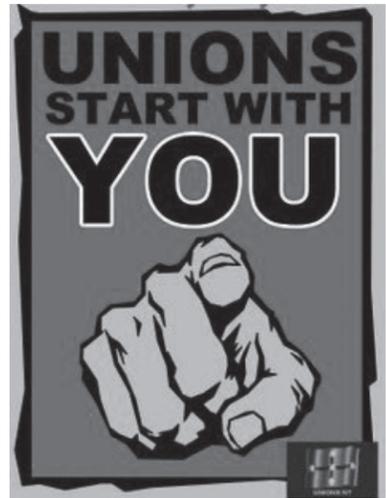




On December 11, 2015 Local 9265 sister Tara Bentley and I attended a rally organized by the UFCW in support of fired worker Michael Walsh, who was terminated from the Walmart in Schenectady for finding \$350 in their parking lot and turning in the money too slowly. His offense? He waited about 30 minutes before he turned in the money. Walsh, a maintenance worker for 18 years, was fired on November 6, a few days after he turned in the cash.

The rally was also in support of the many Walmart workers who live on poverty wages, struggle to pay their bills and are unable to support their families. Walmart employees are mostly part-time and have to pay for their own health care as well.

— Gary Cunningham



## Negotiations Update

Although the previous contract between USW and PEF has expired, we are fortunate to have Article 38 in our collective bargaining agreement which continues the terms of the agreement until a successor agreement is negotiated to completion. USW notified PEF in November 2015 that we would like to begin negotiating such an agreement. PEF has been provided with a list of USW's negotiating team members, who are:

Tara Bentley, Martin Blair, Shawn Bobb, Gary Cunningham, Nancy Holford, Dominic Mannino, Barbara Nectow, Lisa Quarles, Susan Radosh, Rita Strauss

USW also reached out to PEF to propose dates in February and March for meetings. We await PEF's naming of their negotiating team and look forward to productive negotiations in 2016!

— Susan Radosh

## Warehouse Workers



Warehouse Worker Resource Center  
601 N. Euclid Ave.  
Ontario, CA 91762  
(909)986-6929

Dear supporter:

The California Cartage organizing committee and the Warehouse Worker Resource Center would like to send you a sincere thank you for your generous donation to the WWRC Relief Fund. Your donation was used to support this group of courageous workers in their strike against retaliation September 22-24, 2015.

We will continue the fight to improve the lives of these workers who face low wages and unsafe jobs in the Port of Los Angeles until these workers have good jobs and dignity at work. We are thankful for your solidarity as we continue the struggle *Hasta la Victoria!*

In Solidarity,

The WWRC staff, and the Cal Cartage organizing committee



The warehouse workers at the Port of Los Angeles have had enough. For years, they have been dealing with low wages and dangerous health and safety conditions while loading supplies for Amazon, Lowes and other big companies. With warehouse temperatures more than 100 degrees, lifting hazards, faulty equipment and forklift accidents, the workers decided to speak up about their terrible working conditions. They filed a lawsuit alleging wage theft and asked CAL/OSHA to come and inspect the warehouse. The company retaliated with threats and intimidation. Because of this, they filed charges with the NLRB. They decided to authorize a strike. At our September 30, 2015, USW membership meeting, Geraldine Stella asked the local to make a \$500.00 donation to the Warehouse Workers Strike Fund. The members voted unanimously in favor of the donation.

— Gary Cunningham

Binghamton

Rochester

Syracuse

Buffalo

Malone

LOCAL 9265

Utica

Albany

Hornell



Brooklyn

Manhattan

Long Island

Poughkeepsie



The Official Newsletter of USW Local 9265

Winter 2016

**WELL DESERVED** – The Workforce Development Institute honored Denise Young as one of 12 outstanding women in December for her years of fighting for workers' rights, social justice and for her gifted skills as a facilitator, uniting diverse groups and viewpoints. Congratulations Denise!



