

**LONG ISLAND**

**WINTER 2021**

# ROAD WARRIORS

A publication of the Long Island Contractors' Association

## **Union Labor: The Ties That Bind**

Read the heartwarming story of motherhood & brotherhood that gave labor attorney, Rick Iaccarino, his deep appreciation and pride for union labor.

Story begins on page 18

### **Inside:**



**Labor Attorney Spotlight**  
Page 14

**Riccardo  
Iaccarino, Esq.**

Founding & Managing Partner  
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Volume 17

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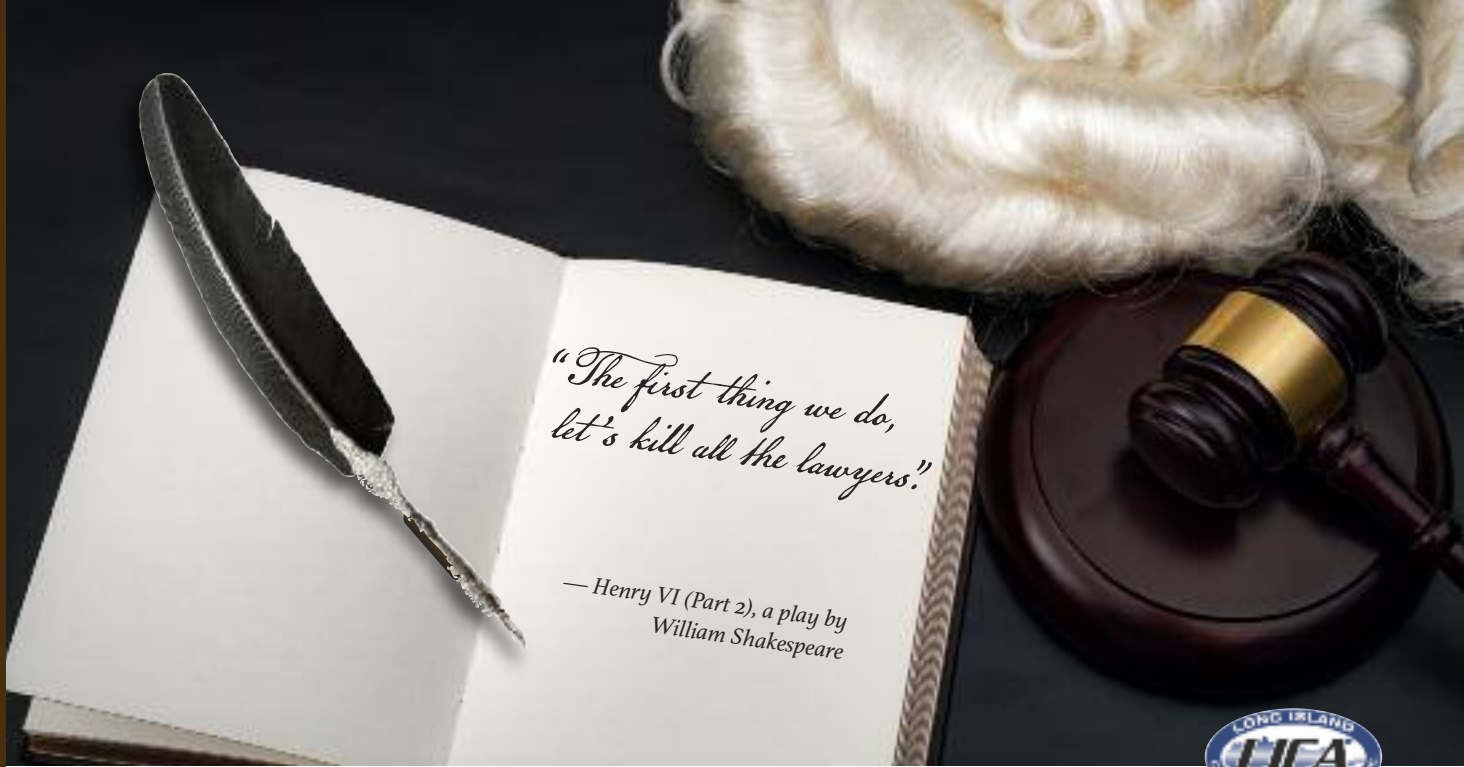
### SAVE THE DATE(S)!

See LICA's 2022 Planned Event Schedule on Page 30

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*Long Island ROAD WARRIORS is the official magazine of the Long Island Contractors' Association, Inc. (LICA). LICA represents the interests of the region's premier heavy construction general contractors, subcontractors, suppliers and industry supporters. Focused primarily in the transportation infrastructure construction industry such as highways, bridges, rail, sewers and other public works, LICA's member companies play a significant role within Long Island's Nassau and Suffolk Counties. The economic impact of the industry contributes \$4 billion to the area's local gross regional product.*

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An attorney's office is likely the last place to seek comic relief. But, early in my career, it was a space in which I often found myself discovering humor. The large framed image behind the lawyer's desk was a strong indicator that the environs were not for the stodgy. The famous Shakespearean quote (above) from the play Henry VI, greeted all who entered the office of the Honorable Robert W. Schmidt.

Associate Justice Schmidt served on the bench of the Appellate Division, Second Judicial Department. Before his elevation to the Appellate Division, he served as a Justice of the Supreme Court for the State of New York. Though highly regarded as an esteemed, respected jurist, Schmidt's affability and good-natured exchanges are traits I hold in the highest regard. My relationship with the good judge predates his tenure on the bench. We lived in the same neighborhood, and I worked with him in his prior roles, particularly as the Oyster Bay's Town Attorney and the Nassau County Attorney. I was honored to seek his wisdom and keen legal opinions to address challenging matters in countless meetings. No matter the severity of the issues under discussion, Schmidt always had the gifted leadership talent to add levity and comfort at the moment. As a result, legal issues became less intimidating.

