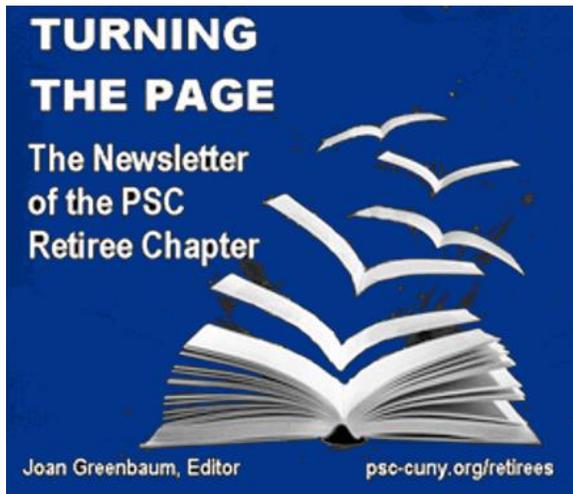


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[psc-cuny.org/retirees.org](http://psc-cuny.org/retirees.org)

## MEDICARE—THE STRUGGLE CONTINUES

Today, we are in the midst of a years-long struggle to prevent PSC and other City retirees from being pushed into a Medicare Advantage health benefits program. It is a time characterized by both hope and trepidation.



Hope because hundreds of PSC retirees have given testimony, called City Council members, made phone calls and demonstrated at City Hall against changing NYC Administrative Code 12-126. If the Administrative Code had

changed it would have allowed the mayor to create a tiered system in which many would be forced onto Medicare Advantage, while others would have to pay at least \$191 a month to maintain GHI Senior Care. Relentless pressure won: the Civil Service and Labor Committee of the City Council did not schedule a vote on the change because the votes weren't there. We were heard.

Also hope because the majority of the City Council has expressed interest in the PSC's viable alternative plan. The PSC proposes that a portion of the funds in the Retiree Health Benefits Trust be used to replenish the nearly depleted Health Insurance Stabilization Fund, giving the City time to form a commission to control healthcare costs, particularly hospital pricing.

Nearly 300 members attended the special January 23<sup>rd</sup> Chapter meeting on this issue. PSC President James Davis laid out a cogent argument about the political nature of this struggle—it will take the will of government not to privatize our healthcare and take this dilemma off our backs. Debbie Bell, former PSC executive director and healthcare guru, and Dean Hubbard, current PSC executive director, answered questions and spoke about our next steps, in which we will be working with our allies and all our members to convince the Adams Administration not to turn to a so-called Medicare Advantage “solution.”

However, there is also fear expressed that we may have jumped out of the frying pan and into the fire. Mayor Adams' Office of Labor Relations (OLR) has made two threats: (1) If the administrative code is not changed, the Mayor will put all retirees on Medicare Advantage,

with no option for anyone to keep Senior Care, and (2) he will not sign any contracts with municipal unions unless he achieves \$600 million in savings through Medicare Advantage. The PSC-CUNY contract expires February 28. PSC and many other NYC unions are up for a new round of contract negotiations. Please look out for further PSC Retiree email blasts for news of our next steps.



## ARE YOU CONFUSED ABOUT HOW WE GOT HERE?



This struggle between retirees and the City Office of Labor Relations (OLR) and the Municipal Labor Council (MLC) has been going on since at least 2014. If your head is spinning--here's what's happened in just the last two months.

**Dec 15, 2022:** The arbitrator, Martin Scheinman, who is actually one-third of the Tripartite Committee finding supposed cost solutions, said that Medicare Advantage negotiations have to be negotiated by January 9<sup>th</sup> and that the City must implement an Aetna Medicare Advantage plan by June 1<sup>st</sup> as the only health insurance option for retirees. Scheinman and the Mayor then urged the City Council to amend the Administrative Code (section 12-126) to allow retirees to “pay up” for other options.

Scheinman's first deadline—January 9—passed without an Aetna agreement.

We had been attempting to hold this off. But with this move all hell broke loose and you and retirees throughout the City got into high gear.

