

Ellen Schuler Mauk Retires

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I first met her among those of us who were active in the fledgling higher education group of the New York State United Teachers. Ellen has served on the NYSUT Board of Directors since 2003, has been a NYSUT Member Benefits Trustee since 2003 and has been on the NYSUT Executive Committee since 2009. In addition to those responsibilities, she has also participated on the AFT Higher Ed Program and Policy Committee for the past ten years.

Among her many involvements was her participation in our LERA chapter since the 1980s. It didn't take long for Ellen to become our president in the early 90s. She has continued to be involved with the chapter over the past 30 years and, most recently, presented the Macgregor Award at our 2013 Spring Conference.

Ellen has not neglected her local territory. She has served on the Suffolk County Employee Medical Health Plan Labor/Management Committee from 1992-2013. (She is one of the original labor leaders that helped develop the self-insured plan in 1991.) Also in the local arena, she serves on the Suffolk Coalition of Public Employees (S.C.O.P.E.) which includes all Suffolk County municipal labor organizations, of which there are currently 11: AME, FA/SCC, PBA, SOA, Detectives Association, Corrections, Deputy Sheriffs, Guild of Administrative Officers (SCC), Probation, Park Police and Detective Investigators PBA.

Ellen's intelligence, hard work and creativity were evident in whatever venue in which she was involved and while she will no longer serve as president of the SCCC union chapter, she will continue to be active in many arenas.



Ellen participating at a rally.

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from businesses to labor unions as employers, and certainly to individuals who might not have the good fortune of having employer provided health care. So we enter 2014 with much at stake and much to continue to ponder and strive for in the workplace and in the field of labor relations. As always, the Long Island Chapter of LERA will continue to be a part of that. Our Spring Conference Committee is in the planning stages of the upcoming conference in May and we are looking forward to our next chapter meeting in March. I also encourage all of our members to consider membership in the National LERA to be able to take advantage of the many benefits of that membership, including the abovementioned publication. It is always very informative and enlightening.

I wish all of you a Happy and Healthy New Year!

The Long Island LERA Newsletter is a quarterly publication of the Long Island chapter of the Labor and Employment Relations Association.

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Long Island Chapter

Labor and Employment Relations Association

Newsletter

**ADVANCING
WORKPLACE
RELATIONS**



Winter 2013/2014

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PRESIDENT'S PERSPECTIVE:

Amanda Barker, President

So here we are again - the beginning of a new year. We shake the dust of 2013 off and look ahead to the hopes and possibilities of 2014. Each January 1st we look at a laundry list of things that will begin to affect us in the coming days and months. Some will be temporary and some will be long lasting.



One of those things that hovers above (and one that has actually existed since 2010 but which has some milestones set to come into play this year) is the Affordable Care Act. Seldom have we seen an issue that has garnered such passionate discussion and debate as this law. Some see it as the beginning of what will hopefully be many improvements to the leviathan health care system in America. Others are convinced it is the beginning of the end of life as we know it, and must be stopped at all costs.

I haven't met anyone who has had the time (or fortitude) to read each and every one of the thousands of pages that comprise this effort to reform health care. And I don't think it reached the top 500 on Amazon's charts. It is also difficult for a "layperson" to find independent information and facts on it.

Along comes the Summer 2013/Winter 2014 edition of *Perspectives on Work*, a publication of national LERA and available as part of an annual membership to the national organization. The current volume is dedicated to various scholarly articles on the ACA—from educators and practitioners with management and labor backgrounds.

One article that offers a somewhat refreshing perspective on one of the less controversial aspects of the ACA is written by Maura Calsyn, the associate director of health policy at American Progress. She reminds readers of one of the founding principles of the Affordable Care Act, and one of its reasons for being, that of reducing the ever rising health care costs in this country. We hear much of the more politically

Upcoming 2014 Chapter Meetings

Wed., March 12
Bonwit Inn, Commack

May 2 Spring Conference (Tam O'Shanter)

June 18 (Nassau, TBD)

September 10 (Suffolk, TBD)

December 10 (Nassau, Holiday Party)

charged requirements of ACA, but not much has been focused in any widespread manner on what it has been accomplishing in the cost-saving realm.

In a nutshell, there are aspects of the law that make changes to the Medicare system to bring payments, costs and quality together. The ACA also strives to make known the price of care for the users of that care, with the expectation that eventually they will be able to shop for value, whether it be from an employer or an individual. It seeks to encourage a system that fosters organized and higher value care. According to Ms. Calsyn, these changes are beginning to find their way to businesses and insurers as part of the ACA. She indicates that being the largest insurer in the country, Medicare's payment system affects how health care providers function in general.

With limited space here, it is difficult to address all of the detail in that article, but it is truly and empirically informative. Suffice it to say that the emphasis of the article on cost containment bends towards the revelation that overall spending in health care has been on the decrease over the most recent three years, largely because of the ACA's reforms that have already been enacted.

Finally some good news! Here's hoping that we can take this encouraging information to help us breathe through the "scarier" aspects of the new legislation as it affects everyone

Jeff Zaino, AAA V.P. at 9/25 Meeting



Jeffrey T. Zaino, Vice President for Labor and Employment, at the American Arbitration Association, was our guest speaker at the September 25 chapter meeting. Before he began his talk, he gave us an update of what has been happening at the AAA. The new president and CEO of the organization is India Johnson. Ms. Johnson, the first female non-lawyer president, began her tenure on January 1, 2014. Ms. Johnson had been Senior Vice President and Chief Strategy Officer at the AAA and has been promoted to the position of Acting Executive Vice President in anticipation of advancing to the position of President and CEO.

