



UNION NEWS

Connecticut Employees Union Independent • July 2013

APPEALS COURT RULES IN FAVOR OF UNION MEMBERS!

On May 31, 2013 the U.S. 2nd Circuit Court of Appeals reversed a lower court ruling, and gave unionized State employees a major victory in a 2003 class action lawsuit against the State of Connecticut, ex-Governor John Rowland and former Budget Chief & OPM Secretary Marc Ryan. (For the full text of the ruling go to www.ceui.org). The three judges on the panel unanimously reversed the 2011 Summary Judgment of the U.S. District Court that upheld the State's request to dismiss the case. The three judge panel unanimously upheld the claim of SEBAC that ex-Governor Rowland, Marc Ryan, and the State acted illegally by targeting 2,800 union members for layoff and protecting the non-unionized State workers. We must not forget that under the cover of a deficit, Rowland targeted union members to save money. At the same time he was compromising state funds for the personal benefit of himself and top level staff.

On December 23, 2004, Governor John Rowland pleaded guilty to one felony count of corruption and to tax evasion. Federal prosecutors said Rowland ran a corrupt office, with aides steering state business to companies in exchange for cash, gold coins, and expensive gifts. The charge that Rowland pled guilty to was only the tip of the corruption iceberg. But while the plea deal addressed issues such as the improvements made to the Governor's cottage and the unpaid chartered flights he took, it did not attempt to quantify the damage to the state and its residents. In addition, it did not quantify the damage to Union members and their families that were subject to Rowland's illegal layoffs. The cost to taxpayers in the defense of Rowland and Ryan has exceeded \$980,000! The cost will not stop here as State Attorney General George Jepsen has decided to appeal the U.S. 2nd Circuit Court's decision to the U.S. Supreme Court. We think this a bad decision for affected union members and the State of Connecticut. The State should be spending valuable resources on making union members whole for their losses and not kicking the can down the road at our expense. We hope that the Supreme Court will not take this case and we can start the process of making union members whole immediately. See Page 4 for a question and answer piece in regard to the future of this important case.

NP-2 COMPENSATION TIMELINE

In 2013:

- August 2013 - 3% General Wage Increase [Reminder: July 1, 2013 GWI has been delayed to recover the exact amount of the 2½% raise paid in July & August 2011. Paid in 9/20/13 check]
- October 2013 - Longevity paid

In 2014:

- January 2014 - Annual Increments and Top Step Bonuses paid
- April 2014 - Longevity paid
- July 2014 - 3% General Wage Increase [Members who began retiree healthcare contributions in 2013 will increase their contribution by 1½%]
- July 2014 - Safety Shoe money paid [\$135.00]

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FRED CHENEY III graduated from Shepaug Valley High School in Washington. His father, Fred Jr., is a Transportation General Supervisor at Torrington DOT, and his mother, Lisa, is a legal assistant. He has a younger brother Brandan who attends Shepaug Valley Middle School. Fred played on the school baseball team. He organized a fundraiser to help local families who could not afford Christmas presents. The majority of his volunteer time was spent with the Washington Volunteer Fire Department, where he has been a member since he was 14 years old; as such he became CPR and AED certified and gathered more than 1000 volunteer hours. That volunteering led him to choose fire protection engineering as his major at the University of New Haven.



MOLLY DONOVAN is a graduate of Bunnell High School in Stratford. Her father, John, is a Cook Attendant at Lower Fairfield Regional Center and her mother, Debbie, is a dance teacher in Shelton. She has two brothers, John and Samuel. Molly was inducted into the National Honor Society in her junior year. She was a varsity cheerleader and an SWC All Academic Athlete. Molly's volunteer time was spent with Habitat for Humanity, the Make a Wish Club, and the Unified Sports program. She has danced since she was 5 years old, and volunteers her time as a dance teacher and as an instructor at dance & theater camps in summer programs. Molly will attend the University of Massachusetts in the fall where she will major in biology and work towards her goal of becoming a pediatrician.



RYAN KOHL graduated from Waterford High School, second out of his class of over 800 students. His father, William, is a Maintenance Supervisor at the DEEP in Old Lyme. His mother, Christine, is a Payroll Administrator. He has a younger sister, Jennifer. Ryan was inducted into the National Honors Society, and was elected VP of the Model United Nations Club, earning him a spot at the Yale Model United Nations Conference. He was a member of the school orchestra and Thames Valley Youth Symphony. He volunteered at the Garde Theater, the Eastern CT Symphony Orchestra, and the school library. He was also awarded the Victoria Soto Memorial Scholarship for outstanding academics. Ryan will attend Tufts University in Boston where he will study chemistry.