**DENISE YOUNG**

Education and Training Specialist  
USWA Local 9265





## Remembering Lorraine Meidenman

Lorraine Meidenman was a very caring person who also knew when it was time to push. She had no compunction about reaching out when she felt it would help a person or a cause. Lorraine would go out of her way to help when someone was in need even if they didn't ask. She was very proud of the difference she made when advocating for the administrative staff of PEF. Her loyalty to those she worked with knew no bounds.

She was a true friend and someone who will never be forgotten.

—Michele Routi

On Saturday, December 12th, we lost a member of the USW family. Long-time UFRU/USW member Lorraine Meidenman passed away after a battle with cancer. Lorraine retired 10 years ago after serving as Administrative vice president for the Local. Lorraine was a strong advocate for the Local, especially the administrative staff. She always put the members first. Lorraine never backed down from PEF management whenever there was an issue that needed to be dealt with. I learned a lot from Lorraine and I'll miss her.

As a tribute to Lorraine, USW Local 9265 will give a \$1000 scholarship in her name as a fond memory of her.

— Gary Cunningham  
Administrative Vice President



Lorraine was one of a kind and never stopped advocating for the USW represented administrative staff. Although Lorraine had been retired for several years she would still call me regularly to find out what was going on and to remind me that the administrative staff should come first. She would also tell me the PEF managers and elected leaders to trust and the ones not to trust, even the ones she never knew. Just a few months ago, Lorraine called to let me know some issues she was having with the PEF retiree health insurance and to tell me that USW has to make sure the administrative staff always have access to affordable health insurance in retirement. She really cared.

—Bob Beckwith



## TPP Bad Deal For The Middle Class



First I would like to wish everyone a Happy New Year. This new year brings many challenges to the working/middle class people of this country. One of the greatest challenges that we face is the Trans Pacific Partnership (TPP)\* trade deal which poses a threat to working men and women, retirees, our environment and even our laws.

This bill is a continuation of past trade bills like NAFTA and CAFTA that have not met their objectives of job creation or an enhanced American economy. TPP is referred to by many as NAFTA on steroids.

This bill also has the potential to depress job growth, increase the cost of prescription drugs, negatively impact the environment, promote currency manipulation, and create and expand a corporate tribunal that can override our laws in order to maintain corporate profits.

On January 12, 2016 Local 9265 sister Danielle Thomson and I attended a TPP rally that the State Alliance For Retired Americans organized. The rally was designed to educate citizens and our legislators to the dangerous consequences of passing this law. The middle class

can't afford to lose more jobs to other countries. Enough already!

Everyone wins when jobs stay here! Please try to participate in the various rallies that I email to you. If you can't attend a rally, you can still participate by sending an email or signing a petition.

Thanks to all of you who have participated in our union activities. I hope to see more of you "on the lines" in 2016!

In Solidarity,  
Gary Cunningham  
Administrative Vice President

\*A little background on TPP from Wikipedia

The Trans-Pacific Partnership (TPP) is a trade agreement among twelve Pacific Rim countries concerning a variety of matters of economic policy, which was reached on 5 October 2015 after 7 years of negotiations. The agreement's stated goal had been to "promote economic growth; support the creation and retention of jobs; enhance innovation, productivity and competitiveness; raise living standards; reduce poverty in our countries; and promote transparency, good governance, and enhanced labor and environmental protections." Among other things, the TPP Agreement contains measures to lower trade barriers such as tariffs, and establish an investor-state dispute settlement mechanism (but states can opt out from tobacco-related measures). The United States government has considered the TPP as the companion

agreement to the proposed Transatlantic Trade and Investment Partnership (TTIP), a broadly similar agreement between the United States and the European Union.

Historically, the TPP is an expansion of the Trans-Pacific Strategic Economic Partnership Agreement (TPSEP or P4), which was signed by Brunei, Chile, New Zealand, and Singapore in 2005. Beginning in 2008, additional countries joined the discussion for a broader agreement: Australia, Canada, Japan, Malaysia, Mexico, Peru, the United States, and Vietnam, bringing the total number of participating countries in the negotiations to twelve. Current trade agreements between participating countries, such as the North American Free Trade Agreement, will be reduced to those provisions that do not conflict with the TPP, or that provide greater trade liberalization than the TPP.