An amateur comedian/professional attorney, Schmidt knows many derogatory "lawyer jokes" and is quick to share them when appropriate. His display of the Shakespearean quote clearly shows he appreciates the views of many outside his chosen profession. Yet, he also knows the famous English playwright placed this quote in the ignorant mouth of a character named Dick the Butcher. The play's character does not understand the valuable service of the legal system representatives.

As we know, the legal system is no laughing matter. The heavy construction industry, in particular, needs serious counselors to combat the constant amount of anti-business rules and regulations volleyed our way. Federal and state mandates-which Dick the Butcher could have drafted-regularly appear.

For example, the government often issues new edicts that display an ignorance towards a multi-employer industry, such as ours. Because of these actions, we require the skills and training of our legal professionals to either oppose the ill-crafted rules or help us navigate through the meddlesome situation.

Regulators are more apt to make us cry than laugh. So while the ignorant 'Dick the Butcher types' dream up crazy new rules, our attorneys are compelled to analyze, debate and negotiate feasible ways to stay in compliance with established collective labor bargaining agreements and new conflicting government mandates. Thankfully, in the spirit of Judge Schmidt, some of our attorneys possess the temperament to help us palatably deal with the challenges.

Although it is common for labor and management, primarily through their legal representatives, to have adversarial conflicts, particularly with contract negotiations and grievances, the general relationship in our industry is generally cordial. Often, that positive relationship is helped through laughing together.

This edition of Long Island Road Warriors highlights a few members of the valuable legal profession within the heavy construction industry. First of note is the featured story on Riccardo Iaccarino, a respected stalwart attorney who has dedicated years of service representing our interests. You will quickly learn that Rick is a serious, hardworking lawyer who will readily put you at ease with a big smile and welcoming charm. Enjoy his story! And if you happen to see him afterward, I am confident he will be happy to share a lawyerly joke or two.

Sincerely,

Marc Herbst, Executive Director  
Long Island Contractors' Association







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# Leveraging Prevailing Wages to Benefit Workers and Executives

by Warren Hennigan, Partner, Assurance Services, Marcum LLP

On the 90th anniversary of the Davis-Bacon Act (DBA) in March 2021, the Associated Builders and Contractors (ABC) released a statement calling it an archaic and flawed policy far past its expiration date. As long ago as April 1979, the comptroller general of the United States stated that Congress should repeal the act due to significant changes in economic conditions and the economic character of the construction industry since the act was passed in 1931.



Warren Hennigan, Partner

The DBA was originally meant to preclude non-unionized Black and immigrant workers from receiving jobs on federal construction projects, in order to prevent their financial exploitation. It requires employers performing construction work for the federal government valued at more than \$2,000 to pay their laborers a prevailing wage and fringe benefits, at levels set on a regional or local level by the U.S. Department of Labor. Many states have also adopted the DBA for state-funded projects. Noncompliance can potentially lead to severe penalties, including suspension, debarment, and even False Claims Act civil and/or criminal liability.

In President Biden's \$2 trillion infrastructure plan, the term "prevailing wages" is mentioned no fewer than six times in reference to federally funded projects. The DBA is not directly mentioned, but the frequent reference to "prevailing wages" suggests that non-unionized construction leaders considering work funded by the American Jobs Plan should start to familiarize themselves with the DBA and its requirements.

Contractor clients that pay prevailing wages can leverage fringe benefits paid to field employees to benefit office employees, as well as the company. In most cases, the DBA or prevailing wage is similar to the union scale plus fringe benefits in the area. If a contractor that pays a prevailing wage fully funds the pension benefit to an approved pension plan or defined contribution plan at the maximum of 25% of compensation, the contractor can derive significant savings with payroll taxes, general liability insurance, and worker's compensation insurance. In the end, this will allow the contractor to win more bids. Pension benefits are not subject to payroll taxes, worker's compensation insurance premiums, or general liability insurance premiums.

Some contractors don't want to deal with the paperwork and administrative tasks involved with the Davis-Bacon Act, so they pay the entire prevailing wage in cash to field employees. But paying the benefit in cash is a problem if your construction company has both prevailing wage and non-prevailing wage contracts. Field employees only want to work on prevailing wage contracts. By funding a defined benefit program, you can manage the hourly wage or cash wage paid to the field. If you can balance the cash wage similarly for both prevailing and non-prevailing contracts, you won't have an issue with field employees only wanting to work on prevailing wage contracts. You can indicate to the field staff which contracts pay a pension and which do not. However, this pension benefit is available to the field employee because it must be 100% vested when paid. If the field employee wants to take their 100% vested benefit immediately, the benefit will be subject to income tax and early withdrawal penalties. Many times the employee will lose 50% of the pension benefit if paid early.

Using a prevailing wage plan can also benefit office employees. Under current pension rules, the company can grant a safe harbor pension contribution to eliminate some of the top-heavy and non-discrimination testing inside a pension plan. Since the prevailing wage contribution could be 25% of compensation, whereas the safe harbor contribution is generally 3-4% of compensation, the company can use the larger benefits paid to field employees to offset the required safe harbor contribution.

What this means for office employees is that someone with a high salary would not be limited in the amount they could contribute to a 401(k) plan. It also provides opportunities for management to increase the pension benefits for company executives. The construction company might be able to layer a defined benefit plan on top of the pension plan, which could provide significant benefits to certain executives of the company.