GALO MORAN is a graduate of Danbury High School. His mother, Emperatriz, is a Custodian at Western Connecticut State University. His older sister, Cindy, attends Naugatuck Valley Community College. Galo learned English at the age of 11, having moved here from Ecuador. He learned the language in two years and has excelled in school ever since, earning honors every marking term in high school. He was awarded the Perry Award and the Hatters Heroes Award. He was a tutor in the Danbury High Tutoring Center and volunteered at WesConn's Haas Library. Having seen the struggle for good medical attention in Ecuador, he has chosen to pursue a degree in nursing with plans to donate his time to free clinics. He will study for his BSN at Western Connecticut State University.

Connecticut Employees Union Independent • Local 511, AFL-CIO, CLC

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2013 SALVATORE J. PERRUCCIO MEMORIAL GOLF TOURNAMENT / JUNE 27, 2013

Over 100 golfers ventured out on a rainy morning to support the Salvatore J. Perruccio Memorial Scholarship. The weather quickly cleared and the day was enjoyed by all. The four CEUI scholarship recipients (pictured at left) and the Humanitarian of the Year winner were presented at the reception held after the tournament ended.

2013 Salvatore J. Perruccio Humanitarian of the Year

Mark Flynn is a Quality Craft Worker / Plumber/Steamfitter at the University of Connecticut where he has worked for the past 29 years. He was nominated by one of his co-workers for this award. In the nomination letter, it was noted that Mark is always the first one to step up whenever someone is in need. He is typically seen clearing snow off the driveways of his elderly neighbors before doing his own. When a fellow Union member is in need of donation of time, Mark is the first one to donate. He has shown his generosity to his friends and neighbors over and over, with no expectations of acknowledgement. His motto is "you only live one life, so live it the best you can." Mark lives in Mansfield Center, is married to Theresa and has a son, John.



For his never-ending generosity, Mark was chosen as the 2013 Salvatore J. Perruccio Humanitarian of the Year recipient.

UNION PICNICS

A 50/50 raffle is held at each of the four picnics that take place every summer. These raffles help fund the scholarships awarded to four deserving children of CEUI members. Jean-Pierre Godbout, ECSU and James D'Angelo, Gateway Community College, both donated their 50/50 winnings back to the scholarship. Thanks for your generosity, guys!



Willimantic picnic: Jean-Pierre Godbout, Maintenance Supervisor/Carpentry, ECSU (center), pictured with Union President Ron McLellan and Vice President David Cummings.



New Haven picnic: members from Gateway Community College, Custodians Marc Signor and James D'Angelo, Union President Ron McLellan and Bob Lyon, Building Maintenance Supervisor.

QUESTIONS AND ANSWERS ON THE SECOND CIRCUIT DECISION IN THE ROWLAND-RYAN LAWSUIT

On May 31, 2013, the Second Circuit granted summary judgment to a coalition of plaintiffs lead by SEBAC and its constituent unions in a case challenging former governor John Rowland's 2003 lay off of nearly 3000 unionized state employees. The Court held that by singling out union members instead of including managers and other unrepresented employees, the Rowland Administration punished employees for exercising their fundamental right of free association, a right protected by the First Amendment to the United States Constitution. Effectively, the Court held that when a governor punishes people because of the group to which they belong - whether it's a union or a political party, or a religion - he or she violates our Constitution's most cherished provisions protecting free speech. Recently, Attorney General George Jepsen announced that he would seek to have the Second Circuit's decision reviewed by the United States Supreme Court. The questions and answers below provide some additional information about the case.

1. What does it mean that Attorney General Jepsen has announced that he intends to ask the Supreme Court to review the decision?

To seek review, a petition for certiorari must be filed by August 29, 2013. If a petition for certiorari is filed, the Supreme Court normally decides whether to hear the case within 30-60 days (although if the petition is filed over the summer, the earliest it would be reviewed is the beginning of October). If the Supreme Court decides to hear the case, a briefing and argument schedule will be issued and the case would likely be decided by the end of June 2014. We are confident that the case was decided correctly so we believe it unlikely that the Supreme Court will agree to hear the case, and unlikely they would overrule it.

2. Who made this decision, Attorney General Jepsen, or the Governor?

The decision was made by the Attorney General who has the state constitutional and statutory responsibility to represent the State in these matters.

3. What does this decision mean to members that were laid off by Governor Rowland?

Once it is upheld, the decision directs the lower court to fashion appropriate equitable relief. That would typically involve reinstatement for laid off workers who are still laid off, and appropriate job adjustments for those who are working but in lower positions.

