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HEADLINE: NY reports more assaults in state's youth prisons

Source Website

By MICHAEL VIRTANEN

ALBANY, N.Y. (AP) -- The State Commission of Correction reported 337 assaults in New York's four juvenile prisons last year, roughly triple the total any of the previous four years, or an average of roughly 1.5 assaults per youth.

Commission data showed 226 assaults against other juveniles and 111 attacks on staff, compared with 112 total violent incidents reported in 2011 at the four "secure" facilities operated by the Office of Children and Family Services. They had 211 residents in early January, down slightly from a year earlier. Though they can stay until age 21, their median age at the start of last year was 16.4.

"There has been an alarming increase in the total number of violent incidents taking place at OCFS secure centers in just the first half of this year," Commission Chairman Thomas Beilein wrote in August. He requested an explanation from OCFS Commissioner Gladys Carrion and the agency's measures in response.

OCFS operates the Brookwood, Columbia Girls and Goshen secure facilities, all in the Hudson Valley, and MacCormick outside Ithaca. The agency recently announced plans to close four lower-level residential centers for juvenile delinquents, who are being sent to New York City programs closer to their homes. It's part of shifting state and national emphasis from punishment to therapy, which Carrion has pushed in New York.

"As is true in almost all transformational initiatives, there are challenges associated with such a significant shift in culture and rehabilitative approaches," OCFS spokeswoman Jennifer Givner said Monday. "We remain committed to the safety of our employees and youth within OCFS facilities."

The agency said assaults at the four secure detention centers slowed in the past six months, while attributing the 2012 spike partly to installing more video cameras and a new reporting system. Acknowledging prior reporting was less accurate, officials also say the youths in state custody tend to have more complex behavioral and psychological issues than ever before.

"This is a difficult population. These are kids who have done very serious crimes, often violent crimes" said Barry Krisberg, a consultant to the state. "They have significant mental health problems and drug abuse problems."

The four secure detention centers hold juvenile offenders sentenced in adult court for crimes committed before they were 16 and juvenile delinquents, "restrictively placed" by family courts.

Krisberg, research director at the Warren Institute at Berkeley law school, said what's happening in New York mirrors national trends, including a dramatic decline in the total number of youths in juvenile correctional facilities. He said New York is ahead of many other states in addressing the issues, though it takes time. One of his proposals will soon establish within each of New York's youth prisons separate units for those who are considered at high, medium and low risk for aggression. He also suggested a crisis intervention plan for each individual, less idle time and transition services for going home, something he says have been sorely lacking.

"The garden variety clients in juvenile corrections used to be car thieves, graffiti artists, minor drug dealers, burglaries," said Krisberg, who also consults to several other states. With minor offenders increasingly sent to community and residential therapy programs, youth prisons are left with a harder core of teens who committed violent crimes or sex crimes. "The vast majority have been exposed to pretty dramatic trauma. They were victims of or witnessed horrendous violence, not untypically from a family member," he said.

"The question is: What should we do for these kids? How do we create safe and effective facilities?" he said. "Most will be released at age 21. ... There's a public safety interest in doing what we can to turn them around."

Civil Service Employees Association spokesman Steve Madarasz said things aren't improving for the union's 550 members who work at the four detention centers, despite OCFS promises of more staffing and better training in the move from a custodial correctional approach to one that stresses therapy and counseling. He said state labor officials issued citations against OCFS in 2011 following union safety complaints at Goshen and at Taberg in central New York, a "limited secure" facility he said took girls from the now closed secure Tryon school. **CSEA** said 19 staff members at Taberg were out of work with injuries from assaults that included two broken collarbones, a concussion, a broken ankle and dislocated shoulder.

"They really have undermined our membership, not only in basically creating a situation where they're left in danger, but just not living up to the promise they made to them to improve the system," Madarasz said. Another issue in the state's "closer to home initiative" that is transferring juveniles from non-secure state facilities upstate to New York City programs, taking money and jobs with it, he said.

The 2012 commission data translate to approximately 1.6 violent incidents per youth in New York's youth prisons. Krisberg said while he's not saying that's not acceptable, it's also not out of line with other states like California with 1,436 incidents in a year among almost 900 youths and Ohio with 1,604 violent incidents among some 680 youths locked up.

Traditional deterrence strategies through punishment don't work, Krisberg said. "In fact, they backfire."

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Highlights: Civil Service, Employees Association, CSEA

Good news, eventually

It will take a while, but health care costs for county retirees will begin to decline

Here's some good news for taxpayers: Erie County's long-term liability for health insurance for retirees has dropped significantly.

Some recent changes will save a relatively small amount of money in the next decade or so, but in later years will add up to millions of dollars a year.

The latest long-term estimate for future health care benefits for retirees was \$789.8 million as of Jan. 1, 2012, down a staggering \$187.8 million from two years before that, according to a report prepared for the county. However, the short-term outlook is grim. The report estimates the cost of health care for retirees will grow from \$20 million in 2012 to \$40 million in 2022. After that, actions being taken now will bend that curve down.

The projected savings is a function of both a smaller county workforce, meaning fewer workers who will eventually retire and receive health insurance, and the fact that workers hired over the last few years and going forward will have to pay some or all of their health insurance costs. That represents a change from the past, when the county paid all of retiree health care.

For these newer retirees the change won't be a good thing – who wouldn't want fully paid health insurance for life? – but it is critically important for the county's financial health and it brings public employees more in line with their private-sector counterparts.

The drop in the workforce is the result of a concerted effort by recent administrations to reduce costs while maintaining essential services. In addition, contract language has been negotiated with some unions that will see members paying more, or all, of their health insurance costs when they retire.

That change in union contracts is long overdue. The soaring cost of retiree benefits is a major element strangling municipal budgets.

The county negotiated contracts at the end of the year with CSEA Local 815, which represents corrections officers, and Teamsters Local 264, which represents employees at both jails. Terms for both unions require a percentage of health insurance premiums to be paid by current and new employees. Even more significantly, new hires will no longer receive county-paid health insurance after retirement.

The contract for the largest CSEA union, which is a separate bargaining unit, still provides retirees with free health insurance for the rest of their lives. Most county employees now are in this category. That fact, and the expected heavy retirements from the aging workforce in the next decade, account for the short-term growth in health costs.

Still, the tide has been turning ever so slowly over the course of years. County officials should be commended for their efforts as they face difficult negotiations with the largest union and with other unions as contracts come up.



MAPLEWOOD MANOR

County hears discontent

Citizens speak at forum on nursing home sale

By **CAITLIN MORRIS**
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BALLSTON SPA — Fourteen people went before the Saratoga County Board of Supervisors at a Wednesday public hearing on the privatization of the county-owned nursing home, and all 14 of them spoke against it.

The full board will vote Jan. 15 on whether to transfer Maplewood Manor to the local development corporation set up to manage the sale of the facility.

Dorothy Tyler, a proponent of keeping the nursing home in county hands, said Wednesday that plans are moving forward to gather the approximately 12,000 signatures necessary to put the decision in the hands of Saratoga County voters via a permissive referendum. Those signatures cannot be gathered until after the board votes, and there are differing opinions amongst county officials and privatization opponents as to whether this type of referendum could be used.

Alan Grattidge, chairman of the county Board of Supervisors, said

Wednesday's public hearing was another step in the process of privatizing Maplewood Manor.

"We've been following the process all the way through, and again we've listened to all the input all the way through ... we're in a situation where it's unsustainable and you know, we certainly don't want to see Maplewood Manor close. So the logical step is establishing the LDC and then finding a buyer that we feel will give good patient care for the people that are there and future people," he said.

The people who spoke during the public comment period were vehemently opposed to the privatization of the county-owned facility.

Cliff Ammon, a Saratoga Springs resident, said the board seems "pre-programmed to dump our most vulnerable citizens by privatizing Maplewood Manor."

Ammon questioned why Maplewood Manor has become unsustainable for the county to operate: "Where was the oversight over Maplewood for the past 10 or 15 years? Either the board has been

derelict for not overseeing, or you are remiss in not assigning the task to the county administrator or, if so assigned, the county administrator is guilty of neglect."

Tyler, a Northumberland resident whose mother lives at Maplewood Manor, said county officials have not treated nursing home residents and their families with respect throughout the privatization process.

"If you care so deeply for the residents of Maplewood, why haven't you openly and honestly answered questions and

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initiated meetings with our residents?" she asked at the public hearing.

Citing examples of privatized nursing homes that have failed in Dutchess and Delaware counties and another with documented violations in Fulton County, Tyler said Saratoga County officials could seek to improve the nursing home model rather than follow those examples.

"Let's make our county nursing home the model that others want to follow," she said.

Kathy Garrison, a Wilton resident who is the regional president of the **CSEA**, the union that represents many Maplewood Manor employees, echoed Tyler's sentiments.

"(Supervisors) should be working with us to come up with different solutions so we can continue to provide care and we can continue to work together," she said.

"We live in your communities. We've worked on your campaigns. We have



helped many of you get to sit in the seats that you're in. Please don't turn to us and say, 'Yeah it was really nice, but screw you now.' That is unacceptable," Garrison added.

'Let's make our county nursing

home the model that others want to follow.'

Dorothy Tyler
Northumberland
resident



ED BURKE/eburke@saratogian.com

Saratoga Springs resident Cliff Ammon lambasts the Saratoga County Board of Supervisors Wednesday regarding its decisions concerning Maplewood Manor.

Union opposes deal to give leash to nonprofit

Says dog shelter jobs should've been negotiated

BY TIM GANNON | STAFF WRITER

The union representing most Riverhead Town employees is filing a grievance to challenge the town's recent agreement with North Fork Animal Welfare League to run the town's animal control and shelter functions.

The agreement, which was authorized in December but is not yet signed, would result in the elimination of two full-time positions, something Riverhead Civil Service Employees Association president Matt Hattorff says must first be negotiated with the union under the terms of the town's contract with CSEA.

The contract authorized on Dec. 18 would enable the town to contract with the nonprofit North Fork Animal Welfare League for three years of dog control officer and animal shelter services, starting this March.