Marcum has worked with construction companies to provide many executives with a pension contribution plan that can significantly increase benefits. These benefits are a current deduction for the construction company, and not taxable to the employee. Marcum can assist your company with prevailing wage accounting, executive compensation, and defined benefit plans. We can tailor a plan that provides significant tax savings and benefits to both the company and its owners.

# International Union of Painters and Allied Trades District Council 9

by Joseph Azzopardi, Business Manager/Secretary-Treasurer  
IUPAT District Council 9



District Council 9 (DC 9) of the International Union of Painters and Allied Trades (IUPAT) is an organization comprised of painters, decorators, wall coverers, drywall finishers, sign painters, metal polishers, bridge and structural steel painters, civil service painters, lead abatement workers, glaziers and architectural metal and glassworkers, paint makers, and allied tradesmen. As a membership run organization, we are dedicated to securing and improving wages, benefits, and overall working conditions, not only for ourselves but for our families and future generations to come. DC 9 provides benefits to over 11,000 members of New York State's middle class, including health insurance, pensions, and continuing education. Our district council consists of 15 local unions throughout our jurisdiction covering 28 counties in NYS from Long Island and NYC through the Capital Region and to the Adirondacks.

The IUPAT was formally organized on March 15, 1887 in Baltimore, Maryland and DC 9 of New York was granted a charter by the IUPAT on December 20, 1900. For over one hundred years, DC 9 has provided innovative workmanship of the highest quality combined with cutting edge technology and expert technique. Our entire workforce undergoes continuing education programs to ensure that our skills match the latest design models at one of our three state-of-the-art training facilities.

Regardless of the creativity of the architecture or the design elements of the engineering plan, a property's value is ultimately tied to the quality of its workmanship. Our craftsmen have an international reputation, having worked on some of the most well-known, landmarked buildings and infrastructure projects in the country.

Our contractors and members work for real estate developers, general contractors/construction managers, building owners, property managers, and city agencies & municipalities. The types of work we perform spans from new construction to renovation, maintenance, industrial coatings, specialty finishes and coatings, and more on both large- and small-scale projects.

Through our partnership with our contractors and industry associations, we work together to advance the industry and meet the needs of demanding construction and property maintenance market. We

work closely with industry stakeholders to ensure we remain on the forefront providing the highest quality labor. Our apprenticeship programs produce the strongest journeypersons and allow us to continue to grow our workforce. Through various pre-apprenticeship programs and extensive outreach to high schools and communities we continue to recruit and build a strong and diverse workforce.

DC 9 works with our members to become involved in the communities where we live and work through various volunteer efforts including donations, food drives, coat drives, backpack drives, painting projects, and more. We continue to build valued and long-term relationships with community leaders, religious organizations, and charitable organizations, whom with we partner to make a difference in our communities. We also work with local elected officials, local businesses, and trade associations to bolster these efforts.

As we continue to expand our footprint throughout the New York State market we partner with more contractors and put our members to work on more projects. Recently we've expanded our jurisdiction to the island of Puerto Rico and are already building partnerships with local contractors and the government of Puerto Rico. Together we will build a well-trained local workforce on the island to meet the needs of their infrastructure rebuilding and maintenance efforts as well as the private construction market. Being that we have a large population of members who are from Puerto Rico or are of Puerto Rican descent, it means a lot for us to be able to forward our mission on the island of Puerto Rico, ultimately uplifting the working class and helping local contractors grow their business.

If you are interested in seeing all the great work DC 9, our contractors, and our members continue to do throughout New York and Puerto Rico please check out our website and social media handles below.

**Website:** <https://www.districtcouncil9.net/>

**Facebook:** <https://www.facebook.com/District.Council.Nine>

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ROHHAD Fight Inc., a 501(c)3 not-for-profit organization, was formed in 2011 by the friends of Marisa Carney who at the age of 4, was diagnosed with an extremely rare syndrome called ROHHAD. ROHHAD stands for Rapid-onset Obesity with Hypothalamic Dysfunction, Hypoventilation and Autonomic Dysregulation. There are currently only about 100 diagnosed cases in the world.

At age 5, Marisa needed to have a tracheostomy; be placed on a ventilator, as she could not breathe on her own, and needed to have 24/7 nursing care as many of her autonomic systems were malfunctioning (temperature control, heart rate, metabolism and urinary).

When Marisa was first diagnosed, information and research funding for ROHHAD was scarce. ROHHAD Fight Inc. began the crusade to bring awareness about this rare childhood syndrome and raise money to fund research, as well as to provide financial assistance to the families of children with ROHHAD.

Over the past 10 years, ROHHAD Fight Inc. has been able to raise over \$600,000 and has helped generate much-needed public awareness. Marisa's struggle with ROHHAD was featured in two major Newsday articles, which led to an appearance on CNN Anderson Live featuring a Carney family interview by Anderson Cooper. New York State even passed a resolution declaring May 2013, ROHHAD Awareness Month.

