiative.



At the time of writing, the House of Representatives had passed legislation authorizing that \$64 billion annually be invested in addressing school conditions that compromise learning and teaching. This bill, called the 21st Century Green

High-Performing Public School Facilities Act (H.R. 3021), has the potential to create over 100,000 construction jobs and is in line with efforts to promote green school construction.

In addition to helping to create jobs, thus stimulating the economy, green school construction has been shown to generate energy and water savings, reduce climate change emissions, improve student, faculty, and staff health, and to increase student, faculty, and staff productivity. The passing of H.R. 3021 will allow schools districts to lead the path to green construction and serve as a model for the business world.

To show your support for the 21st Century Green High-Performing Public School Facilities Act, log on to www.unionvoice.org/campaign/041207SchoolBuildings.

Spring Cleaning

Time to take a fresh look at your Constitution and By-Laws

Spring is a good time to review your local's constitution and by-laws. Your local constitution is a very important document. It is the official guide and rulebook for how your local organization should operate. Many locals form constitutional review committees every few years to ensure that their constitutions continue to meet the needs of their members and their organization.

Some important topics to pay special attention to when reviewing your constitution are:

- Membership, including who is eligible for membership and types of membership available: including retirees, laid off employees, employees on leave;
- Process for recall of officers;
- Election procedures;
- A list of offices including duties and responsibilities of each, and stipends received by office, if any;
- The composition and responsibilities of the Executive Board (or some similar governing body);
- Procedures for establishing local dues;
- Meetings, including required number and types of meetings, procedures to be followed, and what constitutes a quorum at meetings;
- State & National affiliations (NYSUT requires that all locals list NYSUT and its national affiliates);
- Procedures for electing delegates to represent the local at state and national affiliate's conventions;
- Process for selecting committee members, and the functions of each committee;
- Procedures for amending the constitution and by-laws;
- Parliamentary Authority, identifying the set of rules that will be followed at all meetings. Most organizations use



Robert's Rules of Order, Newly Revised, in addition to any other locally established rules;

- Protection of member's rights;
- Non Discrimination, stating that the local shall not discriminate on the basis of sex, sexual orientation, creed, color, race, national origin or political activities or beliefs;
- Negotiation procedures;
- Contract ratification procedures.

NYSUT has developed a model constitution to aid locals in developing or updating their constitutions. You should contact your LRS if you would like a copy, or if you have any questions about your local's constitution.

Worth a Look: Hot Off The Web

NYSUT Research and Educational Services has published several new Information Bulletins and Briefing Bulletins that are Worth-a-Look...



The Reauthorization of IDEA of 2004 and Recent changes in NYS Law. IB No. 200904; published February 2009.

Alternate Assessment for Students with Significant Disabilities. IB No. 200903; updated February 2009.

Teacher Centers. IB No. 200804; updated February 2009.

High Objective Uniform State Standard of Evaluation (HOUSSE). IB No. 200808; updated February 2009.

55-64 Passing Score and the Safety Net for Students with Disabilities. BB No. 09-2; updated February 2009.

To access these Bulletins, go to the NYSUT website www.nysut.org. On the left side of the homepage find "Resources;" click on "Information Bulletins." IB's and BB's are listed chronologically by date of publication. The IB's and BB's are archived by topic and date as well. There is also a topical *search engine* on the Information Bulletin homepage.

The Edge is a news service for NYSUT members and may be copied or duplicated as needed. For more information contact the NYSUT Tarrytown Regional Office at (914) 592-4411 or visit the NYSUT website at www.nysut.org.

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