

It's About TIME! Campaign UPDATE * March, 2006

We urge you to join us in denouncing New York State Governor George Pataki's latest plans to erode the rights of working people, especially those injured on the job and hurt by the toxic fallout of 9/11.

► NYS Governor Pataki Proposes Devastating Workers' Comp Budget Bill

When Pataki introduced his 2006 executive budget this year, he slipped in dangerous Workers' Compensation reform legislation, hoping it would go unnoticed and bypass any public scrutiny. The Workers' Compensation budget bill (A. 09561 / S. 6461) caters to the financial interests of insurance companies and employers and will make it even more difficult for injured workers to access benefits. The most devastating feature of Pataki's budget bill is his attempt to cut lifetime benefits to a 10 year maximum for workers with permanent partial disabilities. Other harmful changes include limiting the right of injured workers to choose their own doctors for medical examinations.

We know from the broken system that already exists, injured workers often wait years before receiving treatment or income replacement or routinely have these needed benefits arbitrarily cut, often before their health has recovered. As a result, the health of many injured workers worsens, the burdens placed upon their families are multiplied tenfold, and many even become destitute and homeless. If passed this Spring as part of the state budget, this bill will drive even more injured workers to poverty and ruined health.

► Aid for Injured 9-11 Clean-up Workers Slashed

Since 9/11, Governor Pataki has ignored the health and economic problems of residents impacted by the toxic fallout of the World Trade Center disaster. Even the Ground Zero clean-up workers, whose "expedited" Workers' Compensation cases were supposed to be "prioritized" with millions of dollars in federal money, are going without medical treatment as their health condition deteriorates. They are still left waiting for their benefits, over four years later. For these undocumented Latino and Polish workers, Workers' Compensation is the only on-going government benefit they can apply for. Among the hundreds of clean-up workers IAT has recently met, many are suffering from debilitating respiratory illnesses and other 9/11 related ailments as a result of breathing the contaminated air at Ground Zero everyday.

Pataki failed to use the \$125 million in federal funding for Workers Compensation claims, and now, after a deadly game of tug-of-war between Washington and New York for the last year, the much debated funding is being returned to New York. However the workers compensation funds for 9/11 injured workers has been slashed to a mere \$50 million. Even with the \$50 million, given Workers' Compensation Board's record on assisting injured workers, it is unclear whether these 9/11 clean up workers will ever receive the benefits or treatment they so desperately need.

► Undocumented Injured Workers Maintain Right to Lost Wages

We have been educating the public and our memberships about the destructive impact of the employer sanctions provision of the 1986 Immigration Reform and Control Act, which lies at the root of several current challenges to the rights of the undocumented. A crucial New York State case, *Balbuena v. IDR Realty LLC*, threatened the right of undocumented workers to claim wage-loss damages when they get injured. The NYS Insurance Fund, a quasi-public agency under Pataki, which claims to be the largest provider of workers' compensation insurance in the state, filed an amicus brief arguing that undocumented workers should not get any wage-loss at all, not even wages at the rate of earnings in one's country of origin, as the 1st Department in New York held. Apparently the NYS Insurance Fund had already been arguing this in many Workers' Compensation cases where the claimants are undocumented. We are encouraged by the decision of the New York State Appeals Court, which ruled on this case last month in favor of undocumented injured workers' right to lost wages. However, as new proposals to reinforce employer sanctions and to criminalize undocumented workers crop up in a flurry across the country, we know that the health and safety of working people remains seriously threatened.

To find out more about our efforts to repeal employer sanctions, call (718) 625-9091 or go to <http://www.nmass.org/nmass/breakthechains/breakthechains.html>.

► ***Shutting More New Yorkers out of Health Insurance***

This year Pataki implemented strict new barriers to accessing Family Health Plus, a health insurance program that provides coverage to thousands of working poor families. In the past Family Health Plus based eligibility mainly on household income. Now the program imposes a harsh “assets test” that will evaluate a family’s resources, including bank savings, life insurance, property, and other assets. The asset levels, which are capped very low, will essentially force thousands of families to lose their health insurance. Cuts to Family Health Plus on top of Pataki proposals to cut Medicaid represent a clear attack on our communities.

► ***Join Us***

We cannot just sit back and wait until Pataki completes his final term as Governor. Join us in defeating Pataki’s Workers’ Compensation budget bill (A. 09561 / S. 06461) and in calling for:

1. The overhaul of the Workers’ Compensation system:
 - End the delays by resolving Workers’ Compensation cases within three months and provide interim benefits within one week,
 - Raise the minimum benefit rate (currently it is \$40 a week in NYS) to at least minimum-wage levels, as well as the maximum benefit rate,
 - Allow workers the right to decline overtime hours if they choose to.
2. Provide health insurance for all New Yorkers hurt by 9-11, beginning with the expansion of Family Health Plus.
3. Create a long-term treatment and study program of those injured by the toxic air fallout of 9-11.

Tell our elected officials that New Yorkers are concerned about the health of working people and their families! :

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► To find out how you or your organization can get involved, please contact the *It’s About TIME! Campaign* at (718) 625-9092.

(partial list) **Campaign Sponsors:** Chinese Staff & Workers Association, National Mobilization Against SweatShops **Campaign Endorsers:** U.S. Representative Gregory Meeks, U.S. Representative Jerrold Nadler, U.S. Representative Major R. Owens, N.Y. State Senator Ada L. Smith, N.Y. State Senator Toby Ann Stavisky, N.Y. State Senator Liz Krueger, N.Y. State Senator David A. Paterson, N.Y. State Senator Eric T. Schneiderman, N.Y. State Assemblymember Catherine Nolan, N.Y. State Assemblymember Carmen Arroyo, N.Y. City Councilmember Alan J. Gerson, N.Y. City Councilmember Christine Quinn, N.Y. City Councilmember Larry Seabrook, Catholic Charities, Council of Churches of the City of New York, Interreligious Foundation for Community Organization, New York State Catholic Conference, Rev. James Fitzgerald, Minister for Mission and Social Justice at the Riverside Church, Rev. N.J. L’Heureux Jr. - Queens Federation of Churches, Rev. Margaret Shafer - The Fifth Avenue Presbyterian Church, Rev. Kooperkamp, St. Mary’s Episcopal Church, Arch Deacon Michael S. Kendall, Episcopal Diocese of NY, Greater New York Labor Religion Coalition, The Civic Committee for the Baptist Ministers Conference of Greater-NY & Vicinity, Chinese United Methodist Church, Local 78 - Asbestos, Lead & Hazardous Waste Workers, Local 375 of District Council 37, 318 Restaurant Workers Union, Asociación Tepeyac de New York, Bellevue Occupational and Environmental Health Clinic, Beyond Ground Zero, Brennan Center for Justice at NYU Law School, Cabrini Immigrant Services, Center for Economic and Social Rights, Chinese American Arts Council, Church of St. Teresa, DAMAYAN Migrant Workers Association, Dominican Women’s Development Center, Harlem Fightback!, Jews for Racial and Economic Justice, Judson Memorial Church, MADRE, An International Women’s Human Rights Organization, Make the Road by Walking, Metropolitan Council on Housing, National Employment Law Project, New Immigrant Community Empowerment, New York Taxi Workers’ Alliance, New York Unemployment Project, Our Lady of Guadalupe Parish, Polish National Catholic Church, Polonians Organized to Minister to Our Community, Inc., Ramon Nieves, UMCOR Disaster Relief Response Program, Rev. Cannon Carmen R. Guerrero, Episcopal Church