The nonprofit group, which has run Southold Town's animal shelter for close to 30 years, would be paid \$223,135 for the first year, with a 2 percent increase for each of the next two years.

The town currently has a full-time animal control officer and a full-time kennel attendant on duty at its

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animal shelter on Youngs Avenue, both of whom would be replaced by NFAWL personnel, as would three part-time kennel attendants.

"They can't eliminate full-time employees without negotiating it," said Mr. Hattorff. "After they beat up the department so much, there were only two full-timers left."

"I think we'll work it out," said Riverhead Supervisor Sean Walter.

Mr. Walter is hoping to reach a settlement with the union before the grievance comes from the state Public Employees Relations Board.

Mr. Walter said he believes the town can transfer the two full-time employees to other positions in town.

"I can understand the CSEA filing a ... grievance to protect their employees,

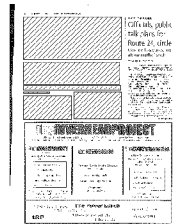
that's what the union is supposed to do," said Councilman Jim Wooten, the Town Board liaison to the animal shelter. "But I made it clear five years ago when I ran for office that privatization was the best thing for the animals in our care and that we would mitigate whatever situation we have to do with the union.

"I think the in the long run, it's not going to be an issue," he said.

Mr. Hattorff said such proceedings often take a long time, but added, "We've got a pretty good record as far as being able to settle these things."

Mr. Walter and Mr. Wooten both said they don't believe the grievance will derail the deal with NFAWL.

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BARBARAELLEN KOCH FILE PHOTO

Councilman James Wooten said the union's grievance challenging the town's shelter plans came as no surprise.

Legislature to consider CSEA settlement

Would give union back pay for 2007

BY DENISE JEWELL GEE

NEWS STAFF REPORTER

Erie County lawmakers will decide whether to give workers in county government's largest labor union back pay for the first year they started working under an expired contract.

Three administrations have been unable to finalize a deal with members of Local 815, Civil Service Employees Association, to extend a union contract that expired in late 2006. The union represents about 3,500 workers spread throughout county government and Erie County Medical Center.

After failing last year to get a proposal ratified by the union membership that offered pay raises in exchange for employee health insurance contributions, Erie County Executive Mark C. Poloncarz has opened the door for the Legislature to impose a one-year retroactive settlement with the union for 2007.

Poloncarz wants the Legislature to approve a one-year settlement that would extend the terms of the existing contract without granting any additional pay raises for 2007 or lump-sum back pay "due to the state of the county's finances."

"There's no money for that," said Peter Anderson, a spokes-

man for Poloncarz.

CSEA members last year voted down a proposal that would have given them cost-of-living raises totaling 11 percent for the years 2012 through 2016, as well as a signing bonus for the previous years in which employees worked under an expired contract. The rejected proposal also would have required workers to pay a portion of their health insurance costs, in addition to other concessions.

Legislators now could decide to approve Poloncarz's request

or give retroactive pay raises or a one-time bonus for 2007 – as it sought to do in 2008 with another union contract – but it cannot change the terms of work rules or other areas of the contract.

CSEA workers continue to receive pay increases for length of service, but they have not received cost-of-living raises since the contract expired in 2006.

The Legislature has received a copy of a 2011 report completed by a neutral fact finder after the union reached an impasse with county negotiators – a step necessary to allow the Legislature to impose a one-year financial settlement.

The fact finder's report recommended that the union workers be given a lump-sum payment of 2 percent of a work-

er's wages for 2007, but it also recommended a series of other contract changes, including eliminating two paid holidays, reducing personal days and shortening lunch time.

Anderson said the Poloncarz

administration believes the Legislature should not impose a pay raise or bonus since such a financial settlement would not address other issues, including employee contributions for health insurance.

Joan Bender, president of CSEA Local 815, said the union reached out to legislators, before the Legislature received the fact finder's report, to communicate what it would like lawmakers to do. She declined to describe those discussions so that it did not appear as if she were trying to put public pressure on the Legislature.

Bender said the union late last year requested that Poloncarz send the fact finder's report to the Legislature.

If the Legislature imposes a one-year settlement, the union would begin negotiating with the county again over the expired contract, starting with 2008.

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State jobs remain at risk

Unions protest cuts at NYC hospital; Thruway Authority layoffs studied

By Rick Karlin

ALBANY — New York state's major public employee unions in 2011 struck labor agreements in which members gave up raises for layoff protections.

While that has brought a measure of labor peace with the two largest unions, the Public Employees Federation and Civil Service Employees Association, the protections weren't bombproof — and not everyone is in the clear.

That became apparent Tuesday, when hundreds of union members gathered in the Capitol's Legislative Office Building to rail against cutbacks at a state-run hospital in Brooklyn.

And as members of PEF and United University Professions protested potential job losses at the Downstate Medical Center, CSEA workers employed by the Thruway Authority were mulling a letter that suggested layoffs may be ahead.

To be sure, these events portend nothing on the scale of potential cuts that Gov. Andrew Cuomo's administration had said would occur if they didn't get contract con-

cessions from PEF and CSEA two years ago.

Back then, Cuomo said more than 7,000 PEF and CSEA jobs would have been at risk. The Thruway notices, which instructed employees to make sure they knew

Please see **PEF A6** ►

their seniority rankings, went to about 550 CSEA employees in recent weeks, said union spokesman Stephen Madarasz. Public sector layoffs are carried out by reverse seniority.

The Thruway workers are not technically state employees because the roadway is controlled by a public authority.

Union members and Thruway Authority officials plan to negotiate a new contract; the old one expired last year. But Madarasz noted that Cuomo's main negotiator, Joseph Bress, is leading that effort for the authority.

Madarasz said he believed the Thruway notices were "tactical" and may be an attempt to force the union's hand in contract talks.

Nonetheless, he said there is "continuing concern" about the Thruway Authority's \$90 million deficit. Facing an outcry, Thruway officials only weeks ago reversed a plan to raise truck tolls by as much as 45 percent.

Thruway Authority Executive Director Thomas Madison said in a prepared statement that it is looking at a wide range of cost-saving options.

"We have already taken aggressive actions to stabilize our finances," Madison said. "We are also engaged in further streamlining initiatives, including eliminating additional vacant positions, implementing a hiring freeze and considering the possibility of layoffs.

"No final decision regarding layoffs has been made, and we will continue to do everything we can to prevent them," he said.

As for Downstate Medical Cen-

ter, layoffs are looming for about 800 UUP and PEF members — about 10 percent of the facility's workforce.

The cuts are hitting nurses represented by PEF as well as lab technicians and others in UUP. Only a handful, though, have been let go so far, with most being told they will be leaving by the fall.

Hospital officials say reduced Medicaid reimbursements and rising costs have necessitated the cuts.

"The hospital, like other health care centers across the country, is under tremendous financial pressure," said David Doyle, spokesman for the State University system, which operates Downstate and its affiliated medical school.

But union leaders also point out that SUNY took over another troubled hospital in 2011, and that hasn't worked out very well.

"They were trying to grow themselves out of their problems," remarked UUP President Phillip Smith.

PEF President Susan Kent said she feared the cuts may be part of a push to privatize the hospital, which could leave union members out in the cold. "We think what is happening at SUNY Downstate is just the tip of the iceberg," she said.

Still, union members said they believed the Cuomo administration doesn't want to see layoffs, given the state's high unemployment rate.

For instance, the planned closure of more than a dozen non-secure youth centers operated by the state Office for Children and Family Services in New York City appears to be proceeding with minimal loss of jobs.

Most of the people at those facilities will find other positions or will be retiring, said union officials.

"They have indicated to us that



they want to do whatever they can to get people placed (in other jobs),” Madarasz said.

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PHOTOS BY PAUL BUCKOWSKI/TIMES UNION

UNION MEMBERS at the Capitol listen during a rally to protest potential job losses at SUNY Downstate Medical Center’s University Hospital of Brooklyn. The cuts are expected as part of a financial restructuring. Organizers fear there could be further job cuts at other SUNY hospitals.



PHIL SMITH, president of the United University Professions, addresses a rally to protest job cuts at Downstate Medical Center in Brooklyn.

CSEA president back on Westchester payroll

Pecora, laid off in 2013 budget deal, lands job at Board of Elections

By David McKay Wilson
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Karen Pecora, the outspoken Westchester County union leader who lost her job — and presidency of the county's largest public employees union — in the 2013 budget deal, was back on the job Monday.

Pecora, president of the Civil Service Employees Union Unit 9200, stepped down Dec. 31 after her post was eliminated in the budget deal that



Karen Pecora

brought 73 layoffs earlier in the month. She returned to county employment at the county Board of Elections as an intermediate file clerk.

"I got an offer, and I took the job," Pecora said. "It allows me to continue representing the members, as CSEA president. But just because I'm working, it doesn't make it right what they did."

Pecora said the union would continue to press the improper practice charge filed with the state Public Employees Relations Board, in which the union alleges that Pecora's job was eliminated in retaliation for failing to agree to the administration's demands in collective bargaining.

As union president, Pecora is on "full release" to conduct union business for the 3,200-member union, while receiving her county pay, as she helps resolve labor-manage-

ment issues with the county administration. She wants back her former job at the Parks Department, which was classified as grade 7, and paid about \$55,000 a year. The elections post is grade 3, and pays about \$40,000 a year.

County Communications Director Ned McCormack said it was up to CSEA who would lead the union. As for Pecora's termination in December, McCormack said Pecora and the CSEA could have avoided the layoffs by agreeing to the county's proposal to have union members pay for a portion of their health-care benefits.

"The layoffs in the budget unfortunately were the result of the fact that the union didn't take advantage of the county executive's jobs savings plan," he said. "The layoffs could have been avoided. Three other unions took up the call. The CSEA didn't, and we were forced to make layoffs."

Pecora said the county insisted upon an across-the-board contribution, but the union wanted a sliding scale, so lower-paid county workers were not unfairly burdened. CSEA also sought a no-layoff clause in the pact.

The Westchester County Corrections Superior Officers Association was among three unions that agreed to have its members pay a portion of their health-care premiums. Contributions, which begin at 12.5 percent, will rise to 15 percent of the premium cost by 2015,

CSOA President Bruce Donnelly said.