**Dec 30, 2022:** PSC proposed an alternative plan that would temporarily fund traditional Medicare w/Senior Care, buying time to find real healthcare cost savings for the City. President James Davis emailed this to all PSC members.

**THIS NEW YEAR BEGAN** with lots of activism thanks to all of us.

**January 9, 2023 City Council held a Hearing** on Administrative Code 12-126; it lasted about 11 hours with almost all of the testimony from city union retirees speaking passionately against the change. (See article in this issue.)

**January 11, 2023 Judge Lyle Frank** of the New York Supreme Court issued an injunction against the \$15 co-pays instituted last January. The injunction started January 11<sup>th</sup>. This issue is adjacent to the Medicare Advantage struggle but is still good news.

**January 19, 2023 City Council was scheduled to vote** on changing the Administrative Code. The Council did not hold a vote; the committee decided not to follow Mayor Adam's order. According to the *Daily News* “the bill is dead.”

## WHERE DID IT ALL START?

While there was an agreement between the City and the MLC in 2014 to save healthcare costs, the real cannon shot that launched this struggle was the 2018

agreement between the City and the MLC calling for \$600 million per year savings in municipal health benefits starting in 2022, “including . . . benchmarking Medicare Advantage for retirees.”

In 2021 we began to get wind that the MLC was planning to move retirees to a privatized Medicare Advantage. Our chapter has been holding meetings and has written about the need to keep Medicare public. We have specifically focused on the NYS Health Act which proposes free health care to all New Yorkers. On a beastly hot July 30th in 2021 many of us joined in with others to rally in protest of a possible MLC vote on MA. But on July 14th most MLC unions did vote for Medicare Advantage with five unions, including the PSC, voting against the draconian move.

The 2018 agreement and the MLC vote led down the road toward Medicare Advantage plans for all retirees with, as we now are told, an option (if Administrative Code 12-126 is changed) to have a “choice” of paying for continuing our Senior Care plan. Prices for this Senior Care plan last year were estimated at \$191 per month per person, with *increases* each year.

A nub of the problem all along has been rising health care costs. We all know this. But the MLC has not done much, if anything, to negotiate hospital costs—the largest part of the program. Nor did they, as outlined in the 2018 agreement, seek out savings by “self-insuring” the City as other cities have done. Nor have they investigated other savings they reference in the agreement.

There are other ways to save costs other than on the backs of retirees. It also raises serious questions about why the “answer” to saving costs has been a

mantra for privatizing healthcare. As Barbara Caress, a PSC member and a noted health care policy analyst, says:

“There is no *secret sauce* that NYC is smartly dipping into. Medicare Advantage costs less because insurance companies spend less on medical care.”



And there is one more elephant in the room. Now that the Federal Government is technically in default, the noise about cutting Medicare and Social Security is once again getting louder. We always need to be watchful for this larger picture. In 2011-12 our retirees chapter launched the Safety Net Committee for research and education. This same committee has been in action ever since contributing to the larger struggle and guiding actions in these more recent rounds with the City and the MLC. If you are interested in joining this group please write to us.

## THE CITY COUNCIL HEARING—MEMBERS ARE HEARD

Compiled and edited by David Kotelchuck, Hunter College

With their health and even their lives at stake, retirees flooded the City Council hearing on January 9th hoping to testify as promised. It wasn't until after 4:00

PM that the retirees who had been waiting since 9:30 AM either in person or virtually were given a chance to be heard.

The Hearing began with a panel composed of administrators from the Mayor's office who have been tasked with developing the contract between the City and Aetna. The panel was unable to answer some very basic questions from Council members about the contract because there is no real contract with Aetna yet. When asked specific questions concerning cost or coverage, the panel often responded that they would have to get back to the Council.



Photo credit: Erik McGregor

Here are some excerpts from retirees that demonstrate just how consequential this change would be for many of us.