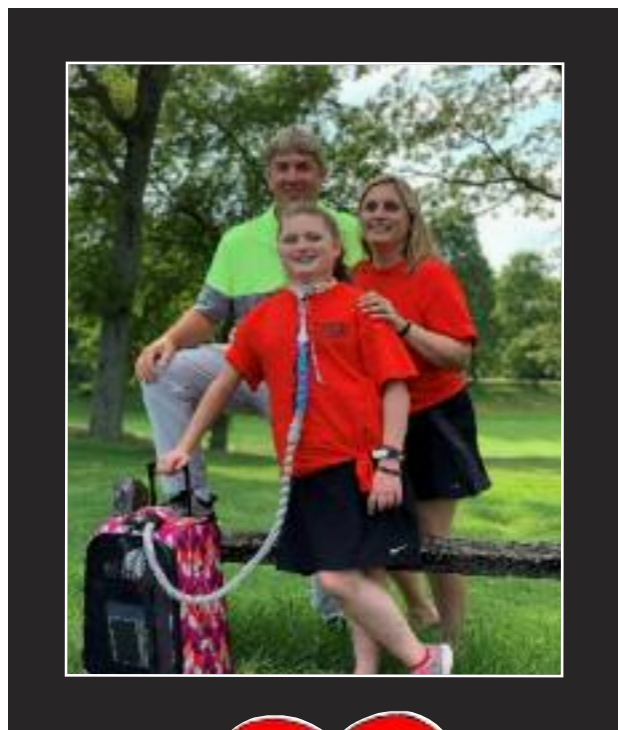
These truly amazing achievements would not have been possible without numerous volunteers and the ROHHAD Fight, Inc. Board members: AnnaLisa DeFalco, Diana Mariner, Louis Albertelli, Francesca Albertelli, Beth Moretti and John Cawley. The Board members and volunteers take time out of their jobs and busy schedules to run charity events, work on the website, and spread awareness.

The major fund-raising event is the ROHHAD Fight Inc. Annual Golf Outing held at the Wind Watch Golf Club, which is supported by Barnes, Iaccarino & Shepherd LLP, the law firm where Danielle Carney (Marisa's mom) is an associate attorney, as well as the regional unions, employers and their providers. One of our other major charity events was the LI Fight For Charity, the fundraising event that encouraged cover subject, Rick Iaccarino, to step into the boxing ring.

This syndrome has gone undetected for far too long. Due to the efforts of ROHHAD Fight Inc., we hope more children will be diagnosed before the irreversible effects of brain damage have claimed them and their weight has escalated to the state of obesity. ROHHAD Fight Inc., along with Marisa's parents William and Danielle Carney, are dedicated to finding a cure and aiding the families of children with ROHHAD in need of financial assistance.

ROHHAD Fight Inc. constantly struggles for support. Rare disease organizations such as this, lack the financial support of large corporate sponsors and celebrity/high profile donors. The awareness of ROHHAD is so limited that researchers of other autonomic illness have failed to consider the far-reaching affects if a cure for ROHHAD was found.

To get more information about ROHHAD or to help us in this fight with a donation, please visit us at: [www.rohhadfight.org](http://www.rohhadfight.org)



# INFRASTRUCTURE INVESTMENT & JOBS ACT: WHAT IT MEANS FOR NEW YORK

by Desmond M. Ryan, Government Relations Consultant

*“The transportation construction community now welcomes the opportunity to use these historic investments to deliver infrastructure outcomes that will improve the quality of life for all Americans.”*

—Dave Bauer, CEO, American Road & Transportation Builders Association (ARTBA)

After months of debate, the U.S. Congress passed the Infrastructure Investment & Jobs Act (IIJA), the largest long term commitment to our nation’s infrastructure in more than half a century. President Joe Biden signed into law the \$1.2 trillion bill to repair the nation’s aging roads and bridges, upgrade our electrical grid and expand access to the nation’s broadband internet. In a display of bipartisanship, the bill passed the Senate in August, 69-30. On November 5, the House of Representatives passed the bill with 13 Republicans crossing party lines (228-206). This legislation will have a profound impact on all aspects of America’s infrastructure throughout the 21st century.

For decades our state and federal elected officials have neglected our highway and transportation systems, and here in New York, the need for action is clear. It is projected that this state will receive up to \$163 billion for

various projects from Buffalo to Babylon, thus creating good-paying union jobs, promoting economic growth and improving the quality of life for all New Yorkers. The page on the right shows a list of those projects in New York that will receive federal funding.

In breaking ranks with his GOP colleagues, Long Island Rep. Andrew Garbarino, voted for the bill, putting much needed public policy before partisan party politics. In doing so, he not only did what was right for New York, but also for the region that he represents. As a freshman Congressman, it took courage to cast this vote and in the end, projects like the Oakdale Merge may at last be addressed with these federal dollars.





### New York Highway Funding: \$12.5 billion

\$11.5 billion for surface transportation (roads, highways, etc.)  
\$1.9 billion from a new vehicular bridge repair formula program  
\$142 million for EV charging infrastructure

### New York Airport Funding: Nearly \$1 billion, including:

JFK \$294,682,575  
LGA \$150,008,970  
Long Island MacArthur \$21,595,630  
Republic \$3,735,000  
East Hampton \$1,480,000  
Brookhaven \$1,480,000

### New York Rail Funding: \$58 billion

\$16 Billion for Amtrak National capital backlog needs - \$688 million - will save NYS its contribution to replacing the Amtrak railcars that operate upstate.  
\$6 Billion for Amtrak - Northeast Corridor (NEC) – capitol backlog of the NEC including the Gateway project.  
\$24 billion for North East Corridor Modernization – competitive grants that Gateway, Metro-North Penn Access, and East River tunnels are eligible for.  
\$12 billion for Intercity passenger rail including upgrades for high speed rail.