MAPLEWOOD MANOR

County to vote on LDC Nursing home likely to be privatized

By **CAITLIN MORRIS**
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BALLSTON SPA — A public hearing scheduled for Wednesday to discuss the ultimate sale of the county-owned nursing home, Maplewood Manor, is expected to draw a crowd.

The hearing will be the public's final opportunity to make a formal statement to the Saratoga County Board of Supervisors before members vote Jan. 15 to transfer the nursing home to Maplewood Manor Local Development Corp.

A rally sponsored by the **CSEA** union and concerned employees and family members of residents of Maplewood Manor is scheduled to take place before Wednesday's hearing.

Even if the board votes to transfer Maplewood Manor to the LDC next week, management analyst Ryan Moore

said the county will continue to run the facility for at least one more year.

Moore elaborated that county officials care deeply about the facility but using a public model versus a private model to run the facility is not financially possible.

"A private-sector operator could reinvest in the facility and improve the care, but we could never afford to make those investments," he said.

CSEA leaders have made it clear they question the Saratoga County administration's legal avenues.

"CSEA is weighing legal action in not only

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Saratoga County, but in other counties, like Onondaga, where legislators are dispensing with valuable public assets through the LDC scheme," CSEA spokeswoman Therese Assalian said.

Saratoga Springs Supervisor Joanne Yepsen also has been vocal about her dislike of the plan to privatize Maplewood Manor.

"All the actions that are being taken so far are actually reducing the value of Maplewood Manor while reducing the number of beds and care available to our Saratoga aging seniors," she said. "... I'm sure our residents do not want to be forced to send our loved ones off to other counties and states when the need arises for quality nursing home care."

When questioned on what safeguards were in place for sustaining Maplewood Manor's excellent quality of care, Moore

pointed to nursing home companies' track record and their Department of Health rating. He said the buyer they choose will be picked according to these qualities and the nursing home will not go to the highest bidder.

"If anyone wants proof that we care about Maplewood Manor, look at the fund balance," Moore said, iterating that the county has spent tens of millions of dollars on the nursing home over the years.

Moore said county officials recently held their first meeting with residents at the nursing home and plan to continue meeting with them on a monthly basis.

"The transition will be done with residents in mind; this was the first of what I hope to be monthly meetings to hear their concerns and answer questions," he said.

However, Jimmy Granitto, one of the Maplewood Manor residents who attended the meeting with county officials, said he was unhappy with how the meeting transgressed.

"They didn't want us to ask questions like, 'Will it close?' and 'What will happen to the people here?'" Granitto said.

The resident said it saddens him that 45 Maplewood Manor employees recently left their jobs, but he understands they want their pensions.

If Maplewood Manor is transferred to the LDC set up in its name, it will be subject to the same rules and regulations as any other public body. The county included in the LDC's certificate of incor-



poration a section that says it is accountable under the Open Meetings Law of the State of New York.

The public hearing is scheduled for 5:15 p.m. Wednesday in the Saratoga County Board Chambers at 40 McMaster St. in Ballston Spa. The rally outside the building will start at 4:30 p.m.

State's 'insecure' youth centers

Assaults rise on workers and residents at OCFS juvenile detention sites

By Alysia Santo

Violence is on the rise in New York's juvenile detention centers.

In a scene from a surveillance video, teenage detainees gang up on a much larger staff member and pound him to the ground. In other videos, youthful prisoners attack each other with similar viciousness. Blood spills and tables are overturned. In some recordings, staff members and young residents lay unconscious from the blows.

The footage, publicized by a former state official in 2011, provided a rare glimpse into the level of violence at state-operated "secure" centers, the juvenile equivalent of maximum-security prisons, which are run by the Office of Children and Family Services (OCFS).

Records show that violent incidents have increased more than fivefold over the past five years. In 2007, 52 assaults were documented in the state's four secure centers; the number of assaults this year was up to 280 by December 14, according to records from the New York

This story is available only in print.

State Commission of Correction, the state agency that oversees OCFS secure centers.

How could the violence have escalated so much, so quickly?

OCFS staff members and their unions, the Civil Service Employees Union and the Public Employees Federation, blame the policies of OCFS Commissioner Gladys Carrión, who declined to comment for this article. Other OCFS officials, meanwhile, warn of reading too much into the reports.

Carrión set out to transform the

corrections strategy to a therapeutic approach that included more rehabilitative programming, mental health treatment and limitations on physical restraint. Referred to as the "sanctuary model," it's a philosophy that addresses the complex behavioral and psychological needs

Please see **CENTERS A11** ► of youths in state custody, and is nationally recognized by experts in juvenile justice as a way to lower recidivism.

But the sanctuary model's implementation has been rocky. Front-line staff members said a lack of resources coupled with a fear of being disciplined for resorting to restraints has resulted in more violent assaults.

OCFS officials acknowledged that assaults on employees and residents have increased, but they said more vigilant reporting has contributed to the statistics.

The installation of cameras and a new incident reporting system have "improved the accuracy of the data, which makes comparisons over the years inaccurate," OCFS spokeswoman Jennifer Givner wrote in an email.

Staff and administrators have tussled publicly since Carrión took over the troubled agency in 2007, after a 2006 report by Human Rights Watch and the American Civil Liberties Union said OCFS was "among the most hostile juvenile justice agencies we have ever encountered."

The U.S. Department of Justice threatened a federal takeover of New York's juvenile facilities in 2009 and published a report that said employees had "routinely" used "uncontrolled, unsafe applications of force" and "do not believe that they have options to respond to youths' behaviors" other than physical force.

"In fact, staff informed us that

recent measures to reduce restraints have put staff's safety at risk since their "hands are tied" and they are forced to just step aside when youth are defiant," said the federal report. "(T)his perception among staff is clearly problematic."

Three years after the DOJ report, staff employees have the same complaints about limitations on restraints and their impact on safety.

One former OCFS employee resorted to whistleblowing to draw attention to the violence.

Eileen Carpenter worked in juvenile detention for 12 years and at the OCFS Training Academy for five years before taking a job in 1999 with the SCOC, the state agency that regulates prisons, jails and youth secure centers. While inspecting youth facilities in 2009, Carpenter became alarmed at what she found. She collected surveillance video of beatings and riots to show to the correction commission's top officials.

In 2011, almost five months after correction commission officials viewed the videos and took no action, Carpenter went public with a news conference at which she screened the videos that captured incidents from 2009 and 2010.

Carpenter said she had never seen such violence during her years working for OCFS. She said without security, it's hard to make any rehabilitative progress.

"If the kids don't feel safe," she said, "then they can't get anything out of the program."

A lawsuit filed by Carpenter against her employer alleged that she was denied promotion because of her gender and also claimed SCOC officials were determined to cover up conditions at youth facilities.

CSEA spokesman Stephen



Madarasz said the union hasn't been contacted by SCOC, but there was "hope that something good" would come out of the videos' release, namely, that there would be increased pressure on OCFS to provide more resources to carry out Carrión's plan.

"It's wonderful to talk about having non-physical intervention with residents, but you have to have adequate staff, training and resources to ensure you can deal with that in a safe manner, and they've done none of that," said Madarasz.

In June, the state created the Justice Center for the Protection of People With Special Needs to track and police abuse and neglect of vulnerable people in state care. The agency has jurisdiction over OCFS facilities, though "it remains to be seen how it will work in practice," said Madarasz, since CSEA has disciplinary procedures negotiated under its contract that don't apply if an employee is charged with a crime.

Fatalities of youths and staff members have been cited by both sides as exemplifying a need for change. In 2006, 15-year-old Darryl Thompson died after being restrained during an altercation that stemmed from the loss of recreation privileges at Tryon Boys Residential Center. In 2009, 24-year-old youth counselor Renee Greco was beaten to death by two teens she was supervising at Wyndham Lawn for Children.

Most OCFS workers who spoke to the Times Union were Youth Division Aides (YDAs), the people who work the floors of the state juvenile facilities.

"Now we have to wait until they take a swing at us to use a restraint, rather than nipping the behavior in the bud," said a long-term employee at Brookwood Secure Center, in Columbia County, who asked not to be identified. He said he's been out multiple times

on workers' compensation and has had several surgeries in recent years after being injured by Brookwood residents.

"I went to work with a constant feeling I was going to be assaulted," he said.

The number of YDAs on workers' compensation for injuries is growing. Those classified as "YDA 4" had a 2007 incident rate of 29 percent; in 2010, the last year data were available, it was 59 percent.

The correction commission did not respond to repeated interview requests. When asked by a Times Union reporter at an open meeting on December 18 what was being done to decrease the violence in OCFS facilities, board officials said the question was unrelated to their meeting and declined to answer.

But insight into what correction commission officials think about the violence is evident in recent depositions from Carpenter's lawsuit. In Chairman Thomas Beilein's testimony from June, he referred to the OCFS secure-facility situation as "dire," and said recent footage was "similar" in nature to that collected by Carpenter.

When asked why the corrections commission had not publicly acknowledged the conditions inside OCFS facilities, Beilein said: "We had brought these presentations to the Commissioner of OCFS ... We were giving them time to try and rectify the situation ... Am I satisfied with what they have done? No."

Juvenile justice consultant Carol Cramer Brooks, CEO of the National Partnership for Juvenile Services, said it's difficult when facilities change to rehabilitative models, because not everyone cooperates. "Staff now have to rely on tools they don't feel as comfortable using, and tend to immediately say 'it doesn't work.'"

But longtime OCFS workers see no ambiguities when it comes

to their experience.

"I was never assaulted prior to Carrión," said Michael Geraghty, a youth division aide for 29 years and CSEA chair of the OCFS Labor-Management Committee.

Geraghty, who's a year away from retirement, said after a number of violent encounters he asked to be switched to the night shift to avoid getting injured.

He said hostile conditions and the constant power struggle leave little time for rehabilitation. "I want to empower kids to do the right things, to go to school or learn a trade," said Geraghty. "When a kid doesn't feel safe, that's impossible."