Participating nations aimed at completing negotiations in 2012, but contentious issues such as agriculture, intellectual property, and services and investments prolonged negotiations. They finally reached agreement on 5 October 2015. Implementing the TPP has been one of the trade agenda goals of the Obama administration in the US. On 5 October 2015 Canadian prime minister Stephen Harper expected "signatures on the finalized text and deal early in the new year, and ratification over the next two years." A version of the text of the treaty "Subject to Legal Review (...) for Accuracy, Clarity and Consistency" was made public on 5 November 2015, the same day President Obama notified Congress that he intends to sign it.

A number of global health professionals, internet freedom activists, environmentalists, trade unions, advocacy groups, and elected officials have criticized and protested against the treaty, in large part because of the secrecy of negotiations, the agreement's expansive scope, and controversial clauses in drafts leaked to the public.

# Steelworkers help create a special Thanksgiving for those less fortunate

Volunteers from all walks of life filled the main kitchen at the Empire State Plaza in Albany during the week of Thanksgiving to prepare 10,000 meals. On the holiday itself, PEF members and PEF staff were a part of the group at the 48th Annual Equinox Thanksgiving Day Community Dinner.

Scooping out mashed potatoes, carrots, stuffing, green beans, and of course, turkey, the assembly line ran without a hitch. As fast as the aluminum tins were filled with nutritious food for individuals and families with little financial means, hundreds of volunteers were there to deliver the home-cooked meals.

Among them were USW Local 9265 members Elaine Carpenter, Jessica Fuller, Kristie Furman and Kristina Willbrant, who worked along side PEF Staff Director Chris Leo, and PEF Statewide Director of Labor Relations Jim Kemenash.

“I have volunteered in the past with my son, and it was an eye-opening experience. On holidays, a little time well spent as an act of kindness goes a long way,” Carpenter said.

Fuller, Furman and Willbrant agreed, noting that helping to make a difference in someone’s life only takes a little time. They said it

was a rewarding experience that also provided a good feeling of camaraderie.

Tom Tibbitts, a PEF member, has been the head chef at the Equinox dinner for the past 25 years, but has volunteered for 31 years.

“People volunteer because they want to be here. It’s a matter of wanting to help someone, and this event bridges the gap between gender, race and age with the common goal to give support and compassion to those in need.”

Plans for the event began in August, for what is known as the Capital Region’s largest Thanksgiving dinner. This year, 840 turkeys were donated, 900 gallons of gravy, 3,200 pounds of carrots, 3,600 pounds of potatoes, 9,500 rolls and 1,200 pies.

The prepping and peeling begins the Sunday before Thanksgiving. And it all comes together like clockwork. Tibbitts said 9,500 meals are delivered, and 500 meals are served at the First Presbyterian Church.

Outside the church, some homeless people leave their shopping carts, and carry with them items

they treasure most like a coat or blanket. Once inside, they stand in line as piano music fills the room. Some of the old and frail men and women are joined by a mother or dad with children. And for that time when they bow their heads in gratitude to share a meal, it gives them the feeling of being with family.

Equinox means celestial balance, as it is the time of year when the vernal and autumnal equinoxes, day and night, are equal. On Thanksgiving Day, due to the generous hearts of the volunteers, those who partake in the community dinner are treated as equals.

One homeless woman said, “We leave not only with a satisfied appetite, but with respect.”

*By Deborah A. Miles*



# Friedrichs v CTA

On January 11, 2016 the U. S. Supreme Court heard oral arguments regarding a case in which a California teacher, Rebecca Friedrichs sued her union so that she would no longer be obligated to pay dues on the basis that as her lawyers stated, collective bargaining by her union on her and others behalf is “political” speech.