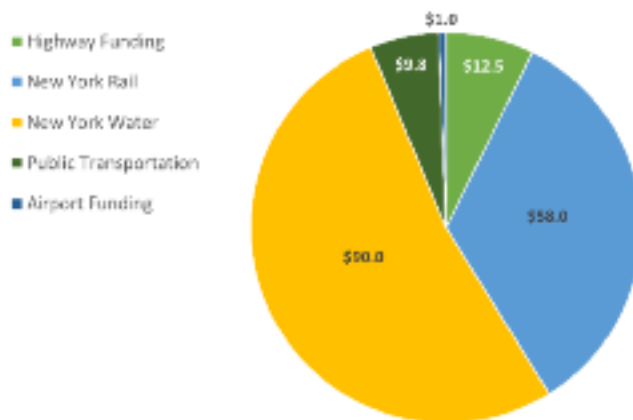
### New York Water Funding: \$90 billion minimum for water infrastructure

\$14.7 billion for the EPA’s Drinking Water State Revolving Fund which provides capitalization grants to states for loans supporting water infrastructure projects.  
\$55.4 billion in supplemental emergency appropriations for both the EPA state for capitalization grants through the Clean Water State Revolving Funds and Drinking Water State Revolving Funds.

### Public Transportation: \$9.8 billion

\$9.8 billion for Clean Buses and Mass Transit

IUA Infrastructure Funding for New York State (in Billions)\*



\*Figures based on Rep. Tom Suozzi Press Release, November 15, 2021

*The heavy construction industry, in particular, needs serious counselors to combat the constant amount of anti-business rules and regulations volleyed our way.*

*- Marc Herbst, LICA Executive Director*



**Marty Glennon, Esq.**

*Partner & Founding Member  
Archer, Byington, Glennon  
& Levine, LLP*

Marty first started his career as an electrician with Local 3 IBEW. Because of the union, he had his bachelor's and law degree paid for by the Union's Educational and Cultural fund. As a third generation Glennon in the construction industry, Marty saw the assault that was taking place on organized labor. It was the PATCO strike of 1981 and the subsequent assaults on organized labor that led Marty to law school to become a labor attorney. For over twenty-five years Marty has worked on behalf of organized labor and their related fringe benefit funds. Today he is a founding member of Archer, Byington, Glennon & Levine which has offices in Melville and New York City.

Local 3 also shaped the way Marty approached his representation of Labor. Because Local 3 had a Joint Industry Board where the union and management worked closely for the

betterment of working families, he understood early on there was a partnership that needed to continue to be forged and developed between unions and their contractors. That is why he worked with then Suffolk District Attorney Spota's office in drafting some of the most significant changes to NYS Labor Law 220 since its inception. These changes recognized and addressed the injustices that had befallen working men and women and union contractors that comply with federal and state labor laws while rewarding more unscrupulous contractors. These amendments put real teeth into the enforcement of the prevailing wage law in NY and led to the criminal prosecutions of many dishonest contractors and their owners.

Marty was also instrumental in forming, more than 15 years ago, the Long Island Labor Advisory Council (LILAC) bringing together organized Labor, their signatory contractors, local,





state and federal agencies charged with the enforcement of labor laws. The purpose of which is to protect the interests of working men and women on Long Island. LILAC meets regularly to discuss and address cutting edge issues affecting the labor movement.

Marty has served on the Board at Nassau University Medical Center and currently serves as Chairman of the Nassau County Planning Commission. He understands the importance of having a strong labor presence at every level of government. He brings insights to planning that are not otherwise understood by other members of the Planning Commission. He has also created the James Connolly Irish American Labor Coalition in NY. This organization is focused not just on labor issues here in the U.S. but also in Ireland. In all, Marty is not just a labor lawyer and advocate for his clients, but he also spends a fair amount of his time outside the practice of law representing working men and women in the community.



His deep understanding of the construction industry comes from his father who was a lineman for the Village of Freeport after returning from Vietnam. Starting in 2008, James began using that knowledge to represent unions, their LMCs, Funds, and apprenticeship schools. James regularly works with unions on strategic campaigns, including legislative drafting, organizing drives, and the referral of wage cases to relevant agencies. James was the lead counsel on the first prevailing wage qui tam “whistle-blower” case brought under state law in New York. He regularly handles contract negotiations, ERISA collection matters, and arbitration proceedings for his union clients.

James has always remained involved in his community, whether in his home village of Sea Cliff or in the legal community. In 2009, he was appointed by the Commissioner of Labor to serve on a Wage Board for the restaurant and hotel industry where he helped redraft the wage laws involving those industries. He is also an active speaker for Taft-Hartley trustees at the International Foundation of Employee Benefit Plans. In 2016, James was named Who’s Who in Labor Law by the Long Island Business News. In his “free” time, James served for many years as the commissioner of his Village’s youth baseball/softball association where he coached his son (who is now a travel league baseball player). He was elected as a village trustee in Sea Cliff in March 2021 and has worked closely with community groups and the village to obtain municipal water for his community. He also serves as a volunteer on his school district’s Legislative Affairs Committee and serves as a parish council member at his church.



**James W. Versocki, Esq.**

*Partner*  
Archer, Byington, Glennon  
& Levine, LLP

James began his career as an Assistant Attorney General in the New York State Attorney General’s Office. For eight years, he was a prosecutor who enforced labor and employment laws in complex civil and criminal white-collar prosecutions, many involving the construction industry. James’ prosecutions focused on prevailing wage and wage-and-hour enforcement and resulted in numerous criminal convictions and settlements.



*Profiles continued on page 17*

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*Associate*  
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Danielle M. Carney, Esq. has been an associate at Barnes, Iaccarino & Shepherd, LLP for over 24 years. Ms. Carney's practice focuses on the firm's representation of employee benefit plans under ERISA including collection of delinquent contributions, reviewing Summary Plan Descriptions, advising on benefit claims and withdrawal liability. Additionally, she is the managing attorney of their legal services department. Ms. Carney graduated from Touro Law School in 1994. She earned her undergraduate Bachelor of Science degree with honors from St. John's University in 1991.