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1. MacCormick Secure Center
2. Columbia Girls Secure Center and Brookwood Secure Center
3. Goshen Residential Center

By the numbers

Assaults on residents (AOR) and assaults on staff members (AOS) are rising.

	AOR	AOS	Total
2007	31	21	52
2008	59	69	102
2009	20	27	47
2010	46	68	114
2011	48	59	106
2012	185	95	280

Source: NYS Commission of Correction, records through Dec. 14, 2012.

Workers' compensation incident rate, OCFS:

2007	14.7
2008	19.6
2009	21.3
2010	20.7

Workers' compensation costs, OCFS:

2007	\$873,111
2008	\$1,451,054
2009	\$2,062,280
2010	\$1,969,138

Medical Costs, OCFS:

2007	\$701,732
2008	\$1,084,080
2009	\$1,173,056
2010	\$1,209,331

Source: NYS Department of Civil Service

Offices, aides

OCFS: Office of Children and Family Services, the state agency that oversees foster care, adoption and juvenile delinquency.

SCOC: State Commission of Correction; the state agency that oversees state prisons, county jails and juvenile secure facilities to ensure a "safe, stable and humane correctional system."

YDA: Youth Division Aide, a front-line custodial employee in the state's juvenile detention facilities.

Excerpts from SCOC testimony

James Lawrence, director of operations, June 6, 2012

Q. Did you think it was in the public interest ... compiling the video as (Carpenter) did and going to the commissioners with it?

A. Oh, I don't think it was in the public interest at all ... The failure to observe the chain of command ... in my view, was insubordination and unprofessional conduct.

Thomas Beilein, chairman, June 13, 2012

Q. Didn't you think that people who had children going into these facilities had a right to know what was going on in those facilities?

A. They had a right to know.

Q. How were they going to know? Did you think Gladys Carrión was

going to tell them?

A. I don't know who was going to tell them.

William Benjamin, supervisor of field operations, June 26, 2012

Q. Did you feel that there was any obligation that your agency had to those young people who had not committed violent acts to ensure that they were in a safe facility?

A. Had not formulated that opinion yet.

Q. When did you formulate that opinion, if ever?

A. I have never thought about it that way.

Source: Eileen Carpenter v. State Commission of Correction questioning by attorney Michael Sussman.



OCFS

A STAFF member is attacked at Goshen Secure Center in 2010.



OCFS

THIS IMAGE from a surveillance video shows a violent melee that erupted at Brookwood Secure Center in Claverack on May 30, 2010.

Shen bus driver case in state's top court

At issue: Can employee who tested positive for marijuana keep her job?

By Dennis Yusko

ALBANY — Arguments were made Thursday before the state's highest court over whether a Shenendehowa schools bus driver who tested positive for marijuana can keep her job.

More than three years after the school district fired Cynthia DiDomenicantonio for failing a random drug test, its appeal of a decision ordering her rehiring has reached the Court of Appeals.

On Thursday, attorney Beth Bourassa argued for Shenendehowa, while Daren Rylewicz represented DiDomenicantonio and the Civil Service Employees Association, of which DiDomenicantonio is a member.

Bourassa opened by saying the school district had adopted a zero tolerance policy for positive drug tests. Rylewicz countered the policy did not exist.

The contract between the district and the CSEA has discipline steps, starting with written warnings. It also says, "suspension without pay or discharge may be invoked with less than two written warnings where the employee's conduct creates a danger to the health, safety or welfare of staff, students and/or the general public."

A district driver for nearly 10 years, DiDomenicantonio was fired Nov. 10, 2009. CSEA challenged the dismissal, saying the district violated its contract. An arbitrator ordered her reinstated minus six months of back pay, follow-up drug testing and substance-abuse counseling.

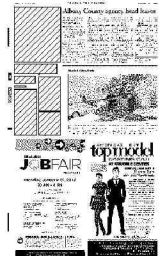
A state Supreme Court justice reversed the order. The CSEA appealed to the Appellate Division, which reversed the lower court's decision in a 3-2 ruling. In the mid-level appeal, the Appellate Division majority agreed with the arbitrator by ruling that the district should have considered lesser punishments, while the minority said the district acted within its authority.

The Court of Appeals decision is pending.



JOHN CARL D'ANNIBALE/TIMES UNION

DAREN RYLEWICZ, left, representing Cynthia DiDomenicantonio and the CSEA, listens as Beth Bourassa, representing the Shenendehowa school district, presents arguments before the state Court of Appeals.



ALBANY

Top N.Y. court reviews Shen marijuana firing

Union tries to block termination of bus driver who tested positive

BY STEVEN COOK
Gazette Reporter

Whether an arbitrator overstepped his bounds in reinstating a Shenendehowa Central School District bus driver who tested positive for marijuana use was taken up by the state's highest court Thursday.

The attorney for the school district, Beth A. Bourassa, argued before the Court of Appeals that the bus driver was rightly fired as part of a zero-tolerance policy and that an arbitrator overstepped his authority in allowing the driver back on the job.

The attorney for the bus driver and her union, Daren J. Rylewicz, argued that no such zero-tolerance policy existed and that the contract was clear in allowing for lesser punishments than termination.

In her argument, Bourassa said the district and the union have agreed that a positive drug test reveals a danger to the safety and welfare of students and others.

"We don't dispute that the penalty was reviewable," Bourassa said, "but the arbitrator had to use

a rational standard." The arbitrator should have considered only whether the bus driver tested positive, then whether there was a rational explanation. Finding no rational explanation, the bus driver should have been terminated, she argued.

Rylewicz argued that the relevant information is contained in the district's drug and alcohol policy, which outlines disciplinary steps. "The district wants one thing, but their policy says something else," he said.

The case concerns bus driver Cynthia DiDomenicantonio, who tested positive for marijuana use in a random drug test in October 2009. She submitted to the test upon returning to the bus garage after delivering children to school that day. When the test results came back, she was placed on unpaid suspension and then fired in November 2009. She had worked as a Shen bus driver for almost 10 years.

The case went to the Court of Appeals after the mid-level Appellate Division of state Supreme Court ruled in favor of DiDomenican-

tonio, siding with the arbitrator's original recommendation that she be reinstated without back pay.

The district had previously refused to comply with that finding from arbitrator James Gross and took Civil Service Employees Association Local 1000 to court in August 2010.

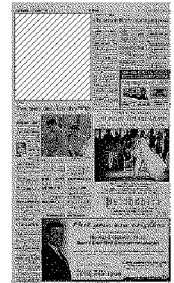
In November 2010, state Supreme Court in Saratoga County sided with the district, with Judge Thomas D. Nolan Jr. writing in his decision that the district can get rid of anyone who puts students at risk. CSEA then appealed to the Appellate Division.

Whether DiDomenicantonio had consumed marijuana wasn't the point — although she contended she hadn't smoked it but may have been exposed to secondhand smoke or inadvertently eaten marijuana-laced food. The arbitrator ruled she was under the influence of the drug because she tested positive for it.

The issue, according to the Appellate decision, was that the district's contract with the union didn't mandate she be fired, as the district said it did.

A decision by the Court of Appeals is expected next month.

Reach Gazette reporter
Steven Cook at 395-3122 or
scook@dailygazette.net.



Judge Rejects Retiree Suit Contesting Boost In Health Premiums

By MARK TOOR

A state judge has dismissed a challenge by the New York Retired Public Employees Association to the Cuomo administration's decision to raise health-insurance premiums for retired public employees.

Between 1983 and 2011, the state paid 90 percent of the costs for employees who retired after 1982. In 2011, the State Legislature amended civil-service law to allow the state to reduce its contribution. Under the law, retired and non-union employees get the same reimbursement that is negotiated by unionized workers.

Soaked Due to State Deals

The two largest unions representing state workers, the Civil Service Employees Association and the Public Employees Federation, negotiated contracts that year with increases in

(Continued on Page 12)

health-care costs as high as 60 percent. The Cuomo administration used those increases to raise premiums paid by retirees.

The NYRPEA and several unions filed separate lawsuits challenging the increase. In a Dec. 17 decision, Justice George B. Ceresia Jr. of Albany Supreme Court rejected all the arguments by the retirees association against the increases.

The association argued that the change in civil-service law was not meant to affect retirees. Justice Ceresia said the statute clearly includes them. The retirees also contended that the increase in premiums violated the U.S. Constitution's prohibition against passing a law that retroactively im-

pairs contract rights. "There is no 'contract' that entitles petitioners to continued state contributions to public retirees' health care at the same levels as they received" before the law was amended, the judge ruled.

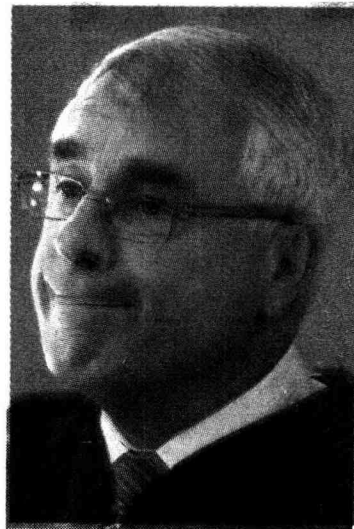
Finally, the retirees said the increases violate the State Constitution because the Legislature had not given state officials the authority to impose them. Justice Ceresia said the law did indeed grant state officials that right.

Uncertain About Appealing

The NYRPEA said it would decide during its January board meeting whether to appeal.

The CSEA, PEF and other unions jointly filed a similar suit in Federal court. In December, U.S. District Judge Mae A. D'Agostino rejected a motion by state attorneys to dismiss the suit.

The New York State Court Officers Association also filed a suit, which is working its way through the Federal courts.



GEORGE B. CERESIA: Change was constitutional.



Public employees are scapegoats

The attacks on public workers by politicians and media outlets like Newsday have always troubled me, but even more so today than when they first became prevalent more than 20 years ago [“LI city and town employees: What they all earn,” News, Dec. 26].

Elected officials started to look for scapegoats when their policy failures contributed to an acute and persistent rise in property taxes. They pointed to the nominal salaries and pensions earned by public workers as a primary reason for their fiscal problems, but it was just a smoke screen designed to prevent their constituents from realizing that politicians themselves and their reckless policies in countless areas were in fact responsible.