4. Are the damages just a make whole remedy, compensatory and/or punitive? Which leads to what is a make whole remedy, compensatory and punitive?

The grant of summary judgment is against the State in the federal court proceeding. No damages are available against the State in federal court. John Rowland and Marc Ryan are sued in their individual capacities, and damages are available against them in federal court if we prevail. In addition, there is a companion case pending in state court which does provide for damages against the state. Those damages would typically include lost pay, attorney's fees, and in some cases punitive damages

5. What about an employee not laid off but who was put into a lower classification or transferred a significant distance from his/her home?

Reimbursement of lost pay due to the involuntary demotion would be a normal part of damages if they are awarded. Travel expenses are less typically awarded.

6. Some employees elected to retire instead of being laid off, what happens to them?

This is still an open question. We will certainly argue that they should be offered reinstatement since the decision to retire wasn't truly voluntary. But that argument has not yet been made or ruled upon.

7. What happens to employees that lost grievance arbitrations over their layoffs including decisions that the decision to retire was a voluntary decision and their grievance was denied on this basis?

See the answer above.

8. Didn't SEBAC file a case in State court on this the same issue? What is the status of that case?

Yes. That case has been on hold pending the decision on the First Amendment issues in the federal case. The State and we agreed that whatever the final ruling is in the federal action on the First Amendment claims will control in the state action as well. So, if the Second Circuit's decision stands, that means we should be entitled to recover damages in the state court action.

9. What does it mean that former Governor Rowland and former OPM Secretary Ryan were sued as individuals?

This means that we are seeking damages against them personally. Those damages, if awarded, could be reimbursed by the state or not, depending on the Attorney General's assessment of whether the wrong doing was intentional.

TRACK YOUR HEP STATUS

Active employees and retirees with a retirement date after 10/01/2011 enrolled in the Health Enhancement Plan (HEP) are encouraged to register on the website developed by the State of Connecticut and administered by Care Management Solutions at www.cthep.com. By registering with a user name and password you can easily track your progress toward meeting HEP requirements and have access to a variety of helpful tools and resources.

Employees, spouses and dependents over age 18 each must create their own account to see details of their HEP compliance status. The employee may contact Care Management Solutions to request a privacy release at 877-687-1448. The privacy release would enable the employee to track the progress of a spouse or dependent over age 18. **Employees without access to the internet may track their progress by simply calling 877-687-1448.**

This is a secure website protected by the latest in security software. Also by registering with a user name and password you can be assured that your information will be kept strictly confidential. This includes your personal health information, contact information, HEP status, secure messages and other personal data.

After registering on www.cthep.com you can link to four central areas:

- My HEP Status – track your progress toward meeting program requirements.
- My Health Information – use a variety of interactive tools to manage your health and your health history.
- My HEP Information – review specific information related to HEP.
- My Health Living Plan – establish a personalized course that you can follow to maintain or improve your health.

You must first create an account before you can log in. Please click the "Create a new account" link in the Participant Login section and follow the steps for creating an account. If you experience trouble logging in or need assistance call HEP Customer Service at 877-687-1448 Monday through Friday, 8:00am to 5:00pm.

LEGISLATIVE UPDATE

Another Legislative Session has come and gone. We want to take an opportunity to share the highs and lows of the 2013 Legislative Session with everyone.

The most important legislation that CEUI helped support this year was House Bill 5250, An Act Concerning the Safety of Workers in Roadway Work Zones. Members gave testimony and gave critical input to help create this bill. Effective October 1, 2013, HB 5250 strengthens legislation that we helped create in 2008 as follows:

1. Stiffens penalties for drivers who violate certain laws in highway work zones;
2. Doubles the penalty for drivers who use hand-held cell phones in a highway work zone;
3. Adds violators of the highway work zone safety law to those people who may be required to attend a driver retraining program, and requires motorists who exceed certain speed limits in a work zone to attend the program;
4. Creates a work zone safety account, the funds from which are used for highway traffic enforcement;
5. Requires driver's license knowledge tests to include questions on, and driver instruction courses to include discussions of, highway work zone safety; and
6. Requires the transportation commissioner to study implementing a pilot program using variously colored lights to improve work zone safety.

In addition to this important legislation, here is a summary of some of the other proposed legislation that we were closely monitoring this session.