**“If...Prior authorization...he might not be alive today”**

Lynne Bender-Max, HR Admin for 36 years testified, “On a personal note, last summer my husband was rushed to the hospital in excruciating pain and had scans at 2am, another at 4am and emergency surgery at 11am. If we were covered by a Medicare Advantage plan, requiring prior authorization for each test and procedure, he might not be alive today.” (8:04:08)\*

**“MA plans make enormous amounts of money”**

David Himmelstein, primary care physician, distinguished professor at Hunter College and lecturer at Harvard Medical School, provided some numbers. He testified, “I want to refute the lies that have been put out about [Medicare Advantage] by representatives of the City and the unions advocating for it. MA plans make enormous amounts of money by denying care. For example, Aetna alone paid \$265 million to its CEOs over the past decade. It takes 17 percent of the healthcare dollars they receive for profits and overhead. MA plans say they have many doctors in their networks, but doctors often refuse to join their plans. When you ask doctors, only 18 percent of psychiatrists, 40 percent of cardiologists and 60 percent of primary-care doctors actually participate in managed care programs.” He explained that we have seen evidence this year of the poor quality of care these plans are delivering: “The mortality rates are 90 percent greater for pancreatic cancer, 40 percent greater for liver cancer and 40 percent greater for stomach cancer for Medicare Advantage plans.” (8:47:57)

**“Medical emergencies...can occur at any time”**

Jacqueline Lyle is a retired NYC teacher whose husband Kevin experienced kidney failure in his early 50s. A kidney transplant was found, and his operation occurred on a Thanksgiving weekend, when insurance offices were closed. The transplant was successful. She testified, “My point is: Medical emergencies and opportunities can occur at any time, without warning, and must be handled quickly. Requesting approvals and pre-

authorization can jeopardize treatment.” (8:10:46)

**“Why didn’t they choose MA if it was such a good plan?”**

Laura Daigen-Ayala, a retired teacher from the UFT Teacher Center, testified, “I want to put aside the talk I had prepared to point out one thing: This morning the MLC panel said that Medicare Advantage had answered all the concerns we had. But when the people spoke for the UFT this afternoon, each spoke about their right to keep Medicare. Not one of them talked about this wonderful Medicare Advantage. Why didn’t they choose Medicare Advantage if it was such a good plan? (8:01:40)



**“A promise made should be a promise kept”**

Wilson Guzman, NYC AARP (Amer. Assn. Ret. Persons) testified, “I am here on behalf of 750,000 NYC members of AARP to voice our opposition to Intro 874... NYC should deliver to its retirees what they were promised.” (8:32:19)

\*Time signature at the end of each excerpt refers to time when the excerpted testimony began on the official City Council video of the hearing:

<https://council-nyc.viebit.com/player.php?hash=pAr4LZcnYro9>

**NOVEMBER’S CHAPTER MEETING—CONFRONTING RACISM AGAINST ASIAN-AMERICANS**

The November PSC Retiree Chapter meeting covered two important issues. First, a panel presented the problems facing the Asian-American community confronting racism in this post-Trump era. Second, members were updated on our continuing Medicare Advantage struggle.

**Professor Carol Huang**, School of Education and chapter chair at CCNY, introduced and moderated the panel. The first speaker was **Dr. Van Tram**, sociologist at the CUNY Graduate Center, who addressed the topic “Asian Americans and the Pandemic: Swelling Anti-Asian Violence.” His research focused on the killings and attacks in NYC, where a quarter of Asian Americans surveyed experienced hate incidents. Professor Tran stressed the role of political messaging and rhetoric, especially that of Donald Trump. Key themes of his presentation were that political leadership mattered and that stigmatizing rhetoric, such as calling Covid-19 the Chinese or Wuhan virus, was an ongoing problem.

The second speaker was **Dr. Ravi Kalia**, professor of Southeastern Asian Studies at CCNY and the CUNY Asian-American Research Institute. Kalia referenced the long history of anti-Asian sentiment in the U.S., such as after 9/11 when the Sikh community was targeted. The more recent negative messages of

the Trump White House and fake news in social media only aggravated the problem. Asian-Americans (16% of NYC's population) have experienced violence, leading to their fears about leaving home. There is also a lack of recognition of Asian and Asian American contributions in such areas as science, technology, and medicine.



