



TRANSPORT WORKERS UNION

OF GREATER NEW YORK • AFL-CIO • LOCAL 100

Richard Davis
President

John V. Chiarello
Secretary Treasurer

LaTonya Crisp
Recording Secretary

Lynwood Whichard
Administrative VP

Senator Jackson, and members of the Civil Service and Pension Committee

Thank you for this opportunity to address a matter of keen interest to transit workers: Pensions.

I want to take a few minutes to talk about Tier 6 – and why it needs to be changed.

In short – Tier 6 is incredibly unfair to transit workers. It punishes them economically when their hard work should be recognized. Tier 6 is also bad public policy. It hurts the state's ability to recruit and retain critically important workers, like the men and women needed to operate and maintain buses, operate subway trains, replace tracks, fix signals, clean stations, and perform many other tasks in the transit system.

I'm going to focus here primarily on one particularly onerous provision of this pension plan – the overtime cap. The amount of overtime that can be used to determine a transit workers' Final Annual Salary for pension calculations is **LIMITED TO UNDER \$19,000** per year. This is inherently unfair.

Much of the overtime for transit workers is scheduled overtime - overtime that is built into a worker's schedule for day-to-day operation and for planned special projects. Sometimes, **UNSCHEDULED** overtime is mandatory. **TRANSIT WORKERS WORK THESE** extra hours because they are needed. Instead of being home with their families, they are working, because it is required.

Transit workers don't get to stay home when a crisis hits – whether it's a snowstorm, a flood emergency, or a deadly pandemic. We must come to work – to complete shifts that last much longer than 8 hours. It's often all-hands on deck, and the jobs we do are not easy.

Take the historic flooding that took place earlier this month. Transit workers – like Hydraulics Workers who operate massive pumps and Track Workers who clear drains – were deployed even before the storm hit. They spent long hours preparing for the deluge.

They were then embedded in the bus and subway system overnight so they could be in place to battle the rising waters – so the Authority could provide riders with as much service as possible, for as long as possible. This is tough and dangerous work: The 3rd rail, for example, is electrified. Trains are still moving through the system while you work in the tunnels. Accidents can be deadly.





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After the storm, transit workers were out there checking signals, examining communications equipment, and inspecting power cables. The tasks are necessary to ensure that segments of the subway that were suspended could be re-opened safely.

During the pandemic, bus and subway workers came to work when much of the city sheltered in place. We couldn't work from home. New York City needed us to get the doctors, nurses, grocery store workers, fireman, and police, to their front-line jobs. Our ranks were hit hard. Thousands became sick and had to quarantine. More than 110 died. A lot of the work we did – with heavy hearts and under great stress – had to be done overtime, because the workforce was greatly depleted.

How in the world is it fair for a transit worker to do all this additional work and not have it count towards his or her retirement? We step up and do the right thing for New York. We even put our health and safety on the line. We spend countless hours away from our families keeping New York moving – and then we get shortchanged.

It's unfair. It's wrong. It can – and should – be changed. The overtime cap should be eliminated.

Adding insult to injury, New York has created a caste system of workers. Tier 6 applies to workers hired after April 1, 2012. There is no overtime cap for workers hired before this date. So, I could be working side-by-side, in the dead of night and in horrendous and difficult conditions, and my labor counts towards my pension. But my co-worker standing next to me is getting screwed.

Job applicants and existing workers know this. It has become difficult to recruit and maintain the public workforce because of bad policies like Tier 6. They are lured to private- sector jobs.

Finally, the Tier 6 calculation of a worker's Final Annual Salary encompasses 9 years of earnings. That's nearly one-third of long-term workers' career. Given the physical and often dangerous nature of transit jobs, it's not uncommon for transit workers to go out on workers compensation. Their earnings are lower during these periods when they are healing. Going back 9 years is overkill and ultimately diminishes the value of the pensions awarded, resulting in real economic loss and hardship to retirees.





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The plan already has measures to prevent overtime spiking in the final years of one's career. The excessive 9-year lookback period is not needed. Any look-back period should be limited to 5 years.

Fair treatment, and the chance to earn solid lifetime benefits, have been selling points for public service for generations. But they are being eroded by measures like Tier 6.

TO STRENGTHEN PUBLIC SERVICE, TIER 6 SHOULD BE FIXED. FOR TRANSIT WORKERS THIS MEANS ABOVE ALL REMOVING THE OVERTIME CEILING.

Thank you,

Richard Davis, President of Transport Workers Union Local 100