BILLS SUPPORTED BY CEUI:

Bill Number/Name	Sponsors	Summary/Outcome
HB 6614 An Act Concerning Employers and Healthcare	Rep. Tercyak	Required certain large employers to pay the Department of Social Services a monthly fee for each of their employees who receive assistance from HUSKY A or B for themselves or their families. Supported Bill. Bill Died.
HB 6673 An act concerning the assessment of proposed privatization contracts.	GAE Committee	To add an additional requirement for privatization contracts. Died in Appropriations Committee.
SB 54 An Act Establishing a Retirement Savings Plan for Low-Income Private Sector Workers	Sen. Looney	Never called in the Senate
SB 823 An Act Concerning Severe Mental or Emotional Impairment and Workers Compensation Coverage.	Sen. Looney	Never called in the Senate.
SB 891 An Act Amending the Definition of Managerial Employee	Sen. Osten	To classify fewer state employees as managers. Supported Bill. Bill Died.

If you have any questions regarding the bills listed in the chart above and to the right, please contact Political Director Jim Vigue at (860) 343-8736 or you can also look up these bills on Connecticut's Legislative website located at www.cga.ct.gov.

BILLS OPPOSED BY CEUI:

Bill Number/Name	Sponsors	Summary/Outcome
HB 6611 An Act Concerning a request for information regarding funding state retirement and pension benefits.	Rep. Larson Rep. Berger	Looking at ways the state can improve the level of funding for state retirement and pension benefits, including, but not limited to, state-owned life insurance policies issued on state employees or state retirees or both, special purpose trusts or other investment vehicles. Never called in House.
SB 53 An Act Eliminating Longevity Payments and Eliminating OT Compensation from the Calculation of Pensions for State Employees	Sen. Meyer	Died in Committee
SB 346* An Act Concerning a Defined Contribution Plan and State Employee Pensions	Sen. McLachlan	Died in Committee.
SB 348 An Act Reforming the Workers Comp System	Sen. Boucher	Died in Committee.
SB 727 An Act concerning conflicts of interest under the Code of Ethics for Public Officials and State Employees.	Sen. Markley	Died in Committee

*Note: there were many similar bills additionally proposed to eliminate pension plans and/or eliminate overtime in pension calculations that similarly died in Committee.

WHAT IS COPE?

The Committee on Political Education (COPE) is the driving force behind CEUI's political activity. The COPE Committee is made up of dedicated leaders and active rank and file members who are committed to advancing our union's agenda through legislative and political action. Above all, members work to attain fairness, dignity and respect for labor union members and their families by:

- Reviewing the records and positions of candidates for public office, including conducting candidate interviews to recommend union endorsements to CEUI's Executive Board.
- Assisting the Political Director to raise funds for CEUI's COPE Fund in voluntary contributions from CEUI members. COPE funds are used to educate members about legislative issues, run voter registration drives, produce political communications, make contributions to endorsed candidates and finance Election Day activities.
- Supporting union members who run for public office.
- Volunteering time and recruit volunteers to campaign for endorsed candidates.
- Lobbying the General Assembly on issues important to CEUI members.
- Engaging in strategic legislative and political planning to develop and advance CEUI's legislative and political agendas.
- Informing and educating our members on the importance of political action and voting for candidates that support workers and their families..

If you would like to join this important committee, please contact Political Director Jim Vigue at 860-343-8736 or jvigue@ceui.org

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GRANDFATHERED RETIREMENT AGE

An extension has been granted for those members in Tier 2 and Tier 2A who wish to “grandfather” their current retirement age. The new deadline is September 1, 2013. However, all elections are still effective July 1, 2013 and therefore back payment would be required if you have not yet made that election. If you have any questions, please feel free to contact General Counsel/Staff Director Cara O’Sullivan at (860) 343-8719.

SEPTEMBER 2013 MEMBERSHIP MEETINGS

The seven statewide September Membership Meetings have been scheduled. We encourage active members as well as retired CEUI members to attend these important meetings. Remember, your attendance at these meetings guarantees you the most up-to-date information on state happenings affecting you and your family. **Reminder: you must attend a membership meeting in September in order to be chosen as a delegate to the upcoming convention.**

Monday, September 9	Oliver Wolcott Tech, Library, Torrington.....	4:30 pm
	Naugatuck Valley CTC, Rm L501, Waterbury	7:00 pm
Tuesday, September 10	Public Works Garage, 309 Buckingham St, Hartford.....	Noon
	UConn/Storrs, St. Thomas Aquinas basement.....	4:00 pm
	Yantic Firehouse, Norwich.....	7:00 pm
Wednesday, September 11	Operating Engineers, Local 1965 Dixwell Ave, Hamden.....	7:00 pm
Thursday, September 12	CEUI Headquarters, Middletown	7:00 pm