The third speaker was **Elaine Chou**, a former prosecutor, leader of the Asian American Bar Association, and professor at St. John's University School of Law. She focused on the legal aspects of the issue, based on the report "What Happens After You Report Your Hate Crime?" A key factor is the legal definition of a hate crime and variables such as age, gender, and location of the attacks.

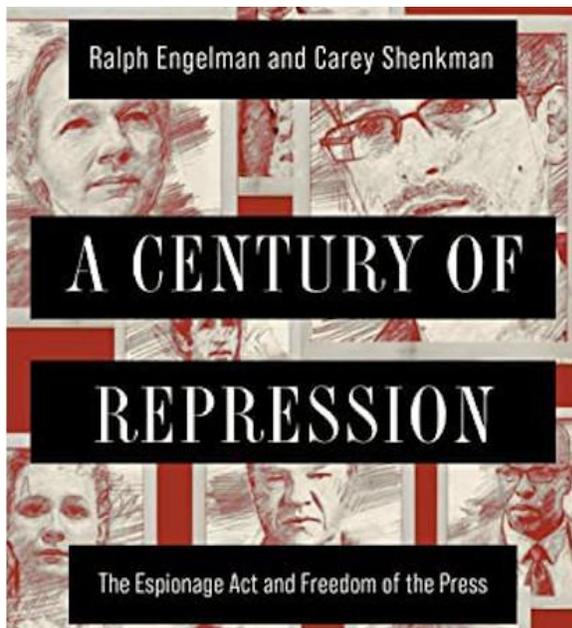
The second half of the chapter meeting focused on our ongoing Medicare Advantage struggle. A full report on the details cannot be included here (see the PSC website), but one new key element is a proposal from Debbie Bell and Barbara Caress for the use of funds from the Retirees Health Benefits Trust to maintain the current program and provide three years for examining alternatives and a long-term solution.

## DECEMBER'S CHAPTER MEETING--THE ESPIONAGE ACT AND FREE SPEECH

At the December 5 meeting of the Retirees Chapter, authors **Ralph Engelman** and **Carey Shenkman** spoke about their new book: "*A Century of Repression: The Espionage Act and Freedom of the Press.*" (U. of Ill. Press, 2022) Engelman is professor emeritus of Journalism at Long Island University (Brooklyn), and Shenkman is a practicing constitutional lawyer and consultant.

In the very first sentence in their new book, Engelman and Shenkman boldly state their thesis: "The Espionage Act of 1917 is the most important yet least understood piece of legislation threatening the free flow of information in U.S. history." The book, they say, focuses on those provisions "criminalizing unauthorized disclosures by persons not charged with espionage, among them political dissidents, whistleblowers, and journalists."

The initial applications of the Espionage Act of 1917 and its 1918 amendment, the Sedition Act, according to Prof. Engelman, were to prosecute the leaders of two organizations which publicly opposed U.S. entry into WWI: The Socialist Party, led by Eugene Debs, and the IWW labor union, led by William (Big Bill) Haywood. Debs was convicted under the Acts and sentenced to 10 years in jail. Among the provisions of the Sedition Act, it was illegal to use "disloyal, profane, scurrilous, or abusive language" against the U.S. government, the flag, or the armed forces. Haywood, according to Prof. Engelman, fled the U.S. for then Soviet Russia to avoid arrest and jail under these Acts.



Opposition to the use of these laws gave rise to the founding of the American Civil Liberties Union (ACLU), but it also gave rise to the founding of the powerful Federal Bureau of Investigation, under J. Edgar Hoover. Hoover kept the threats embodied in these laws alive between wars and during WWII. For example, he threatened use of these laws against Black-owned newspapers during WWII for their support of the slogan “Double Victory in WWII,” i.e., victory against fascism abroad and racism at home.

The onset of the Cold War after WWII gave rise to what lawyer Carey Shenkman called “the national security state.” Threats to use the Acts helped fuel McCarthyism, with the Senator openly calling for its application to his targets. Shenkman noted use of the Acts to prosecute leakers such as Robert Ellsberg, Julian Assange, Edward Snowden and Chelsea Manning, the latter of whom Shenkman helped defend at trial.