The media played along because their access to these same politicians would be compromised if they did not, as would their influence among their colleagues. This sad scenario continues to play itself out, just like a broken record.

*Nick LaMorte
Commack*

Editor’s note: The writer is the president of the Civil Service Employees Association, Long Island Region.



Village Board passes resolution that reverses six controversial CSEA work rules

By Barbara Reina
 For Hudson-Catskill
 Newspapers

The Chatham Village Board approved a controversial resolution to rescind certain work rules for bargaining unit employees at their regular meeting Dec. 13.

According to the resolution, "the Civil Service Employees Association, Inc. filed an improper practice charge against the Village of Chatham for unilaterally implementing six work rules when, on May 25, 2012, the Board of Trustees adopted the Employment Practices Compliance Manual."

After a conference at the Public Employment Relations Board, representatives of the CSEA and the village discussed the merits of the village "unilaterally implementing six work rules."

The resolution reverses six work rules. The first four rules were changed to permit personal use of village property and the last two rules no longer apply to bargaining unit employees.

The first rule outlined in the resolution now allows employees "to use computers, fax machines and copiers for personal use," while the second rule allows employees to "use the village garage or tools and equipment for personal use."

The third rule allows employees to "make or receive personal telephone calls during work hours" and the fourth rule allows employees "to make or receive personal calls on a village provided telephone or cell phone."

The last two rules stating that "an employee's driving privileges may be suspended for receiving an excessive number of traffic citations" and "in the

event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work" are both "not applicable to members of the bargaining unit," as per the resolution.

Trustee Lenore Packet said she is concerned about the new wording of these rules. "I most worry about employees using village tools personally. I think it puts the village at a liability. I am not in full agreement with how it was written down," she said.

See Rules on page 3

"I think if we don't accept it and we go through arbitration, we're going to lose," commented Mayor Tom Curran.

Trustee Lael Locke said the wording "seems unusual and in some cases, potentially dangerous."

A resident told the board during the public comment period, "I think you're setting the village up for lawsuits."

Another resident commented that a Public Employment Relations Board member "is trying to make a fool of us. That is not CSEA language."



No trash talk here

Residents and officials praise S.D. 1's storm cleanup

By ANN E. FRIEDMAN

afriedman@liherald.com

At a Lawrence Association meeting back in November 2011, nearly 100 Five Towns residents complained about the lack of service and attentiveness from Sanitary District No. 1, which picks up trash and recyclables throughout the community.

What a difference a year makes.

At a Village of Lawrence meeting on Nov. 15, 2012, Sanitary Commissioner James Vilardi received sustained applause from

See **S.D. 1**, page 13

community members for the work sanitary district employees have done since Hurricane Sandy.

They have removed more than 15 million pounds of storm debris since Nov. 1, compared with 1.2 million pounds during November and December of 2011. The refuse is taken to the district's facility on Bay Boulevard in Lawrence, and then trucked to Covanta Energy in Westbury. "It's been a 24-hour operation," said the district's deputy superintendent, George Pappas. "We've made six, seven or eight trips down the same block to make sure we took everything."

Hewlett Harbor Mayor Mark Weiss said that despite complaints about Sanitary District No. 1 in the past, residents have praised its efforts post-Sandy.

"It's an incredible feat to have a 180-degree turn-around," Weiss said. "It's not an easy job, and there's nothing glamorous about what these guys do, but they gave people a sense that they were being helped and distinguished themselves in this storm. We were thrilled with the approach they took."

The district's management met on Oct. 31, then employees reported to work the next day to resume regular garbage pickups as well as storm debris removal. "At our staff meeting, we discussed how important it is to let the residents know that we'll pick up all of their debris," Pappas said. "And we're still assisting residents to this day."

About a dozen of the 70 employees who pick up garbage had their homes damaged by Sandy, Pappas said.

CSEA Union President Joe Mazziotti, a Lindenhurst resident, was dealing with flood-

ing in his basement while working to clean up Cedarhurst, where his parents grew up. "It was like a circus running between my house, my family's house and working," Mazziotti said. "It was an emergency, though, and it's not something that happens every day. There was no time to think about anything; you went about your day as normal as you could."

Helping others who had suffered was Mazziotti's motivation. "Everyone was affected by the storm, and you wanted to get it cleaned up as soon as possible," he said. "We couldn't get enough thanks from the community — they were great. They understood we were not only working, but coming out after work to pick more up, and they couldn't have been more grateful."

Lawrence Association President Ron Goldman read longtime member Margaret Carpenter's written words at the association's Dec. 26 meeting: "The men worked around the clock and worked diligently to clean up our neighborhoods."

Constant communication with village officials helped the district run more efficiently, according to Pappas. "We were able to give the community a sense of relief," he said.

Cedarhurst Mayor Andrew Parise said that the Sanitary District was very cooperative, and that they kept in touch regularly after the storm. "They had men out day and night," Parise said. "I received wonderful feedback from residents; the reaction was great. They did an excellent job."

Pappas could not say enough good things about the staff. "Many of the men worked 10 to 14 hours a day and then went home to a cold shower," he said. "We all worked together and stuck together to help the residents."

Recycling pickups were suspended until the middle of January, because storm debris pickup is the priority. "We had to make decisions, and it's important to get the storm debris first," Pappas said.

Residents can schedule a recycling pickup by calling the sanitary district offices at (516) 239-5600.





Courtesy Sanitary District No. 1

SINCE HURRICANE SANDY hit on Oct. 29, Sanitary District No. 1 has picked up more than 15 million pounds of storm debris from the Five Towns, compared with 1.2 million pounds in the same time period in 2011.

CSEA proposal could save over \$400K a year

By LIZ SKOCZYLAS

MAYVILLE — Proposals made in a letter by the CSEA to county officials could add up to hundreds of thousands of dollars in savings for the County Home.

County legislators may not be privy to information regarding CSEA negotiations, but they did receive a letter regarding the union's proposals for the County Home. An abbreviated version of the letter was read during Wednesday's legislature meeting, Dec. 12. Due to the Taylor Law, Steve Abdella, county attorney, advised legislators not to speak publicly about the union's proposals.

An obtained copy of the six-page letter, which was addressed from the CSEA Western Region Office to

See PROPOSAL, Page A4

Joseph Porpiglia, county director of human resources. Additionally, it obtained a separate 11-page document of proposed changes to the Collective Bargaining Agreement. Proposed changes could stretch upward of \$400,000 in annual savings.

"The county executive has instructed CSEA by letter dated Nov. 28, to submit proposals to the County negotiating team concerning any changes CSEA is willing to make concerning work rules, pay and benefits to keep the County Nursing Home economically viable," the letter states.

Additionally in the November letter from County Executive Greg Edwards, it was asked that CSEA make recommendations to increase the home's revenue. For this request, CSEA chose to defer to an August 2012 report issued by the Center for Governmental Research.

"CSEA has studied that report and whole-heartedly supports the recommendations for revenue enhancements stated therein," the letter states.

The letter, which was signed by Penny Gleason, CSEA labor relations specialist, goes on to ask that Porpiglia accept the correspondence as an explanation of the proposals the union has pre-

pared prior to entering into negotiations with the county.

Several proposals are made in the letter, including proposals regarding wages, pay increments, longevity with the county, substitute employees, health insurance, sick leave, holidays, uniform allowance and overtime.

"All provisions of the current Collective Bargaining Agreement would still apply to employees of the Chautauqua County Nursing Home," the proposal states. "Where provisions of the current Collective Bargaining Agreement are modified to apply to nursing home employees only, these provisions shall be stated at Article 18 Special Provisions for County Home and shall not affect any other employees covered by this agreement."

The first proposal suggests a wage freeze for all four years of the contract. The CSEA calculated the average salary of County Home employees to be \$36,613 per year. The Center for Governmental Research stated that payroll, which excludes overtime pay, is \$6.9 million per year.

The letter also proposes to stop increases, which are given to eligible employees from the date of ratification to the end of the contract.

"Based on information provided to the CSEA by the county - of 187 eligible employees 127 employees have reached or should have reached step 9 of the salary schedule and would therefore be ineligible for any additional increases," the letter states.

For the 70 employees still moving through the salary schedule, no increments would be awarded if the union and the county come to an agreement. According to CSEA calculations, this would result in a savings of \$76,887 per year in each of the contract's three years.

An employee receives an additional \$40 for each year of service after 10. So, the CSEA also proposes a freeze on the increases



in longevity to which employees would be eligible to receive based on increased years of service for the duration of the contract. The CSEA calculates by freezing the longevity increases, \$3,840 per year would be saved in each of the contract's three years.

It also proposes a lower longevity rate for employees who are hired on or after the ratification of the agreement.

The Center for Governmental Research report states that there are 233 full-time equivalent positions at the County Home, with 92 substitute employees.

"Most substitutes are paid at step 3 of the salary schedule for the grade in which their title is placed. However, 17 of the 92 are paid above that step 3 rate," the letter states.

In this case, CSEA proposes that all substitute employees be placed at the first step of the salary schedule for their title. By doing this, a total savings of \$148,890 could be recognized, according to the CSEA.

The letter also makes suppositions regarding employee health insurance. It estimates that 151 of the County Home's 187 employees are enrolled in the county health insurance program. The letter estimates that for each employee who enrolls in the High Deductible Plan rather than the Preferred Provider Network, there would be savings. The letter assumes 20 percent of the County Home employees would enroll in the High Deductible Plan, which would save a total of \$80,040.

"CSEA believes these are conservative figures, given the county's marketing ability and the educational information that will be given to employees," the letter states.

Several proposals have also been made regarding sick time for employees of the county home. One proposal eliminates the sick leave bonus, which the CSEA said will be a savings of \$15,065 to the county.

The letter also proposes that, in order to stop employees from extending a holiday by using sick time, that they must work the day before and following a scheduled holiday, or not receive holiday pay. It also proposes forming a sick leave use committee to help lessen sick leave use.