Ms. Carney is a member of the New York State Bar and is admitted to practice before the New York State Courts and the United States District Courts for the Southern and Eastern Districts of New York.

In addition to her legal career, Danielle assists ROHHAD Fight Inc., a 501(c)3 not-for-profit organization, with all its fund-raising events and awareness activities. Whether by reviewing contracts, preparing flyers or making raffle prize baskets, Danielle has been assisting ROHHAD Fight Inc. for over 10 years in its quest for a cure for ROHHAD, a syndrome which her daughter, Marisa, was diagnosed with at age 4.



**Travis M.  
Mastroddi, Esq.**

*General Counsel*  
Building Material Teamsters  
Local 282

Travis Mastroddi began his career as a labor lawyer in 1996 while still attending law school, when he was hired as a clerk for the boutique Baltimore law firm of Kahn, Smith & Collins, P.A. Now, twenty-five years later, he continues his advocacy for labor as the first full-time General Counsel for Building Material Teamsters Local 282 here in New York.

Travis was born and raised right here on Long Island, a proud graduate of Longwood High School. He currently lives in West Islip with his wife of nineteen years and two school-age children. Over his career, he has had the privilege of representing working people among a diverse range of professions, including nurses, airline pilots, municipal workers, professional umpires and NHL hockey players. Having come from a Long Island construction family, he brings to the Teamsters both familiarity with the pressures faced by local contractors and an appreciation for the labor on which they depend.



In service of Teamsters Local 282, Travis provides legal and strategic advice on matters including contract bargaining, new member organizing, legislative initiatives and internal governance. Outside of the office, he supports local community events and projects, and assists his elderly neighbors, but still spends almost enough time chauffeuring his kids to and from theater engagements and soccer games to qualify himself for Teamster membership.

**LABOR UNIONS:**

# The Ties That Bind

**Riccardo Iaccarino, Esq.***Founding & Managing Partner - Barnes, Iaccarino & Shepherd, LLC*

Labor unions are synonymous with strength, unity and solidarity. Those who represent them are known to be tough negotiators and fiercely loyal. Most members wouldn't be surprised to find their local union counsel stepping into a boxing ring to fight for a good cause. Some however, might be surprised to find that this same attorney is also a self-proclaimed 'mamas boy' who doesn't hesitate to shed a tear when speaking of the woman who raised him. Meet labor attorney Riccardo (Rick) Iaccarino, founding and managing partner of Barnes, Iaccarino & Shepherd, LLP ([www.bislawfirm.com](http://www.bislawfirm.com)).

**A LABOR OF LOVE**

Currently, Iaccarino's law firm represents more than thirty private and public sector unions, and their affiliated ERISA benefit funds in the Long Island/Metro area. Among them are New York City's International Union of Painters and Allied Trades (IUPAT) District Council 9 (with more than 10,000 members) and Long Island's own Laborers Local 1298. At Barnes, Iaccarino & Shepherd, Rick continues the work begun by his company's predecessor, Roy Barnes, P.C. where Iaccarino began his post-college career working alongside his now-partner, Wendell (Wendy) Shepherd. Together they lead a team of ten attorneys and dedicated support staff who help advise and assist Rick's long list of labor clientele.

However, long before Iaccarino chose a career in labor law, he personally experienced the powerful impact unions could have on the lives of members and their families. As Rick's story unfolds, it becomes obvious that his mother's work with the garment union, combined with her wit and wisdom, would have a huge influence on Rick's life and livelihood.

**SALT OF THE EARTH**

The youngest of three children, Rick was raised in the borough of Brooklyn by his parents. His father, Richard Iaccarino, was the 11<sup>th</sup> of 12 children born to Italian immigrants. A hardworking but tough man, Richard was often tougher than a father and husband ought to be. However, despite his flaws, Rick recognizes the personal challenges his father faced and is grateful for the strong work ethic he inherited from him. But it's his mother, Iris, whom Rick credits with providing the most important and meaningful lessons on life, love and the power of positivity.

Iris Violet Arocho Ortega Iaccarino was born in the mountains of Puerto Rico, as the 17<sup>th</sup> of 18 children. She arrived in New York at the age of 17 with nothing more than a smile, street smarts and a pocketful of self-confidence. Here she would meet, and later marry, Rick's father and raise three children together. Richard would become the owner of Iris Metals Inc., a metal pocket frame factory he named after his wife. But when zippers began to replace metal frames in pocketbooks, the factory was forced to close and Rick's mother headed back to work.

Iris went to work as a salt\* for the International Ladies Garment Workers' Union (ILGWU) inside the non-union sweatshops of Manhattan. While still raising her family, Iris' dedication and sense of self-belief enabled her to work her way up to Assistant Manager at Local 91 in New York City, eventually becoming the first Puerto Rican business manager of an ILGWU Local. In recognition of all the Latina women and families she had helped through her work, Iris received the distinguished honor of being named the 1980 Borinquen Woman of the Year.

For a Hispanic female—who arrived in the states without so much as a high school education—to achieve so much, speaks volumes about the important opportunity and powerful potential that unions provide to hardworking men and women. Rick's mother's story epitomizes the best of what unions have to offer, perfectly expressed in the words of the famous song that became synonymous with the ILGWU. It's a tune many of us recall from our childhood, with words that Rick proudly recites from memory...