### Why Not Come Home and Face the Music?

In the last part of his talk, Shenkman addressed the issue that President Obama, among others, has raised with Snowden and Assange: Why not come back to the U.S., face trial and defend yourself if you believe your actions were justified?

The reason defendants don’t do this is that the prosecution in espionage cases is “stacked against the defendant,” Shenkman said. He cited a 2021 case against Daniel Hale, an Air Force intelligence analyst and descendant of Nathan Hale. In this trial Shenkman noted that the judge refused to allow Hale’s defense lawyer to introduce evidence of the public benefit of the information Hale leaked to the public. [In Hale’s case he asserted that the drones he was dispatching were mostly killing innocent civilians, and then that the civilian deaths were recorded by the military as “enemies killed in action.” (<https://theintercept.com/2021/07/27/daniel-hale-drone-leak-sentencing/>)]

The judge ruled that the reasons for disclosure were irrelevant, Shenkman said. The judge ruled that the only issue under the law is: “Was there a leak?” [Hale eventually pleaded guilty and was sentenced to 45 months in jail. His case is now on appeal. At his sentencing hearing Hale wrote: “Please, your honor, forgive me for taking papers instead of human lives.”-*ibid.*]

The second half of the chapter’s Dec. 5 meeting was devoted to discussion and questions and answers regarding the ongoing Medicare Advantage dispute

with PSC Executive Director Dean Hubbard and consultant and former Executive Director Debbie Bell. This part of our meeting, as well as the presentation of Ralph Engelman and Carey Shenkman can be viewed online at:

<https://www.youtube.com/watch?v=Mw1Pt1rjU90>

[Pt1rjU90](https://www.youtube.com/watch?v=Mw1Pt1rjU90)



## LOOKING BACKWARDS & FORWARDS

*Marcia Newfield*

### **ROOSEVELT HOUSE, HUNTER COLLEGE'S LANDMARK SPACE 47-49 EAST 65TH ST.**

is featuring an exhibit of WPA murals that were made for hospitals. HEALING WALLS: HEALTH AND ART IN NEW DEAL NEW YORK celebrates the Federal Art Project hospital murals funded by the New Deal (in conjunction with publication of the book *Healing Walls: Historic and Collaborative Murals at NYC's Public Hospitals*). The New Deal program hired 10,000 artists to paint murals in public buildings, including 18 hospitals in NYC. The murals and posters were distributed to people of new medical services and community arts programs. The exhibit includes the first public viewing of two recently restored panels from Gouverneur Hospital: Abram Champanier's Alice in Wonderland Visiting New York. **OPEN UNTIL FEB 24. MON-FRI 10-4.**

**THE SHED GALLERY, HUDSON YARDS 545 WEST 30 ST.** (betw. 10-11 Aves.) **THE YANOMAMI STRUGGLE** is

a comprehensive exhibition dedicated to the collaboration and friendship between artist and activist Claudia Andujar and the Yanomami people, one of the largest indigenous groups living in Amazonia today. These 80 works by contemporary native artists will appear alongside more than 200 photographs by Claudia Andujar that trace the artist's five-decade relationship with the Yanomami and continue to raise visibility for their struggle to protect their land, people, and culture. Andujar was born in Switzerland in 1931 and raised in Transylvania before immigrating to New York City in 1946 after escaping the Holocaust. She first moved to Brazil in 1955. Andujar and other activists created the Commission for the Demarcation of the Yanomami Park (CCPY). Through the voice and guidance of shaman and leader Davi Kopenawa, the exhibition also narrates the Yanomami's mythological origins and maps their cosmology, politics, and social organization. Kopenawa's friendship with Andujar since the 1980s is central to her ongoing relationship with the Yanomami. Alongside many other activists and organizations, they have worked with Yanomami communities and leaders against the invasion of Yanomami land, a fight that led to the recognition of the Yanomami territory by the Brazilian government in 1992.

The protection of the land was followed by important health and educational programs and the creation of different Yanomami associations. Despite this progress, the activism depicted in the exhibition is not relegated to the past. The invasion of their territory by illegal gold miners continues, threatening both the Amazonian rainforest and Yanomami society.