The *New York Times*, and many New York state local newspapers carried stories of the danger this case poses for public employee unions around the country. The outcome of this case, if the conservative judges on the Supreme Court have their way, will change the landscape of public employee unions and potentially thin their ranks as public employees continue to reap the benefits of collective bargaining, (ie, representation when disciplined, representation at interrogations, grievance representation, research and advocacy by the unions for pay upgrades, etc.) – but stop contributing dues to pay for the work of the unions. Talk about getting something for nothing?!

How did this case evolve? Ms. Friedrichs has been represented through her appeals by an organization known as the Center for Individual Rights (CIR). We invite you to go to their website and check out their agenda — because it is not just about teachers. Essentially, this organization, which is funded exclusively by right-wing organizations, wishes to return all U.S. workers to a state of servitude unprecedented since the Industrial Revolution of the 19th century. CIR’s position against issues like affirmative action, and its efforts to severely limit access to the ballot box for millions of Americans, is an effort which seeks to erase the Bill of Rights for people of color and women. CIR depends on CEO’s (such as the Koch Brothers and others anti-union conservatives) financially, and right wing think tanks philosophically, to fuel their fights.

And why does corporate America and the right wing flock to fund a case such as Friedrichs? Because of the lure of getting rid of unions once and for all; in the U.S., after 30 plus years of union busting throughout the South, West and Midwest, half of the states are right-to-work, meaning that most employees in those states suffer with lower

wages and little or no health benefits and lousy working conditions. The term, “Right to Work” is not what it seems; it bars unions from collecting dues through an automatic check off, and prevents all employees hired into a given worksite from automatically being members of a union; simultaneously, federal law requires the union to represent all members equally. So some employees do not have to pay union dues, but are still protected by the union during discipline *and* they receive other benefits of union membership enjoyed by members who do pay their fair share. Corporations want to continue making ever greater profits resulting in an ever wider divide between CEO pay and its workers pay and there is only one way to do this — reduce their costs. And what are the simplest ways to reduce costs? Get rid of unions and you get rid of collective bargaining which means that workers must beg individually for their wages and benefits. Another way to reduce costs is lower your taxes. For years, corporations moved businesses overseas to achieve these ends. More recently, with the increase in ‘Right-to-Work’ states, corporations can achieve the same ends and avoid moving costs! Since shifting the tax burden from corporations to individual Americans is number 2 on their agenda, public employees and their unions get squeezed as part of that deal.

Now the Friedrich’s case brings this fight to workers who are public servants and affects not only state employees, but federal and municipal workers too. Ms. Friedrichs and her supporters argue that schools and government services will get better if unions just get out of the way. They argue that schools would be better if teachers could be terminated for any reason, or no reason; they claim that salaries, health benefits and pensions which are paid out of the municipal, state, or federal budgets are “political” and therefore teachers and all public employees should be able to choose whether or not they want to fund those activities of the union through payment of dues. But without union dues being collected routinely, how do unions know how much money they will have to pay staff, engage in bargaining and represent their members? They don’t; and if the private sector unions

in ‘Right-to-Work’ states are an example, they shrink and in some cases go out of business. What is the benefit to corporate America? Public wages, benefits and pensions get lowered; state employees get laid off in favor of private company contract workers, and the cost of government services is reduced!

For thirty plus years, corporate America has argued that the time of private sector unions was past, that the poor working conditions and poverty of the 1930’s and the Depression were over, working conditions have improved in factories and offices (thanks to the unions), so now there is no need for a collective bargaining or collective protection anymore. As the number of union members in the private sector has slipped to 7% of the workforce, let us ask ourselves: Are wages going up steadily in the mostly non-union private sector? Are private sector employees working fewer hours or are they constantly tethered to their jobs via computers and smart phones? Are working conditions getting better, are they safer now in the U.S. particularly where unions existed before, but no longer do? Is the drop in union membership nationwide, resulting in a rising middle class? Might there be a direct connection between the loss of good, union wages and a decrease in the number of people who are middle class in the U.S.? And might there be a connection between the rising healthcare crisis and a loss of collective bargaining?

So what is to be done? Many unions are fighting back; organizing new sectors of workers continues. Look at the fight for \$15 minimum wage. Some international unions have been engaging in efforts to encourage their current members to recommit to maintaining their union membership.

