



## Westchester freezes drug costs for some CSEA retirees in settlement

Westchester County has agreed to freeze prescription-drug costs for 1,600 retired union workers and pay them each \$700 in a move that could cost county taxpayers millions in the future.

The settlement ends a 6-year-old lawsuit filed by the Civil Service Employees Association claiming the county government improperly cut health insurance benefits of workers who retired between January 1993 and May 2004.

"This is a huge victory for our retirees," said Danny Donohue, president of CSEA statewide. "They live on fixed incomes and never expected they would be forced to pay more for their health care."

The settlement requires the county to pay each of the retirees affected by the lawsuit, a total of \$1.1 million, and the union's \$65,000 legal fees. The total cost to taxpayers isn't fully known and would depend on factors such as the cost of prescription drugs, how long each retiree lives and any future changes to the health care system.

Co-payments for prescription drugs will be frozen for this class of retirees and their dependents: generic drugs at \$4, brand-name drugs at \$8 and non-preferred brand-name drugs at \$15. Co-pays for most prescriptions will not exceed \$8. Various other co-pays and deductibles are also frozen indefinitely, according to the settlement, approved by state Supreme Court Justice Joan Lefkowitz Tuesday.

Donna Greene, spokeswoman for Westchester

County Executive Rob Astorino, declined to comment.

CSEA is Westchester's largest union and represents workers including secretaries, maintenance workers, social workers, electricians and clerical staff.

Retired county CSEA members Carmine DiBattista, Anthony Egiziaco, Katherine Jones, Anthony Del Borgo, Kenneth Fischer and Viola Wancho filed the original lawsuit in 2004 after the county required all its union employees to contribute more money to their health plans.

At the time of their retirement, a CSEA member would be eligible for full benefits if they were at least 55 years old and had at least 30 years of work. Members and their spouses and qualifying dependents get 100 percent of their health insurance premiums paid before they begin receiving Medicare at age 65.

The CSEA retirees claimed they were unfairly stripped of their benefits and were being forced to pay higher co-pays, deductibles and out-of-pocket costs that breached their negotiated contracts.

In summer 2008, Lefkowitz ruled in favor of the union and wrote that the county cannot change contract terms for retirees "without their consent."

The judge ruled that "plaintiffs' health insurance benefits in the prior collective bargaining agreements survived those agreements and may not be diminished without their consent."

The county, then led by Andrew Spano as county executive, appealed the decision. During the appeals process, the two sides came to a settlement last fall, said Greg Riolo, lawyer for the county.

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Riolo called the settlement an "absolute savings for the county," as the judge's previous decision called for the county to pay \$3.6 million. The settlement shifted more of the co-pay and deductible responsibility onto retirees. Riolo could not say how much money the deal saved. The county also agreed that other CSEA unit retirees, who previously had no clear contractual or legal protection, were entitled to at least the insurance level of active workers.

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