



News & Updates

October 2, 2017

Reminder: Sick Bank Open Enrollment Period Ends October 6

- *Employees who are **not** members of the Sick Bank have the opportunity to enroll for this benefit now -- **the deadline to enroll is this Friday, October 6. If you are not a member of the Sick bank, and need an enrollment form, please call the FUSE today to get one! (914-636-7999)***
- *Once enrolled, new members will contribute two sick days from their accrued sick days allotment to the bank. **Any member who has previously joined the Sick Bank, does not need to re-enroll.***

Additional information about the Sick Bank may be found in our contract, Section 1.08:07 on page 21.

Supreme Court Agrees to Hear Case that Could Cripple Public Employee Unions

On last Thursday, the Supreme Court agreed to hear *Janus v. AFSCME*, a case about public employees' unions and "fair share" dues.

Roberta Lynch, executive director, AFSCME Council 31, explains it this way:

"When working people have the freedom to speak up together through unions, we make progress together that benefits everyone. ... The last thing America needs is an assault on the freedom to form strong unions and speak up for ourselves and our communities.

*Unfortunately, attacking the freedom of working people to come together is exactly what the *Janus v. AFSCME* lawsuit is all about. Although fronted by a lone state employee, the case is bankrolled by the National Right to Work Foundation and the Liberty Justice Center — the litigation wing of the Illinois Policy Institute — part of a network funded by billionaires and corporate CEOs who use their massive fortunes to tilt the playing field in their favor.*

Under current law, every union-represented teacher, police officer, caregiver or other public service worker may choose whether or not to join the union — but the union is required to negotiate on behalf of all workers whether they join or not. Since all the workers benefit from the union's gains, it's only fair that everyone chip in

toward the cost. That's why 40 years ago a unanimous Supreme Court approved the kind of cost-sharing arrangements known as fair share.

The Janus v. AFSCME case is an effort by powerful corporate interests to outlaw fair share."

NYSUT President Andy Pallotta said that "Unions have — and always will be — the best vehicle working people have to take a stand against the wealthy and powerful who have rigged the economy in their favor. At NYSUT, we plan to stand strong and stand together against this legal threat to our families, public services and communities."

Despite these strong statements and promises to "fight" efforts to undermine public employees' unions, the fact is that the Court will most likely overturn years of precedent and outlaw "fair share" payments in lieu of dues. This is because, in an act of breathtaking obstructionism, Senate Majority Leader McConnell refused to allow the Senate to take up the nomination of Merrick Garland, who was nominated by President Obama, after the death of Antonin Scalia. The election of Donald Trump assured that the Court would have a conservative majority that would tilt toward moneyed corporate interests and not the rights of working people to organize.

For an insightful -- and sobering analysis -- of what will likely to happen when the Court rules on *Janus*, read Mark Joseph Stern's article [Solidarity's End: Neil Gorsuch is Giving Conservatives the Chance to Virtually Destroy American Unions.](#)

What's happening with our SLOs and the APPR?

The union is currently in discussions with the school district about possible changes to the "student performance" (test scores) portions of the teacher APPR score in New Rochelle.

It is expected that SLOs will no longer be the measurement used for most teachers and that alternatives that are less-intrusive on time needed for teaching and learning will replace them. It is expected that the union and the school district will complete these discussions in the next week or two. Of course, FUSE members will be notified as soon as any changes are finalized.

Please know, the APPR subcommittee is working diligently to ensure that instruction and learning are the focus of our district's APPR, and not fear or uncertainty caused by a deeply flawed, state mandated evaluation system.