***“Look for the union label, when you are  
buying that coat, dress, or blouse.  
Remember somewhere,  
our union's sewing, our wages going  
to feed the kids and run the house.  
We work hard, but who's complaining?  
So always look for the union label,  
it says we're able to make it in the U.S.A.”***


**FROM BROOKLYN TO BARNES  
& THE BAR EXAM**

As Rick grew older, Iris and the Iaccarino family were finally able to enjoy some of the fruits of their labor, traveling and purchasing a home and cars, but that was not always the case. When Rick was only 4 years old, it was a lucky exacta win at the racetrack that gave Iris the money she needed to enroll her baby boy in a private school program. In the days when skipping grades was 'a thing', Rick would forego kindergarten and head directly to first grade.

\*Salt: Someone who takes a job within a company, solely with the intent to try and unionize workers.

*Continued on page 20*



  
*For a Hispanic female...  
to achieve so much,  
speaks volumes  
about the important  
opportunity & powerful  
potential that unions  
provide to hardworking  
men and women.*



*Photo: Rick's mother, Iris Iaccarino (age 93), holding her newest grandson, Jack, shortly before she passed.*



Thanks to that early advancement, Rick graduated from high school at age 16 before heading off to study Political Science at Amherst College. Entering college at 16 might sound intimidating, but with a physique that belied his real age, his acquired street smarts, and encouraging words from his mother to “Go off and be great at whatever you do and know I will always be here for you if you need anything,” Rick soon discovered that college offered far more fun than fear. (Particularly when you end up in a course with the current Dalai Lama)!

**6**  
*...Rick seeks to avoid court whenever possible, with a strong preference for negotiation versus litigation.*

After Amherst, Iaccarino began working for Roy Barnes, P.C. as a paralegal. Barnes became both a mentor and friend and, like Rick, Roy has an interesting backstory of his own. Prior to becoming a labor attorney, Roy Barnes served in the United States Navy and attended NYS School of Industrial and Labor Relations at Cornell University. Upon graduation, Roy worked for Jimmy Hoffa organizing non-union employers and directing communication campaigns. Later in life, while working for the Teamsters, Barnes attended Brooklyn Law School at night and after several years with another law firm, started his own in 1976. Similarly, while working for Roy, Rick attended Brooklyn Law School Evening Division to earn his Juris Doctorate. After passing the Bar Exam (where he shared an exam room with JFK, Jr.) Rick would continue working at Roy Barnes, P.C. as a full-fledged attorney.

## LABOR & THE LAW

Iaccarino is now admitted to practice law before the New York State Courts and the US District Courts for the Southern and Eastern Districts of New York. However, Rick seeks to avoid court whenever possible, with a strong preference for negotiation versus litigation. Throughout his career, Rick has counseled benefit fund Trustees on their rights and obligations under the Employee Retirement Income Security Act (ERISA) of 1974, the Patient Protection Act and the Affordable Care Act, among many others.

These days, Rick spends the majority of his time handling grievances, arbitration and negotiations on behalf of his clientele. The scope of work, and exactly whose interest he is representing, can vary depending upon the client. When serving as Union Counsel for any of his Locals, Rick technically represents the people who run the union and make decisions for their members. But when acting as Counsel on behalf of an Employee Benefit Plan client (such as: Defined Contribution Pension Benefit Funds, Annuity Funds, Health and Welfare Funds, Apprentice Training Funds and others), he serves as a representative for the participants of that fund. He must ensure that the Trustees who oversee those funds, manage them properly and administer benefits in a fair, non-discriminatory manner.

In addition to his work as general counsel, Iaccarino serves as Chairman of the American Alliance Conference Ltd. and the Educational Conference of Benefit Plans, where he lectures on a multitude of topics ranging from Department of Labor audits to the collection of employer delinquencies. Recently, he also formed the law firm of Tate, Grossman, Kelly and Iaccarino, LLP, with the



Photo (Above): Iris Iaccarino (standing, far right) joins ILGWU President Sol “Chic” Chaikin (seated, 2nd from left) and other ILGWU leaders and staff at a special signing event. Photos (Right, page 21, top to bottom): Photo of Rick “Union Made” Iaccarino from the ROHHAD Charity Fight in 2015 (Inset photo: Rick with Marissa Carney who was diagnosed with ROHHAD at age 4). (Middle): Rick’s mother Iris (his biggest fan) and other fans root Rick onto victory. (Bottom): Rick with his opponent, Andrew Nerone, their trainers and the official referee.



exclusive purpose of obtaining the largest no-cost recovery of damages from pharmaceutical companies on behalf of Union Health Funds, Pension Funds and the families damaged by the opioid epidemic, which was caused by these companies' fraudulent marketing activities and excessive opioid sales.

## A FIGHTER AND A BOXER

When Rick's not busy fighting for his clients' rights, he makes time to lend his talents to the community. For more than 15 years, Rick served as a board member and pro-bono attorney for the St. Hugh/St. Elizabeth Basketball and Softball League, while coaching his five children in a variety of sports. Although his children are now fully grown and his days of coaching are long gone, Iaccarino can still be found after-hours on a basketball court with friends shooting a pretty mean game of hoops.

It was not that long ago (2015) when Rick volunteered to help raise funds to benefit the child of a friend. Good friends might 'step up' and contribute to the cause, but few would actually match Iaccarino's commitment to 'step in' to a real boxing ring and literally fight to raise money for their friend's charity. But that's exactly what Rick did.

*The pride that Rick holds in his heart for unions was certainly born from seeing the success his mother achieved with the help of the ILGWU...*

Mustering his own physical strength and channeling all his father's toughness for a good cause, Rick not only won the fight, but his efforts raised more than \$150,000 for the non-profit ROHHAD Fight, Inc.—and set a fundraising record at the 16-year old event. Rick's dedication and training were a tribute to the confidence his mother instilled in him and the motto she's always shared: "Whatever you do, do it the best you can." (Be sure read more about ROHHAD in our feature article on page 11).