Another proposal, which the CSEA said will result in savings of \$52,678, is to eliminate Good Friday and Election Day as holidays. Eliminating uniform allowances, which is paid to employees in the Nursing Department, would result in saving \$29,500 annually, the letter states. And, the letter proposes that employees be allowed to contribute to the Chautauqua County Home Fund through payroll deduction.

Paul Wendel, R-Lakewood, asked during Wednesday's legislature meeting why legislators received a copy of the proposal, when they are unable to discuss it.

"If this is going to be presented as to our knowledge or understanding of the contract, why are we given a portion of that contract?" Wendel asked. "This is pertaining to County Home employees."

Despite questions by Wendel and other legislators, Abdella repeatedly cited the Taylor Law during the meeting in an attempt to explain why the negotiations should not be discussed.

"The county could be viewed as having had an improper practice and not negotiating in good faith, because it permitted the legislative body to involve itself in negotiations and completely muddy the waters as far as the negotiation process," Abdella said.

Abdella assured legislators that the county is in a fact-finding stage in the negotiation process. The county executive will continue to work with CSEA officials, but legislators have no part in the negotiation unless negotiations

reach impasse.

Otsego Manor inches closer to sale

BY JOE MAHONEY
STAFF WRITER

COOPERSTOWN — Two months after more than 1500 people signed a petition urging that Otsego Manor not be privatized, Otsego County lawmakers are inching closer to recruiting a consultant who would help them market the home.

Otsego County Rep. Katherine Stuligross, D-Oneonta, said of three applicants for the consulting position, a Rochester outfit called the Center for Governmental Research appears to have the experience qualifications sought by county officials for the guidance that will be needed for the complex transaction.

The full Board of Representatives is expected to vote on the contract after the members meet privately at an executive session scheduled for Jan. 11 at the county building in Cooperstown, she said.

Privatizing the 174-bed Manor is opposed not only by many patients at the nursing home but also by the union for more than 200 workers at



Crowell

the facility, the Civil Service Employees Association.

The county board began looking into selling the home in 2012 when county

Treasurer Dan Crowell did a financial analysis showing the ballooning deficit at the home will cause the taxpayer subsidy to the facility to soar above \$5 million this year.

Stuligross said the Center for Governmental Research provided guidance to Fulton County lawmakers when they also chose to privatize its county-owned home.

That particular arrangement led to reductions in the nursing home workforce as well as concerns about the quality of care provided by the new operator, CSEA official Robert Comani told the Otsego board in November.

Stuligross said any final decision on the fate of the Manor will rest with the Otsego board — not with the consultant.

“We’re not going to sell to anybody who does not have a strong financial position, and we’re not going to sell to anybody who does not have a strong background in providing quality health care,” she said.

She said county officials want to see “a seamless transition” with “minimal impact on patients and minimal impact on employees.”

A leader of the grassroots ef-

fort to keep the home in county

SEE MANOR ON PAGE 2

hands, Maureen Culbert of Springfield, a veteran volunteer at the Manor, said she remains skeptical of claims that privatizing the home will not jeopardize patient care.

“The are just going to be cutting personnel, and that is not something you want to do with a nursing home,” Culbert said.

Culbert said she is not giving up on her campaign to convince county board members from exploring alternatives that would allow the nursing home to remain an asset of county government.

“It belongs to the county residents,” she said. “The board should find the money and find a way to make it work.”

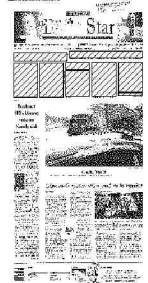
Her local representative, Keith McCarty, R-Springfield, said he would an increase in the county’s share of the sales tax, bringing it from 4 percent to 4.5 percent, as one way to raise revenue that could forestall the privatization of the Manor.

“I’m not throwing the Manor under the bus yet,” said McCarty.

However, Rep. Kathy Clark, R-Otsego, the chairwoman of the Board of Representatives, said she will not back any calls for boosting the sales tax. She argued such a move would make businesses



Stuligross



less competitive with rivals in nearby counties and thus have a negative impact on Otsego County finances.

Mark Lavigne, spokesman for the state Association of Counties, said several counties have already privatized their nursing homes and more are considering the option.

"These are difficult decisions that county officials don't want to make," Lavigne said. For many counties, he said, running nursing homes has become financially unsustainable, and county officials have been forced to consider privatizing them because they are a discretionary program, one that is not mandated by the state.

Clark said there is no firm deadline for privatizing the Manor.

"The process evolves," she said. "I don't want to put a date on it."

Culbert maintained the board has failed to adequately explore options other than selling the home.

"Where is the Plan B?" she asked. "What if they don't find a suitable buyer?"

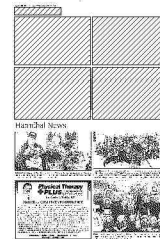
Oswego News



Border Patrol supports Toys for Tots – The Oswego Border Patrol joined on as a major supporter of the US Marine Corps Reserve Toys for Tots campaign this holiday season. Pictured at the Border Patrol Station recently are, from left, Chris Jones, local Toys for Tots coordinator; Jerrad Bell, BPA; Alan Lindsey, SBPA; Roger Audet, BPA; Paul Vandish, BPA; Matthew Davidson, BPA; and Keith Hook, SPA.



Scouting for Food – Local Cub Scout Packs, Oswego Pack 888, Fitzhugh Park Pack 809 and Minetto Pack 819, participated in "Scouting for Food" for The Salvation Army. The scouts went around to family, friends and neighbors and collected non-perishable food and personal hygiene. The troops delivered 42 bags and boxes of food and personal hygiene for the Salvation Army.





Thanksgiving meal donated – Fitzhugh Park Elementary School received a food donation from Omicron Delta Kappa National Leadership Honor Society of SUNY Oswego. The organization sponsored a family for Thanksgiving and provided all of the fixings plus much more. President Mike Dempsey did all of the food shopping. Involved were Jeff Chetney (CSEA Vice President), School Nurse Karyn Kirwan RN, ODK Advisor Daniel Lupa, ODK Secretary Laura Stone and Advisor Katie Maxwell.



Sandy Hook fund-raiser – Oswego High School students in Taishana Jackson's classroom decided recently that they wanted to do something for Sandy Hook Elementary School. They made ribbons and passed them around the building. Green ribbons were part of the wardrobe of students and faculty. The students received contributions of \$873.89.

Union sues to block Westchester 2013 budget

Judge denies CSEA's bid
to halt cutbacks, layoffs

By Elizabeth Ganga

eganga@lohud.com

Westchester County's largest union filed a lawsuit Monday challenging the passage of the 2013 budget, but failed to get a stay stopping the layoffs and other cuts from taking effect with the new year.

Steven Crain, an attorney representing the 3,200-member Civil Service Employees Association unit said the union was looking to hold the government accountable for passing a budget without following proper procedure and trying to stop 72 employees from being laid off and 31 others demoted.

"If it was done illegally then the CSEA members that were laid off were

See CSEA, Page 4A

laid off illegally," he said.

But if a judge finds procedural flaws, there are nine votes to pass it again, said Legislator Jim Maisano, R-New Rochelle, who led a coalition of seven Republicans and two Democrats to pass a \$1.7 million compromise budget last month. The lawsuit, he said, is a confirmation that the coalition ran the meeting properly and passed a legitimate budget.

"After everything that went on at the budget meeting this is the only technicality they

could find?" he said.

The lawsuit argues that the county charter and state open meetings law were violated when the coalition continued the budget meeting Dec. 7 after most of the Democrats walked out, and passed a spending plan with a substitute chairman and clerk.

The meeting has no proper minutes or other record, Crain said.

"There's no way for the public to know what happened," he said.

Maisano said the temporary clerk took minutes but the board has yet to approve them.

State Supreme Court Justice Nicholas Colabella denied a request for a restraining order Monday. The next court date is Jan. 18.

A spokeswoman for County Executive Rob Astorino said the administration was pleased with Colabella's decision. "Our negotiations with the CSEA continue and the county executive's 'jobs for savings' plan, which could have averted layoffs in the 2013 budget, remains on the table," said Donna Greene.

Astorino had pushed unions to agree to health insurance contributions in exchange for fewer layoffs.

The CSEA is also challenging the administration's decision to lay off its president, Karen Pecora.

It has filed a challenge with the state Public Employment Relations Board and plans to file a grievance alleging that laying off Pecora violates the union contract with the county.



County health care facility sold

BY MARY PERHAM
THE COURIER

**** December ****

BATH — The Steuben County Health Care Facility complex has been sold to Centers for Specialty Care Group, LLC for nearly \$11 million.

County legislators unanimously approved Monday the sale of the 105-bed, four-year-old facility on Mt. Washington Road and the nearby former health care facility.

But emotions ran high before the final roll call vote on the sale.

CSEA officials and employees lobbied emphatically against the sale, asking for the vote to be tabled to allow for more time to consider the matter.

Union leaders warned Steuben lawmakers selling the nursing home would not save the county much money overall and warned the quality of care would deteriorate under a private company.

But legislators said the sale pays down construction costs and will do away with an operational annual deficit of \$2 million to \$3 million -- the equivalent of a 6 percent to 9 percent tax hike for property owners.

The new owner, Centers for Specialty Care Group, LLC was selected from five bidders and owns Founders Pavilion in Corning, Legislator Scott Van Etten said.

"We toured Founders, we talked to the residents

there," Van Etten said. "None of them said they had any of the kind of the problems (with care) you're talking about."

County Legislator Gary Swackhamer, R-Hornell, said his mother had been a county nursing home resident, adding he has spent 25 years on the county board trying to keep the facility.

"It's not us. It's not us," Swackhamer said. "It's the state government you should be talking to. They said 'You build it. We'll pay you more.' They lied to us... You're talking to the wrong people."

Steuben legislators considered selling the county nursing home some 10 years ago, after the facility's \$10 million reserves were nearly depleted by operational costs. But the search for a seller turned up one bid for \$1 million and the Legislature soundly rejected the deal.

Instead, they took up the state's offer to build a new \$17 million facility, paid for largely through state aid. State officials also said they would reimburse the new nursing home at higher rates for daily operations.