In September of 2015, the USW members who work in the Organizing Department of PEF gave PEF a program they had developed which included the following:

A bootcamp for shop stewards and council leaders to educate them about the Friedrichs case. The camp also sought to teach PEF leaders how to talk to members who were fee payers (non-members currently, like Ms. Friedrich who chose not

*(Continued on page 4)*

# Health Benefits News

## Negotiated Benefit Changes Effective 7/1/15

PEF's health insurance and pharmacy benefit carriers gave presentations at PEF headquarters during the work day on 6/18/15 to familiarize staff with the negotiated benefit changes to be implemented on 7/1/15. USW disagrees with PEF's (the Kent/Garcia Administration) implementation of some of the benefit changes presented, and has filed a grievance disputing them. Deborah Stayman then gave a presentation on Conference Day summarizing the changes, and identifying the areas of dispute with PEF.

Additionally, certain issues that were identified during the 6/18/15 presentations will be pursued in the Health Benefits Committee. These issues include charging an outpatient surgery center copay of \$40 only at a surgery center and a \$20 copay for surgery in a doctor's office, and proposing an additional exception to the generic copay at retail pharmacy requirement. We hope that the Spence/Hintz administration will act swiftly to resolve our disputes with the Kent/Garcia Administration concerning the negotiated changes.

In addition to addressing members' questions concerning the benefit changes effective 7/1/15, USW has continued to receive complaints from members regarding problems with Blue Shield and Catamaran. We follow up on every member concern. If you contact PEF regarding a health benefits issue, please inform Deborah Stayman (dstayman@pef.org or x286 in Albany) so we can monitor problem areas and advocate on your behalf if necessary. The negotiated benefit changes are summarized below for your convenience.

Benefit	2007-2011 Contract	Effective 7/1/15	Notes
<b>Medical</b>			
Office Visit Copay	\$15	\$20	
Outpatient Surgery Center Copay	No copay	\$40	\$20 copay for surgery in doctor's office per USW/PEF negotiations
Emergency Room Copay	No copay	\$40	\$20 copay for urgent care center. ER copay waived if admitted to hospital
Out of Pocket Maximum	\$1,250/individual \$2,500/family	\$1,500/individual \$2,750/family	Per calendar year; does not include coinsurance for dental services
Prior Authorization	Not required	Required for: *scheduled outpatient MRIs *scheduled elective inpatient admissions	Not required for inpatient MRIs. For emergency admissions a call must be made within 48 hours. Required for these admissions: inpatient care, maternity, mental health, alcohol & substance abuse detox. Your participating doctor is required to call. If your doctor is non-participating, you must call.
<b>Prescription Drugs</b>			
Retail Pharmacy Days Supply	Up to 90 days	Up to 34 days	Does not affect short-term prescriptions, e.g., for an infection
Generic Copay	-0-	At retail pharmacy copay changes to \$10 at & after 3 <sup>rd</sup> fill*	At mail service -0- copay for generics up to 90 days
Standard Quantity Limits	Not applicable	Erectile Dysfunction Drugs: Caverject, Cialis, Edex, Levitra, Muse, Staxyn, Viagra; Overactive Bladder Antispasmodics: Oxytrol patches	See Catamaran Standard Non-Specialty Quantity Limit List, January 2014 (updated 12/19/2013)
Standard Step Therapies	Not applicable	Target Drug Categories: Anti-infectives Cardiovascular Central Nervous System Gastrointestinal Obstetrics & Gynecology Respiratory	See Catamaran Standard Step Therapy Programs, January 2014 (updated 12/13/2013). See handout for drug names.

\*Exceptions to the generic copay requirement for chronic medication refills at retail will be allowed for certain drug categories. Those drug categories will be subject to no copay at retail at anW

### (Friedrichs, page 3)

to pay their full share of dues, and can get a portion of their dues returned which covers political action activities of the union); and also how to approach the rest of the 51,000 members who are full dues-paying members to recommit to the union. This plan was given to PEF's Chief of Staff.

