

Subject: Letter against Intro 1099-2023

August 29, 2023

Dear Labor Leader,

Your name and Union appear as a supporter on a letter (see attached) dated August 24, 2023, from the NYC Municipal Labor Committee (MLC) opposing a proposed City Council bill, Intro 1099-2023, claiming it violates collective bargaining rights as described in the Taylor Law. Intro 1099 is TWO sentences. It states: **In order to preserve retiree health care choice, the city shall offer Medicare-eligible city retirees and their Medicare-eligible dependents at least one Medigap plan with benefits equivalent to or better than those available to city retirees and their dependents as of December 31, 2021. Nothing in this subdivision shall be construed to impair the ability of any employee organization to negotiate the terms and conditions of employment for their employee members.**

Do you see anything in the language above to substantiate that claim? More importantly, do you know why the Intro has been proposed?

Let's start with an introduction. We are the NYC Organization of Public Service Retirees, retired municipal workers from all agencies of NYC. Most of us are retired Union members, some are managers with no Union affiliation. We have organized tens of thousands of retirees to defend our earned and vested retiree healthcare from being diminished. There are 250,000 of us.

The cliff note version: In 2021 the MLC endorsed a plan to auto-enroll City retirees into an inferior health plan – a Medicare Advantage plan (MA) in lieu of a supplemental plan (Senior Care) that enabled everyone to enjoy the full benefits of Traditional Medicare. In a move that the City Office of Management & Budget promised would save \$600 million annually (a number they have revised downward several times), the initial plan was to offer the MA plan with no employee premium and charge retirees who opted to remain in Senior Care about \$200/person/month. After a Court found the transaction in violation of the City code, the self-pay offer was rescinded. For 60 years NYC employees have been promised full Medicare coverage. Now the City wants to renege. We've objected. We filed litigation in three separate cases, and have been successful, including two First Department Appeals Courts unanimous decisions affirming our right to our current plan. We are awaiting the outcome of the City's appeals to all the cases.

We are elderly and disabled retired City workers. Many 9/11 responders dealing with deteriorating health. The majority of us have pensions under \$35,000 a year. We cannot afford original Medicare without a supplement like Senior Care. Few of us have the \$250-\$800 a month to buy a commercial Medigap plan. A substantial number of our doctors and hospitals refuse to accept Medicare Advantage plans. Many need access to life-saving drugs not offered by MA plans and can't absorb the costs on their own. Hundreds of us live in continuing care residential communities that do not accept MA. The disabled who are under 65 years old, are being quoted \$800/month or more for a supplemental plan, and in some states retirees cannot secure a plan as there is no guarantee issue if you're under 65 years old.

After every successful court decision, another twist was thrown at us. So, we sought to put a stop to the betrayal and asked our City Council Members to amend the City's laws to protect our healthcare as promised. We modeled the language on the NYS Constitutional protection of our pensions. Intro 1099 would provide similar protection against the diminution of our health benefits.

We are asking for nothing more than we currently have, nothing more than we were promised, nothing more than we earned and paid for. We are especially disheartened that some of our sisters and brothers in the NYC labor movement have joined the chorus of cut backers. We urge you to reconsider your endorsement as retired labor counts on the promise made to us in employment. One already advised us he did not give permission for his name to be on this letter and demanded a correction. We urge you to stand with us, supporting a promise made should be a promise kept.

Please call if you would like to discuss or need more information, we would be glad to meet with you and answer your questions.

In Solidarity,

Marianne Pizzitola
President
NYC Organization of Public Service Retirees
631-793-9715

We are attaching two references to support or statement to you.

1. Op-Ed By Retired NYC Counsel to NYC Council, Gary Altman. [Click here to read](#)
2. Video by the Attorney Representing the Retirees & the Retirees Leader [Click here to Watch](#)
3. Op-Ed by AARP [Click here to read](#)

Marianne Pizzitola
President
NYC Organization of Public Service Retirees

And

FDNY EMS Retirees Association

631-793-9715