

Municipal Labor Committee

55 Water Street, 23rd Floor / New York, NY 10041 / (212) 815-1474

May 5, 2022

CHAIRPERSON

HARRY NESPOLI
Local 831, I.B.T. Uniformed
Sanitationmen's Association, AFL-CIO

CO-CHAIRPERSON

HENRY A. GARRIDO
District Council 37, AFSCME, AFL-CIO

EXECUTIVE VICE-CHAIR

MICHAEL MULGREW
United Federation of Teachers, AFL-CIO

SECRETARY

GREGORY FLOYD
Local 237
City Employees Union, I.B.T., AFL-CIO

TREASURER

MARK CANNIZZARO
Council of School Supervisors &
Administrators

VICE CHAIRPERSONS

ANDREW ANSBRO
Uniformed Firefighters Association

BENNY BOSCIO, JR.
Correction Officers' Benevolent Association

BARBARA BOWEN
Professional Staff Congress
City University of New York

JOSPEH COLANGELO
S.E.I.U. New York City Local 246

ROBERT CROGHAN
Organization of Staff Analysts

JUDITH A. CUTCHIN
New York State Nurses Association

PAUL DIGIACOMO
Detectives' Endowment Association

JAMES LEMONDA
Local 854, Uniformed Fire Officers
Association, AFL-CIO

MARTIN A. LYDON
District Council of Carpenters, AFL-CIO

WILLIAM M. LYNN
International Union of Operating Engineers
Local 30, AFL-CIO

JOSEPH MANNION
Sanitation Officers Association

GLORIA MIDDLETON
Local 1180, NYC Administrative
Employees, CWA, AFL-CIO

FRANK PROSCIA, M.D.
Doctors Council

PETER STEIN
Local 508, NYC Lifeguard Supervisors,
AFSCME, AFL-CIO

LOUIS TURCO
Lieutenants Benevolent Association

MAF MISBAH UDDIN
Local 1407, NYC Accountants, Statisticians
& Actuaries, AFSCME, AFL-CIO

ANTHONY WELLS
Local 371, Social Service Employees,
AFSCME, AFL-CIO

Executive Secretary
ELLEN MEDWID

Renee Campion
Commissioner
New York City Office of Labor Relations
22 Cortlandt St.
New York, NY 10007

Re: Reimbursement for surveillance COVID testing

Dear Commissioner Campion:

I write on behalf of the Municipal Labor Committee and its constituent unions to press the repeatedly raised issue of federal reimbursement/coverage for the significant costs occasioned by the widespread surveillance Covid testing encouraged by the City. The importance of this matter was highlighted by the recent renewal request for the GHI CBP program. The large requested increase comes at a critical point in our collective work under the auspice of the Tripartite Health Committee to address the stresses on the Stabilization Fund and reimagine the City healthcare programs. While the MLC will work with the City and Emblem to better understand the drivers of this increase and how it can be reduced, it has become clear that a significant portion of the increase – reflecting some \$250 million in additional plan expenses – derives directly from the COVID-19 pandemic and certain actions taken by the prior mayoral administration.

As you know, in August 2021, the City implemented a “vax-or-test” policy for all employees. As anticipated at the time, that policy resulted in a dramatic increase in COVID testing that was unrelated to specific exposures or health concerns, *i.e.*, surveillance testing. At the time, MLC leaders raised with City Hall how that policy was to be implemented. Specifically, there were discussions regarding who would pay for all these tests and where the tests could be obtained. City Hall assured us that workers would be held harmless for the cost. The City also acknowledged Emblem’s position that surveillance testing, as compared to testing resulting from a suspected exposure or symptoms, was not covered by the CBP program. When MLC leaders pursued the issue, City Hall assured us that our members would in no way bear the cost of the testing and that the additional cost of this program would be covered by federal and other assistance.

This known issue was then complicated and amplified by the prior administration’s decision to promote one particular chain of urgent care facilities – City MD – encouraging City employees to be tested at these locations. The City’s own webpages advertised City MD until removed under outside pressure. Emblem warned the City that City MD was charging significantly more for testing than any other urgent care, exacerbating the issue.

We have come to learn that the City has not reimbursed Emblem for the costs of the testing, which is what drove up the initial projected 16.4% renewal increase—an increase you know the MLC is striving to lessen. Yet, despite our constant prodding as to possible federal/state funding to cover these costs, all we hear is that OMB is looking at it. This is puzzling in that the Comptroller has indicated there is some \$318 million in unspent FY 2021 grants yet to be allocated and it is estimated that City government will receive some \$26 billion total to be spent by FY 2026.¹ By failing to reimburse this cost through available funding, the City is breaking its promise not to burden employees with the cost of the testing. Allowing this additional cost to be part of the CBP rate directly burdens the Stabilization Fund and, in turn, public employees who rely on it for benefits. Failing to allocate federal funding to this matter will speed the draw-down of the fund, complicate the work of the Tripartite Committee and, ultimately, burden employees.

We stand ready to work with the City to identify and allocate appropriate funds to address this matter. It is our understanding that addressing the cost of testing alone could reduce the renewal rate by some 10%. Such a reduction would inure to the benefit of the City, the MLC and the City workforce.

Sincerely,

Harry Nespoli
Harry Nespoli

cc: Henry A. Garrido, MLC Co-Chair, District Council 37
Michael Mulgrew, MLC Executive Vice-Chair, United Federation of Teachers
Gregory Floyd, MLC Secretary, Teamsters Local 237
Mark Cannizzaro, MLC Treasurer, Council of School Supervisors & Administrators
Alan M. Klinger, Esq.

¹ New York City Comptroller COVID-19 Federal Stimulus Fund Tracker, available at https://www.checkbooknyc.com/stimulus#_ftn2.