At the time projections showed the higher state rates would bring the new facility to a break-even status. But the promised higher funding never materialized.

Instead, counties across the state can expect lower

reimbursement, while private companies are receiving more money, legislators said Monday.

County Administrator Mark Alger said the union's warnings low-income residents will not be accepted under new ownership are misleading.

Alger said the county's sale agreement stipulates 80 percent of the residents must qualify for Medicaid -- similar to the number of residents at the facility now. Typically, private pay residents also transition quickly to low-income status, too, he said.

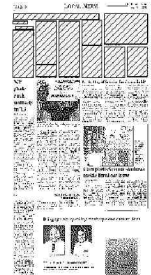
Adding the old facility to the sale also may offer the new owners an opportunity in the future to provide other aging-related services, Alger said.

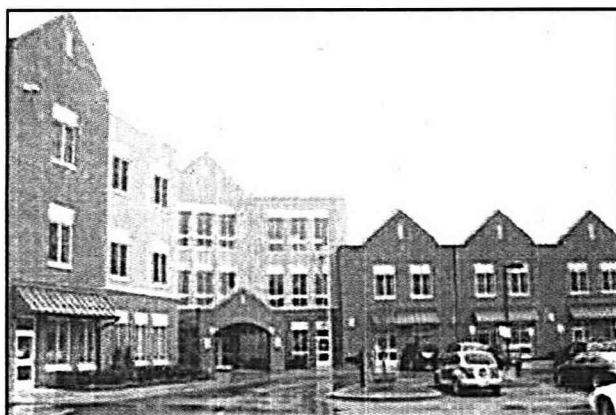
"Obviously I can't speak for them," he said. "But we put the old one in to see if there was interest, and there was, from a couple, for that purpose, of day care or assisted living."

Union officials -- who also voiced concern current employees will lose some of their benefits -- said they will keep an eye on the proceedings.

Steuben County CSEA Local President Sally MacDougal said the union will keep a close eye on future negotiations, especially the employees' contracts.

"We did our best," she said. "And we're still here for the employees. That hasn't changed."





THE COURIER/FILES

Former City Laboratory workers fight Kingston for health benefits

Class-action suit says full payment for coverage should continue

By **PAUL KIRBY**
Freeman staff

KINGSTON — Former employees of the long-closed Kingston City Laboratory have filed a class-action lawsuit against the city, demanding it continue to pay for their medical benefits, according to a union official.

Howard Baul, a labor specialist with the Civil Service Employees Association (**CSEA**), said the lawsuit was filed Friday in state Supreme Court in Kingston. Baul also said Ulster County Surrogate's Court Judge Mary Work issued a temporary restraining order that bars the city from denying benefits to one former employee who suffers from a life-threatening disease.

Baul, whose union represents the former lab workers, said the lawsuit asks the court to reinstate benefit payments for all of them. The benefits are to be eliminated on Dec. 31.

Baul said the benefits were provided for many years through "several terms of mayors, several terms of Common Councils and several terms of corporation counsels" and should stay in place.

IN NOVEMBER, the former lab employees received notices

from the city that taxpayer-funded benefits would be eliminated for some, while others would have to start paying for them.

Kingston Mayor Shayne Gallo has said 30 former employees of the lab, which was on Broadway near Kingston Hospital, receive benefits. Of those, he said, 16 are not entitled to benefits because they did not become vested in the insurance plan.

Gallo said the remaining 14 employees, who are retirees, will have to contribute to their health insurance premiums, as other retired city employees do.

THE LETTER sent to the former employees from Jacqueline DeCicco, executive director of the city's Civil Service Office, said, in part, that those receiving the benefits are not entitled to them.

"It appears that the sole basis for the payment of your health and dental insurance is the expired contract between the city and the labor units of the CSEA," the letter said. "Legal counsel has advised the city that the agreement does not establish a legal basis for the payment of your health and dental benefits, as you were not retired from city employment.

"Such payments are an uncon-

stitutional gift of public funds and cannot lawfully be continued," the letter said. "Therefore, please be advised that it is the city's intention to terminate such payments effective Dec. 31."

GALLO HAS said the employees who are having their benefits terminated "resigned before the closing of the lab (in 1994) and then they came back, some several years later, to demand health insurance and were included by the prior administration, (which) enrolled them without any review or any consideration to whether they were eligible or if they paid as investees."

The mayor, who served as an assistant city attorney under his predecessor, former Mayor James Sottile, said the city will save about \$100,000 by terminating the benefits and that the money will be restored to the city's general fund.

The city's current corporation counsel, Andrew Zweben, said on Friday that the city's position continues to be that there is no contract requiring the city to pay for the benefits. Zweben said the elimination of the benefits could save millions of dollars over time.

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Report calls for salary increases

Fulton County, CSEA negotiating new contract

By MICHAEL ANICH
 The Leader-Herald

JOHNSTOWN — A state fact-finder is recommending Fulton County union workers receive salary increases in 2012 and 2013.

**Chairman
 departs,
 Page 3**

The fact-finder recently issued his final report on Fulton County government's impasse with its 285-member General Unit union, and the Board of Supervisors chairman agreed with several of the recommendations.

Among recommendations in state Public Employment Relations Board-assigned fact-finder Gordon Mayo's Dec. 13 report is a suggested salary structure to reach a new contract. The last contract for the General Unit of Local 818 of the Civil Service Employees Association expired at the end of 2009.

Mayo recommended the county enter into a retroactive four-year agreement with the General Unit.

He called for no wage increases for 2010 and 2011, and a 1 percent increase for 2012. He recommends increasing salaries 1 percent at the beginning of 2013 and bringing that raise to 1.5 percent at the middle of 2013.

"CSEA members are taxpayers too, and while their taxes are going up, their salaries have remained stagnant, which is a double whammy," Mayo wrote. "While I commend the county for its fiscal prudence, there is no requirement that its employees should bear an inordinate share of the burden."

As a response to the report, Board of Supervisors Chairman Michael F. Gendron issued a Dec. 21 memo to Board of Supervisors members. In accordance with Civil Service Law, the chairman is required to formally respond by submitting his recommendations to his board on how to settle the dispute.

Gendron's response to Mayo's report agreed with most of the salary recommendations, but Gendron also

COUNTY — On Page 5

called for a five-year agreement with 2014 as the final year, in which he suggests no wage increase for that year.

Local 818 President Ron Briggs said today his union is "going to counter Gendron's proposal," including the chairman's call for a fifth year of the contract with no pay increase.

"In addition, approval of any successor collective-bargaining agreement should be contingent upon the union's withdrawal of the improper-practice charge it filed against the county," Gendron wrote.

He was referring to the union filing an improper labor practices charge against the county after Perth Supervisor Greg Fagan sent a Sept. 20, 2011, memo to county department heads, which then was copied to union members. In the memo, Fagan, as chairman of the supervisors' Personnel Committee at the time, urged union members to conduct a formal "membership vote" on county management's proposal.

CSEA Regional President Kathy Garrison a month later termed the memo "disgusting" and said it was "unacceptable" the county would try to deal directly with the membership while negotiations are in progress.

Briggs said the union might be "willing to drop" the improper practices charge.

Gendron's memo concluded: "I believe that the recommendations I outlined in this memorandum strike a reasonable balance for our employees and taxpayers.

Such an agreement would also fit in with the Board of Supervisors' budget planning goal for stability through the end of 2014."

During its meeting Thursday, the Board of Supervisors went into a roughly 40-minute closed-door executive session for the listed reason of "collective bargaining." The board met with County Attorney Arthur C. Spring but took no action toward a new General Unit contract.

After the meeting, Stead said union negotiations continue toward a new contract.

Briggs said the county now is required to conduct a public hearing, at which time the union can present its side of a response to Mayo's report.

Elsewhere in the fact-finder's report, Gendron said he concurred with several other recommendations toward settling the dispute. They included Mayo's recommendation that an additional week of lag payroll begin July 1, 2013.

Mayo recommended the union's request for a \$50 boot allowance increase be granted retroactive to Jan. 1, 2012, but Gendron wants it effective Jan. 1, 2013.

Gendron agrees with Mayo's recommendation to endorse the county's proposal that future new employees who select the individual health insurance plan contribute 20 percent of premium costs.

Michael Anich covers Johnstown and Fulton County news. He can be reached at johnstown@leaderherald.com.



Union holds toy drive for victims of Sandy

CSEA Nassau Local 830 collected nearly one thousand toys through generous donations by the union's nearly 10,000 members over the past month. Through a partnership with the U.S. Marine Corps Toys for Tots program, CSEA distributed boxes at over a dozen county worksites, and collected hundreds of toys. These toys were distributed on Dec. 17 to Brierley Park in Hempstead, where they will now be given out to Hurricane Sandy Victims in Long Beach, Far Rockaway and Inwood, as well as to Hempstead schools.

At the Local 830 Annual Holiday Party held on Dec. 19 at the Crest Hollow Country Club in Woodbury, over 500 toys were donated by the nearly 800 attendees. For the seventh straight year, these toys are being distributed to the Economic Opportunity Commission of Nassau County, and will be given to the children during their Annual Christmas on Jackson



From left, Gary Battle, Rev. Richard Lawson, Mike Lordi of Local 830, President of Hempstead Public Schools Betty Cross, Freeport Mayor Wayne Hall and Kelvin Lewis of Local 830, at Brierley Park in Hempstead with toys that are being donated to Hempstead Schools, and hurricane victims in Long Beach, Far Rockaway and Inwood.

Street event. In addition, the Uniondale Early Childhood Center, and Coalition of Community Well-Being will receive these toys.

Since Jerry Laricchiuta took over the reins of CSEA Local 830 in 2005, CSEA has collected thousands of toys for children in need in local communities. "I have to thank our members who always put others before themselves. Despite

difficult economic times, they always step to the plate when needed," Laricchiuta said.

CSEA Local 830 is Nassau County's largest public service union with 6,000 members working for Nassau County and over 3,000 working for the Nassau Health Care Corporation. CSEA also has 50,000 members on Long Island, and 300,000 in New York State.