On this note, **YOU** can also be a part of **making change happen** on a state level and help end the entire harmful APPR practice mandated by the state and return control to localities -- read on:

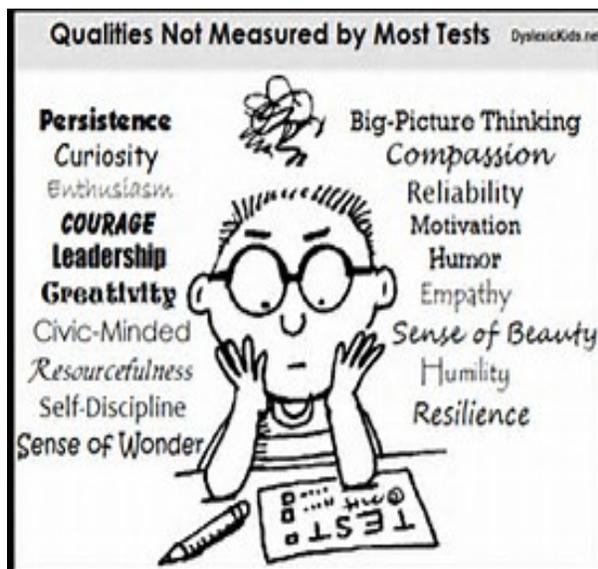
Take Action to End the Use Of Test Scores as a Part of the APPR

NYSUT has launched a campaign to pressure the Board of Regents to recommend significant and positive changes to the current law governing teachers' annual professional performance review.

Go to [NYSUT Member Action Center](#) and add your voice to the thousands of other teachers and school employees working for long overdue positive change in the state's APPR law.

Specifically, the union is asking the Regents to endorse changes to the law (3012-d) that exclude the use of student test scores as a measure to gauge teacher effectiveness and return most decisions regarding teacher evaluations and professional performance reviews back to local school districts. The goal, NYSUT states, is to create craft a plan that focuses on "development and support" for teachers throughout the state.

The NYSUT letter to the regents goes on to remind them that the current "test and punish" system has been widely discredited and has led to a parent "revolt" against the testing as evidenced by the sustained strength of the "opt out" movement. No district should be compelled to use Student Performance as part of their evaluative tools when there is no effective, accurate, or reliable methodology to do so.



Over the past two years, the Board of Regents have taken steps to fix the problems created by the rushed implementation of the Common Core Standards. That's a positive start! However, fixing our broken APPR system is the next step in restoring parents' faith in our education system and putting the focus back on student and teacher development.

NYSUT insists that **the Regents must create a legislative proposal for the 2018 legislative session to develop an APPR evaluation system that focuses on teacher development and support.** The time has come to move on from these past efforts and to allow each district to use an evaluation system locally that matches the

educational values of their own community.

You can be a part of the effort to end the "test and punish" APPR. It is easy to send an email to the Regent in your area by going to the NYSUT Member Action Center (MAC). Regents need to know that teachers across the state are looking to them for leadership on this issue - they must present state lawmakers with a proposal for changes in the APPR legislation that ends the use of student test scores and returns control of teacher evaluation to local school districts. So take a few moments now to go to [NYSUT Member Action Center](#) and support our union's efforts to bring about constructive changes to the state's APPR law.

Contract Negotiations Preparations: The Negotiations Committee

Any members interested in serving on the union's negotiations Committee should contact Mike Chwick by October 10.

Vacancies exist on the Negotiations Committee that need to be filled by qualified and motivated candidates. Those vacancies are:

- **1 or 2 Committee-Members** who will participate in compiling FUSE's list of proposals, participate in pre and post negotiation strategy sessions as well as attend, and participate in, actual face-to-face negotiation sessions as part of FUSE's negotiating team.
- **1 or 2 Committee-Advisors** who will participate in compiling FUSE's list of proposals, participate in pre and post negotiation strategy sessions, but will only observe actual negotiation sessions.

Meetings usually begin at 1:00pm, which means that interested candidates must be willing to have their classes "covered" on a regular basis. These meetings usually conclude by 3:00pm. Face-to-face negotiations with the school district's team begin in February, convening 2 – 4 times a month, until a successor agreement is completed. These meetings pose similar conflicts as those mentioned above.