USW recommends to the PEF leadership to pay attention to the need to educate, organize and agitate at the workplace to encourage the 51,000 current members to stay PEF members no matter what the Supreme Court decides in the Friedrich's case. There are approximately 124 members of USW who work for PEF. We alone cannot save PEF. We can aid PEF's elected officials, executive board members, council leaders and shop stewards—and, in fact, we have been doing so already. But we cannot substitute for PEF leaders at every level who will demonstrate their commitment to PEF by reaching out to each other.

Unions have made history in the past—and can save that history now—but not by waiting for someone else to carry them!

— Susan Radosh

# Health Benefits News

## Blue Shield Switching to Quest

Effective January 1, 2016, LabCorp will no longer be participating in the Blue Shield network. To avoid out-of-pocket charges for lab services, make sure you go to a Quest service center or draw site. Visit [www.questdiagnostics.com](http://www.questdiagnostics.com) and use the locator to find a nearby site. If you have blood drawn at your provider's office, inform the staff that blood tests should be sent to Quest effective 1/1/16.

This laboratory network change does not apply if you live and/or receive services outside of BlueShield's service area through the BlueCard program. You should continue to use your local network of participating labs.

The change to Quest excludes lab services provided during emergency room visits, inpatient admissions, outpatient day surgeries, and other selected procedures over which you have no control.

If you currently have a standing lab order with LabCorp, you will need a new order from your provider to bring to a Quest service center or draw site.

## Catamaran Mail Service

The Catamaran Mail Service pharmacy does not have NYS-required software to receive electronic prescriptions for controlled drugs. An enrollee who uses a maintenance medication which is a controlled drug (e.g., for ADHD) cannot have a 90-day

prescription sent electronically to the mail service pharmacy. The enrollee's current options are: get a prescription for a 30-day supply at a retail pharmacy (these prescriptions cannot be refilled so a new one must be obtained every month); or get a paper prescription for 90 days to mail to the Catamaran Mail Service pharmacy. Approximately 3 weeks should be allowed for a paper prescription to be filled and received.

According to PEF, Catamaran is working on this issue and their latest forecast is to have the software in place in January. The state is requiring that all prescriptions be transmitted electronically by March 27, 2016.

## GRIEVANCE NEWS

USW Local 9265 has filed two grievances regarding new provisions of our health benefit package that went into effect in 2015. During the last round of contract negotiations, USW and PEF agreed to adopt some features provided by both Blue Shield and Catamaran customers considered "off-the-shelf" health insurance provisions. These features included: prior authorization for MRI's and any inpatient admission; and a schedule of step therapy for certain medications and a mail order prescription plan.

USW filed a class action grievance against PEF in May of 2015. The grievance was filed because Blue Shield provided their definition of "inpatient admission" to PEF and USW at a Health Benefits meeting which included not only scheduled hospital admissions,

but also any stay at an acute physical and/or acute and substance rehab non-residential; any alcohol and substance rehab residential treatment facility; any hospice facility; any mental health facility or program; any mental health residential treatment program; any mental health partial hospitalization; any private nursing any place; and any skilled nursing care.

These were all provisions that had been proposed by PEF in the last round of negotiations which USW rejected—but now they had become part of our health benefit coverage anyway! USW objected to the Kent Administration including these provisions in the category of care requiring prior authorization and filed the grievance. Prior to leaving office, the Kent Administration attempted to issue a decision in the grievance without even holding a grievance meeting and even after they admitted to be unable to make

any major decisions for PEF! The next health benefits grievance was filed on behalf of an individual member who had a CAT scan scheduled for July of 2015. There is no required prior approval under our negotiated benefits for tests other than MRI's. However, Blue Shield would not OK the CAT scan and once again, USW filed a grievance. The Spence Administration agreed that CAT scans do not require prior approval and stated this matter would be straightened out with Blue Shield.

USW encourages members who experience problems with any of our health benefits to contact a USW shop steward and the Chairperson of the USW Health Benefits Committee, Deborah Stayman.

— Susan Radosh