

The Chief

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Unions: Governor's Letter To Staff a Labor Violation
Improper Bargaining Tactic?

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GOVERNOR PATERSON: Does letter cross the line?

The two largest state-employee unions last week accused Governor Paterson of committing an improper labor practice after he sent an April 7 letter to their members urging them to lobby the unions to make "modest concessions" as an alternative to layoffs.

State labor law prohibits employers from directly contacting their workers rather than the authorized bargaining agent about contractual matters.

Unions Balk At Concessions

A week earlier, the Paterson administration threatened to lay off close to 9,000 state workers after the unions refused to agree to defer a 3-percent wage hike or accept a one-week lag in employees' pay to help close a \$17.7- billion budget gap.

"I do not want to see anyone lose their job, particularly in this economic climate," the Governor stated in his letter. "But the savings from this workforce reduction plan is part of the budget I enacted with the Legislature, and in the absence of equivalent workforce savings, we cannot eliminate our state's deficit without layoffs."

A few days prior to sending the later, the Governor made clear that the \$481 million he was seeking in labor savings should involve a "sacrifice" by the unions or their members, rather than proposals he had already received about how to trim the state's operating costs in other areas.

'Tell Your Representatives'

His letter went on, "If you believe, as I do, that implementing modest workforce concessions is a preferable path to significant layoffs, I urge you to voice this opinion to your union representatives."

Civil Service Employees Association President Danny Donohue said that the Governor was "playing a dangerous political game" that was both "reckless and irresponsible." His union plans to file an improper practice petition with the Public Employment Relations Board.

CSEA and the Public Employees Federation held a joint press conference in Albany April 8 to tell Mr. Paterson that, as PEF President Kenneth Brynien put it, "We haven't changed our position. We think layoffs are misguided."

As usual, Mr. Donohue was blunter in his criticism of Mr. Paterson. "We are here to [say], if the Governor understands the cuts to mental health, he needs a good psychiatrist," he said, referencing a proposed cut of 1,000- plus jobs in the Office of Mental Health.

More Symbolic Than Substantive?

Mr. Donohue reiterated that the union concessions alone, if agreed to, could not balance the state budget because they would amount to less than 1 percent of the savings necessary. "He's not talking about balancing the budget; he's talking about getting something back from the unions," he said.

Mr. Paterson had proposed rolling back a contractual 3-percent pay raise for state employees before it took effect April 1. The unions refused. They also declined to accept a lag payroll under which employees would defer a day's pay in each of five pay periods and not collect that money until they left state service.

In his letter, the Governor indicated he would go forward with the workforce reduction plan of 6.6 percent across all agencies controlled by the executive branch by July 1 if the unions did not agree to concessions.

He said those layoffs would be reduced by 200, to 8,700, after an executive action to freeze 3-percent raises for non-unionized management/confidential employees brought \$32 million in savings over two years. Simultaneously, the Governor outlined—for the first time since layoffs were proposed in November—which agencies would face cuts and how many people they would lose.

"This is just sort of a continuation of his outrageous behavior," said CSEA spokesman Stephen Madarasz. "The Division of the Budget's statements over the past couple of weeks make it pretty clear that the only solutions they're interested in from us are ones that inflict pain on our members."

The cuts will hit the Department of Correctional Services the hardest, with 2,012 employees to be laid off. New York State Correctional Officers and Police Benevolent Association President Donn Rowe lamented that these layoffs come on the heels of the closing of three upstate prisons.

"Just days ago, the Governor himself acknowledged what every New Yorker already knows: any reductions in the state workforce should not jeopardize public safety," he said. "Less than 48 hours later, the Governor is proposing layoffs that fall squarely on the

men and women who guard our prisons, care for our sick and keep our communities safe."

A spokesman for the Division of the Budget, Matt Anderson, said, "We are going to do everything we can to ensure that these reductions reach 6.6 percent, while maintaining the public's health and safety. These cuts are the result of the unions' unwillingness to accept even modest concessions."

'Hurts Public Safety and Upstate'

The Office of Mental Retardation would have to cut 1,434 employees and the Office of Mental Health would lose another 1,054 people. "This is hypocrisy at an all-time high—even for this Governor," said Mr. Rowe.

"The administration has charged the agency commissioner with the job of making these cuts without negatively impacting public safety—a task we do not have confidence he can properly accomplish," he said. This move will threaten public safety and mean disproportional layoffs for upstate communities that are already facing tough economic times."

Twenty-four agencies, including the Division of the Budget, were spared from layoffs because they are not controlled by the Governor or are staffed by management/confidential employees, who had their pay raises unilaterally rescinded by Mr. Paterson. Other agencies, like the Authority Budget Office, face as little as one job elimination. The State Police, though, would lose 386 employees. The Department of Transportation would see 624 jobs cut. The City University of New York would not be subject to any layoffs, but the State University system would be cut by 386 workers.

In the face of the threats from the Governor, all the unions have agreed to do is continue negotiating. "We hope to come to some resolution, but the resolution is not going to be to accept the Governor's demands," said Mr. Brynien. "There has to be a conversation."