Also, the AAA has moved. They are now in two new locations, at 150 E. 42nd Street and 120 Broadway, in Manhattan. They have also added a new free online feature to their website called "clause builder." By accessing this feature, one can find model contract clauses that can be adapted to a particular situation. AAA mediators are still hearing "Sandy" cases in New York and New Jersey. AAA's mediation services can be found at "Mediation.org."

The first of the two topics that he addressed was, "Selecting the Right Arbitrator for your Case." There are differences among arbitrators, and not just in regard to their personality. Among the criteria that he mentioned were the general needs of the case. By this, he meant that frequently there are certain requirements that are called for in the collective bargaining agreement. In addition, there may be specific needs relating to the case. The AAA codes the special skills of its panel members so if you need an arbitrator, for example, with accounting skills, they can provide panel members who have that skill. In some cases, the cost of the arbitration is important and arbitrators fees can range from \$800 per diem to \$2000. Cancellation policies also vary and that may be relevant. Mr. Zaino's suggestion was that the parties should do their homework. Almost all of the decisions from AAA cases are published and can be found in sources such as Lexis-Nexis and Westlaw.

In some contracts, arbitrations must be held within a certain timeframe and Mr. Zaino recommended that the parties consider newer arbitrators whose calendars may not be booked so far into the future. These people might be new to the arbitrator panel, but they are not new to labor management relations.

The second topic was a classic list devised by the famous arbitrator, Louis Gill. He originated the list of "10 Ways to Alienate Your Arbitrator." Mr. Zaino noted that the list below is self-explanatory.

- 1) Always be late.
- 2) Be persistent with your technical objections.
- 3) Make it clear that you distrust the arbitrator.
- 4) Object to your opponent's introduction of evidence.
- 5) Continually interrupt your opponent.
- 6) Use a sneering tone whenever you speak.
- 7) Never admit anything your opponent says is true.
- 8) Repeat and repeat some points.
- 9) Present your exhibits in incorrect form.
- 10) Be sure not to state a clear theory of your case.

Fortunately, the *Code of Professional Responsibility for Labor Arbitrators* prohibits arbitrators from retaliating against parties for poor or rude behavior by their advocate.

William J. Lindsay, former LI LERA chapter president and Suffolk County presiding officer, dies

William J. Lindsay, the longtime presiding officer of the Suffolk County Legislature and a former president of our LI LERA chapter, who was considered a unifying force during tumultuous years of fiscal crises and battles with the county executive, died of cancer. He was 67. Lindsay, a Holbrook Democrat, was diagnosed with mesothelioma, a rare form of lung cancer, in early 2012—just as he was beginning his final two years in office due to term limits. He underwent surgeries, chemotherapy and other treatments, but was present for many key votes. In January, he was unanimously chosen as presiding officer for a record eighth straight one-year term.

Legis. Lynn Nowick, who served with Lindsay beginning in 2006, was at our September 25th meeting, and described him as a peacemaker. She said that he just knew how to talk to everybody.

Suffolk Democratic chairman Richard Schaffer, who recruited Lindsay for the county's 8th Legislative District seat 12 years ago, said Lindsay "could hobnob with the rich and famous and then be in the union hall with a pair of blue jeans, rallying the troops about a project. Very few people can do that."

After his 2001 election, Lindsay advocated for health care benefits for the many county residents who fell ill after working at the World Trade Center site. "His leadership, even as he dealt with his illness, was remarkable," said County Executive Steve Bellone, a Democrat who took office last year.

Much of 2012 and 2013 had been marked by debate over Suffolk's budget deficit, estimated at various times as being between \$180 million and \$530 million. Bellone proposed unpopular measures such as closing the county nursing home and laying off hundreds of county workers, fracturing lawmaker coalitions that Lindsay had kept together.

"I can only imagine how much smoother things might have gone had he not been dealing with his illness," Bellone said in an interview. "In that sense, he's irreplaceable."

Lindsay was born on Nov. 24, 1945, and was raised in Glen Cove. He became an electrician's apprentice at 14 and worked for years on construction sites. In an interview early this year he said his prolonged exposure to asbestos may have given him the mesothelioma. "You try to protect your members from this disease, and then you end up getting the damn disease," he said.

"He suffered mightily," Legislative Minority Leader John M. Kennedy Jr. (R-Nesconset) said of Lindsay's last months. "But like everything he did in life, he tried to go through it with dignity."

Lindsay is survived by his wife of 43 years, Patricia; three children, Kathleen, Denise and William Lindsay III, a Democrat who ran to claim his father's legislative seat; and four grandchildren.

Some parts of this article were reprinted with permission from *Newsday*.



A youthful Ellen early in her career
Ellen Schuler Mauk Retires from SCCC

by Gerald H. Grayson

She tried to hold back the tears, but was not successful. The occasion was when Ellen chose to inform the chapter, at a meeting, that she was planning to retire after 43 years at the college. Perhaps, it was one of the few things at which she has not succeeded. Ellen began her teaching career at Suffolk County Community College in 1970. At that time, the Faculty Association, the newly formed union representing the faculty was negotiating its first contract, and Ellen became a member. Shortly thereafter, she became secretary of the chapter, then vice-president and ultimately was elected president, a position that she has held for 34 of her 43 years at the college.

As a result of the passage, in 1967, of the Public Employees Fair Employment (or Taylor Act) in New York State, the faculty at CUNY (where I taught), at SUNY, and at a number of other public institutions of higher education in New York State took advantage of the provisions of this law that allowed public employees to engage in collective bargaining. Among those colleges was Suffolk County Community College, where Ellen got a position teaching English.



Ellen at a NYSUT Board meeting

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