Interested and qualified candidates should possess several years of experience participating in FUSE-related activities. These activities **may** include, but are not limited to, serving on a building committee, regularly attending Board of Representative meetings, or other relevant experience. In addition, candidates must be willing to comply with the statutory and regulatory parameters of the Taylor Law, which governs public employee collective bargaining in New York State, and be willing and able to work collectively and collaboratively with the other members of the Negotiations Committee.

While Committee-Advisors will not actively participate in face-to-face negotiations sessions with the school district, (they will attend these sessions as observers), their advice in compiling FUSE's list of proposals, as well as their participation at post and/or pre negotiation strategy sessions, will be invaluable assets to the entire negotiations process.

If you are interested in serving on the FUSE negotiations Committee, please submit a letter of interest to Mike Chwick (mchwick@nrfuse.com) which details your interest, qualifications and other relevant experience, via e-mail or through the inter-office "Pony" by October 10.



VOTE No on the Constitutional Convention

FUSE Vice President Aisha Cook joined AFL-CIO unionists from around Westchester County two weeks ago to canvass neighborhoods, knocking on doors and explaining why we must **vote NO on Prop 1** -- having a Constitutional Convention.

This was the first in several outreach efforts that are being planned by the NYS AFL-CIO and the Westchester Labor Council. I'll be emailing details and information about future efforts so that interested members may participate if they are able to do so.



Some have asked if there are any other ways that the state's Constitution can be changed other than a Constitutional Convention. As a matter of fact, there are. Kara Smith a writer for NYSUT United explains:

We have a better, cheaper way to change state's constitution

By Kara Smith

Think holding a constitutional convention is the only way to change the New York State Constitution? Think again. There's a much simpler way to amend it and, unlike the hundreds of millions a constitutional convention is estimated to cost, it doesn't cost taxpayers a thing. State legislators routinely pass bills to make constitutional changes as part of their regular, day-to-day job responsibilities. In fact, it's been done roughly 200 times since the last major constitutional redraft in 1894.

Here's how it works:

Measures altering the state constitution must win voter approval after they are passed by two separately elected bodies of the New York State Legislature, as constitutionally required.

For example, a bill approved by a legislative body elected in 2014 must also be approved by a state Legislature elected two years later, in 2016. If both legislative bodies approve the bill, it goes before voters on that year's November ballot where it must win statewide voter approval.

"This is a better way to make changes, because it provides a system of checks and balances and gives regular people a bigger say in the amendment process," said NYSUT President Andy Pallotta. "

Best of all, it costs taxpayers nothing."

Some recent examples of this process include:

- the statewide expansion of casino gambling;
- selling specific tracts of land within the constitutionally protected Adirondack Park; and
- a measure allowing the Senate and Assembly to go paperless, which saves more than \$325,000 annually in printing and paper costs.

Since a simpler and cheaper method exists for changing the state constitution, holding a convention is like using a slide rule to crunch numbers instead of a computer. You can do it, but why would you?

It's estimated that hosting delegates and staff in Albany for an open-ended constitutional convention would cost hundreds of millions in taxpayer dollars — hundreds of millions that could be spent on education, health care, infrastructure improvements or dozens of other investments a lot more important to New Yorkers statewide.

If changes to the state constitution can take place without taxpayers footing the bill for delegate salaries, travel expenses, per diems and pension costs, why have a constitutional convention at all?

It's a good question.

On Nov. 7, remember to vote NO on the constitutional convention.

What you need to know

- The constitutionally required 20-year referendum to propose a constitutional convention will be on the Nov. 7 ballot.
- If it passes, three delegates per state Senate district and 15 at-large delegates — 204 in total — would be elected at the next general election, in November 2018.
- Delegates can include members of the Legislature or other elected officials, as well as political party leaders — and they can hold both positions, collecting both salaries and double pension credits.
- The convention would meet in Albany in 2019 for an unspecified duration, and then publish its suggested amendments.
- Any proposed changes are submitted to voters for approval separately or as a group for another public referendum.

Learn more about the perils of a constitutional convention and what you can do to educate yourself and others.

Visit:

- www.nonewyorkconvention.org
- www.nysut.org/concon