Since the 2000s, a new generation of Yanomami artists have begun producing and showcasing their work outside of the territory, establishing a new perspective that is now incorporated into the exhibition. *OPEN FEB 3—APRIL 16. WED-SUN 11-6.*



## **PASSING OF ADJUNCT ACTIVIST--MICHAEL SEITZ**



**Michael Seitz**, longtime, steadfast defender of adjunct faculty rights, died on December 16, in his home in Manhattan. Michael taught study skills at John Jay College and BMCC for more than 15 years. He was a conscientious instructor who believed in his students' potential and their right to be taught by part-time faculty who were treated with respect, as equals in all regards to full-timers, in benefits, working conditions, and pay. A longtime defender of social justice and peace, he was an early supporter of the New Caucus challenge to the status quo and could be counted on to show up at PSC demonstrations to defend CUNY against degradations of its funding and mission. He was a devoted member of the Committee of Adjuncts and Part-time Personnel and served on the PSC Adjunct Professional Development Committee, reading submissions from his hospital bed until October. He was as kind and thoughtful to

comrades as he was determined to defend without compromise the dignity of contingent faculty. He is survived by his wife, Lois Weiner, their daughter, Petra Seitz, and two sons, Phillip Seitz and David Seitz.

*Some comments from his colleagues:*

*Michael was steadfast. The gains we have received for adjuncts today, better pay and more job security, is part of Michael's legacy. The struggle continues in Michael's name. —Susan diRaimo*

*Michael was a good friend and passionate advocate for equity and justice for adjunct faculty. For years, he hosted meetings with adjunct colleagues to strategize, plan campaigns, and draft documents—always a patient listener with insightful contributions. —Holly Clarke*

*Michael was a true advocate and hard worker for the adjunct cause. He was serious, devoted, and most importantly, kind. —Diane Menna*

*We were in the same department at BMCC and often chatted between classes. He was a devoted activist before retirement, and I'm not surprised that this continued. —Anne Friedman*

*Although Michael had a PhD in French Literature from the University of Michigan, he was inspired (and inspiring) in teaching basic classes at CUNY.—*

*Marcia Newfield*

## **VOTE COPE**

Please look in your physical mail for a letter about Vote Cope. Our union dues cannot be used to campaign for elected

officials. The Retirees have been heroes in contributing to Vote Cope which allows us to use funds for critical things like electing supportive City Council representatives.

### **NEXT CHAPTER MEETING**

Save February 6, 2023 for the second Chapter meeting of the new year when the topic will be Controlling Climate Change—Options for Success. Speakers: Anne Reynolds and Len Rodberg.

### **KEY WEBSITE ADDRESSES:**

PSC Retirees Website  
<https://psc-cuny.org/retirees/>

What's Happening with Retiree Healthcare  
<https://psc-cuny.org/whats-happening-retiree-healthcare/>

Pay Your Dues Online  
<https://psc-cuny.org/retireedues/>

Change Your Contact Information  
<https://psc-cuny.org/form/psc-membership-update-form-retirees/>

Join the Chapter  
<https://psc-cuny.org/about-us/retiree-membership/>

Read the Chapter Newsletter <https://psc-cuny.org/retirees-chapter-newsletters/>

And very important for health benefit questions: **Welfare Fund**  
<http://psccunywf.org/>

The ***Turning the Page*** committee is made up of Michael Frank, Joan Greenbaum, Dave Kotelchuck & Diane Menna. Please write to us at [retirees@pscmail.org](mailto:retirees@pscmail.org) with Newsletter in the subject line.

**WRITE** We are interested in hearing from you and very eager to encourage more articles, stories, and art from members. Ideas that may be of interest to others, such as:

- plays and movies you have seen
- inexpensive trips you have taken
- books you have written
- short poems you write
- letters to the editors

And of course, your comments about the issues that we retirees are facing.

<p><b>TURNING THE PAGE</b> is a publication of the Retirees chapter of PSC-CUNY, Local 2334 of NYSUT and the AFT.</p>
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