## MOTHERHOOD & BROTHERHOOD

The pride that Rick holds in his heart for unions was certainly born from seeing the success his mother achieved with the help of the ILGWU while allowing her to continue raising her children. However, Rick's deep appreciation for the brotherly bonds and support that unions provide has grown deeper over the years, as he works among thousands of other good, hard-working, dedicated men and women.

Never was this bond more obvious than when he laid his mother to rest, only two months ago, at the age of 93. Not only did 50 of Rick's union brothers and sisters make the near 2-hour drive to attend the formal funeral services in Connecticut, but more than 100 attended the memorial he held in her honor, on Long Island, days later. It was an outpouring of support he had not anticipated.

During the eulogy, Rick fondly recalled memories of his mother and the many words of wisdom she had imparted. He recounted her union achievements and shared stories that illustrated her kindness and compassion as well as her laughter and zest for life. Most importantly, he spoke of her dedication and unconditional love for her family. And as he addressed the crowd, it became clear to Rick that had been doubly blessed with both an incomparable icon of motherhood and the undying support of a union brotherhood.





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# *A Look at the Law*

## with **Rick Iaccarino**

**Q. Any funny or interesting grievance stories you can share?**

A. I wasn't the attorney on this, but a worker had been accused of getting drunk and urinating on the job. They had actual video tape of him doing this. Then the worker shows up to arbitration with his fly wide open. Needless to say, it was a pretty open and shut case.

**Q. What was the most important lesson you learned while working with Roy Barnes?**

A. Always return client phone calls (promptly). He knew his clients were always busy taking care of their members, so if they have taken time out to call counsel, it must be important. That's why I always try to pick up my phone. If I'm unable to answer immediately, I make sure I return their call as soon as possible.

**Q. What's your favorite personal mantra or advice to live by?**

A. Life is about making good decisions. Try not to let emotions get involved. Make an informed decision based on the best knowledge you have of the situation.

**Q. Negotiate or Litigate?**

A. I always prefer to negotiate. The key is for everyone to come to the table with respect for the other's position, then we can usually find a settlement that seems reasonable to both sides.

**Q. If there were one union-related law or action that you could change, what would it be?**

A. Ronald Reagan and the PATCO strike. His actions in the air traffic labor dispute completely undermined the bargaining power of American workers by taking away a worker's right to strike.

**Q. Is there any good news for unions today?**

A. Although overall union membership is declining, New York remains one of the best states in terms of being pro-union. And, we are hopeful that the current state and federal administrations will continue to be more union-friendly.

**Q. What do you see as one of the biggest issues facing union benefit funds today?**

A. Getting health care costs under control is a major issue. Pension funds would have probably been on that list but with the additional funding the government is now putting in, that situation should be greatly improved.

**Q. How big an issue has COVID been for union employers?**

A. It a huge issue with all the related safety and liability implications. OSHA recently issued Emergency Temporary Standards on vaccinations and testing for companies with 100 or more employees. Although it was immediately challenged in court and OSHA has since suspended enforcement of the mandate, it is likely to remain an issue to be addressed. We strongly recommend that clients adopt a policy that will be seen as a recognized standard which should offer unions some protection moving forward.

**Q. What is your best piece of advice for union members?**

A. Do your job and do what you're told to do (unless it's physically dangerous). THEN go grieve to the union shop and call your representative. Don't take the chance of getting fired for insubordination.

**Q. What matter of law should most contractors/employers understand more clearly?**

A. They need to know that 'purposeful' mistakes in contributions are now potentially a criminal issue. The liability is on them to pay the necessary contributions EVEN IF THEY HAVEN'T BEEN PAID by the GC or project owner.

**Q. What is the best part of working with a union workforce?**

A. The brotherhood. Without a doubt, that feeling of unconditional support and solidarity you get with the men and women of labor is surpassed only by the support I've received from my own mother.

# A Balancing Act: Progress and Preservation

by Assemblymember Charles D. Lavine (District 13)



Progress and preservation do not have to be at odds. While I remain a steadfast supporter of preserving Long Island's natural beauty, I recognize the need for new construction and believe it is the responsibility of elected officials to do what is within their means to bring financial well-being to the communities they serve.

This is especially true as we continue to work our way out of the devastating economic toll the COVID-19 pandemic has taken on our area, which is why I helped pass legislation providing tax relief for owners of new or extensively renovated homes in Nassau County. These people rightly felt they were shouldering a disproportionate share of the property tax burden resulting from Nassau County's first countywide reassessment in many years.

Under the plan, which was signed into law by Governor Cuomo as part of the current New York State budget, homeowners would be allowed to phase in \$750,000 in new construction costs, including those associated with entirely new homes, over an eight-year period. The previous phase in limit of \$80,000 had only applied to increased market value. The new approach should stimulate more new construction — this means job growth at a critical time for the local economy.

The new legislation will sunset in 2026, but by then a wrong will be righted and these overburdened taxpayers will be playing on a more level playing field.

The economic impact of this legislation is consistent with Governor Hochul's plan to renovate Penn Station and make much-needed improvements to the surrounding area in mid-Manhattan. This project will generate many jobs in the construction industry at a time when they are most needed. In addition, it will help Long Islanders who have, for too long, been inconvenienced by the aging and cramped Penn Station. When completed, this new transit hub will make traveling to and from the city a far better experience.



I applaud this level of forward-thinking as we must constantly be looking to the future and for ways to boost to the economy — especially in times of need.





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