Court set to hear appeal in bus driver firing case

CLIFTON PARK — The state Court of Appeals will weigh in next month on the case of a bus driver who lost her job with the Shenendehowa Central School District in 2009 after a drug test found marijuana in her system.

Arguments are scheduled for Jan. 3 in Albany.

In October 2009, Cynthia DiDomenicantonio's urine tested positive for marijuana during a random drug test. The district placed her on unpaid suspension and then fired her the following month. She had worked nearly 10 years with the district.

An arbitrator had said DiDomenicantonio should be reinstated to her position without back pay. Shenendehowa officials filed a lawsuit and state Supreme Court in Saratoga County sided with the district's right to terminate anyone who puts students at risk.

The Civil Service Employees Association appealed the case to the Appellate Division of state Supreme Court, which in December 2011 sided with the union. It ruled the contract did not include a "no tolerance" policy for drug use, but listed other disciplinary actions, including fines, suspension and termination.

The district appealed to the state's highest court.



Judge tosses health case

State can charge retired public workers more for coverage, ruling says

By Casey Seiler

ALBANY — A state Supreme Court justice has dismissed a challenge to a state decision to impose the same health care cost increases on retired workers negotiated by public employees unions.

In a forceful decision, state Supreme Court Justice George B. Ceresia of Troy concluded that even giving the retirees a liberal interpretation of their arguments, “petitioners have failed to state any valid cause of action.”

The suit was brought by the New York Retired Public Employees Association on behalf of retirees, who saw their share of health insurance costs increase following the tough contract negotiations of mid-2011.

As with active employees, the share for retirees went up from 10 percent to 12 percent of the total premium cost for an individual plan, and from 25 percent to 27 percent for a family plan. Plaintiffs noted typical costs could go from \$59 to \$95 per month for an individual, or from \$250 to \$331 per month for a family plan — especially tough, they argued, for retirees on a fixed income.

Defendants included Gov. Andrew Cuomo, the Department of Civil Service, Budget Director Bob Megna and others. The state was defended by state Attorney General Eric Schneiderman’s office.

In his 18-page order, dated Dec. 17, Ceresia rejected the three grounds for action in the challenge to the increase.

In dismissing the plaintiffs’ claim that the increase violates Civil Service Law, Ceresia said the suit failed to note the amendment of the law that allows the state to increase the retirees’ share. The ruling also rejected what the judge referred to as their “belated alternate argument” that the court should protect employees who retired before Oct. 1, 2012 from being hit with the increase. The action would, Ceresia wrote, be a clear violation of the separation of powers.

In response to the argument that the increase violated the contracts clause of the U.S. Constitution and its state equivalent, Ceresia concluded “there is no ‘contract’ that entitles petitioners to continued state contributions to public retirees health care at the same levels as they received prior to enactment” of the 2011 amendment to Civil Service Law.

The judge also disagrees with the argument that health care benefits and pension benefits enjoy the same level of protection. Because they are singled out for mention in the state constitution, pension payments have been seen as being virtually inviolate — even in cases where public employees or elected officials have committed crimes connected to their duties.

To the plaintiff’s third cause of action, that the state Civil Service Commission’s involvement in the increase violates the separation of powers in the state constitution, Ceresia noted the Legislature’s bill language explicitly allowed for the adjustment to be made by the commission’s president, with the approval of the state budget director.

“The petitioners have failed to present specific allegations that

would support their conclusion that the Legislature ceded any fundamental policy responsibility to make social and political policy to the president of the Civil Service Commission,” Ceresia wrote.

Tony Cantore, who handles legislative affairs for the RPEA, said the organization hasn’t made a decision on whether to appeal the dismissal. The topic will likely be addressed at its next board meeting set for January, he said.

A federal suit brought by major state public employees unions, including the Civil Service Employees Association and the Public Employees Federation, survived a similar motion for dismissal earlier this month. U.S. District Judge Mae A. D’Agostino said the plaintiffs had established sufficient grounds to allow the case to proceed to the discovery phase.

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Veto over-ride saves jobs, nixes exec's budget cuts

By Anne Phyllis Pinzow

STAFF WRITER

In a 13 to three vote with one absence, the Rockland County Legislature overrode the vetoes of County Executive C. Scott Vanderhoef on three resolutions; the acceptance of the report of the Budget and Finance Committee, the adoption of the County budget and the appropriation of budget items for 2013. (Nancy Low-Hogan, Frank Sparaco and Chris Carey against, Ed Day absent)

Though only 12 votes were needed, previous to the meeting on December 18, the outcome was in doubt as on December 4; the legislature had accepted the amendments proposed by the Budget and Finance Committee by just a 10 to seven vote.

The budget, which has now been adopted, has a property tax levy of \$96 million, which is an 18.43 percent increase from 2012 levy as part of the \$736,999,800 appropriation for the 2013 budget.

What this means for property owners is a property tax rate up 44 cents to about \$2.50 per \$1,000 of assessed property value or an increase of about \$157 per household bringing the average bill to about \$900 in county taxes alone.

Vanderhoef had vetoed almost all of the amendments the legislature had made to his proposed 2013 budget except for restoration of the Sheriff's Mounted Patrol and five Patrol officers as well as the Mosquito Control Program of the Rockland County Health Department. He also did not veto the legislature's decrease in the sales tax reserve and some of the changes made to the salary savings account. Those items not vetoed were adopted without further legislative action.

Though the public hearings on the budget had been held and closed on December 4, Cornell allowed two speakers, Glenn Lewis and Pete Bower

Lewis, a county employee, brought up the contention among the County Executive, the Legislature and the CSEA on the

Memorandum of Agreement between the CSEA and Rockland County which states, "During the term of this Agreement, no person in this bargaining unit shall be terminated or laid off due to budgetary reasons. This provision will terminate on December 31, 2013." The same provision was agreed to with RAM and the Doctor's Council.

Though the agreement was approved by the Rockland County Legislature this past September, in his proposed budget Vanderhoef planned to outsource positions in jail security, the laundry and food service. With other positions this came to more than 70 layoffs. "Mr. Vanderhoef said these employees are being outsourced, not laid off." He said that the County Executive could call it anything he wanted, it still meant that these people would be out of work. "I respectfully implore you to again override Mr. Vanderhoef's shameful outsourcing plan and return the words honesty, trust and integrity to Rockland County's

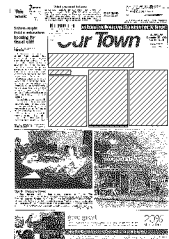
VETO OVER-RIDE: *Page 7, please*

dictionary." Bower, an employee of the Rockland County Highway Department which was tagged to lose six people, a dispatcher and drivers of snow plows.

"Their solution was to take two mechanics out of our garage and put them in snow plows so when the trucks start breaking down and the mechanics have to be called off the road, now you're down eight... You're putting the public at risk. When Sandy hit, when O&R was called off the road because it was too dangerous, we were told to stay out and keep the roads open, which we did."

Schoenberger: Veto would increase deficit

During the legislators' discussion, Ilan Schoenberger said that the CE's vetoes would increase the deficit by \$12 million because it was listed as a reduction to the deficit of the General Fund. This money is anticipated to come from the proposed sale of the county nursing home.



Schoenberger referenced the analysis and review of the proposed budget by O'Connor Davies which stated that since the sale is not anticipated to occur during 2013, the General Fund deficit will not be reduced by that transaction in 2013. "This will result in an unfavorable revenue variance unless both the revenue and appropriation are removed from the operating budget when adopted for 2013," as done by the County Legislature. He said the vetoes had the result of increasing the property tax levy by about \$15,000.

The third reason Schoenberger listed for overriding the vetoes was the reduction in force of 70 employees proposed by the County Executive. While the memorandum of agreement promised no layoffs for budgetary reasons, the reason for these layoffs has been described by the CE's office as program elimination.

He said if the vetoes are allowed to stand then an outside company would have to be hired, as planned by the CE's budget, but the county would be taken to court. If the county lost the lawsuit, then the county would have to pay the workers their lost wages, their pension payments and their medical coverage. "It's too risky, it's wrong morally, it's wrong legally and gives exposure to the county for millions and millions of dollars."

The County Executive also vetoed the elimination of some of 22 positions which are vacant but fully funded.

While the Highway Department employees were not subject to the same "no layoff" clause, there was much said about how if these employees would be let go, roads would not be plowed. Charles "Skip" Vezzetti, Superintendent of the Rockland County Highway Department had testified there were 27 routes to plow but only 24 drivers. "So there will be three routes that won't be plowed," as quickly as is done now.

Jim Dean, Superintendent of Highways for the Town of Orangetown said that the towns have inter-municipal agreements with the county to plow some county roads, such as Congers Road in Orangetown. He said that if the county reached out to the towns to extend those agreements, it would mean alteration of routes and could extend the time it takes to clear roads during a snowstorm but if an agreement was in place, those roads would be plowed.

Legislator Joseph Meyers, who had voted against the legislative amendments two weeks ago voted to override the vetoes, criticizing both the CE's office and the legislative body. "This is

not a moment to rejoice in the fact that we're saving these jobs or that job, it's just been a complete failure of county government to address the fiscal needs of this county which has led us to the point where people who are members of unions who do important work for the county have to worry about losing their jobs in droves just because the county could not make modest reductions...hoping that sales tax revenue would come back."

Meyers had not voted for the CSEA contract because of the "no layoff" clause in this fiscal climate.

However the contract was approved and Meyers said "The most important thing is honoring a contract, not just the word of the contract but also the spirit of the contract because if you don't do that, you're nothing but a shyster."

Lastly, Meyers said the last thing that should ever be cut is basic infrastructure maintenance as that's what the taxpayers are paying the taxes for.

Legislator Patrick Moroney, who had aided Legislator Ed Day in an aborted attempt to amend the legislative budget, said he could not vote to lay off people a week before Christmas.

Legislator Nancy Low-Hogan said "I agree with my colleagues who have spoken that there is a lot of ineptitude in the County Executive's budget. I do not want to lay off any person, in this room or otherwise. I admire the work of Cornell Cooperative Extension and Paul Trader and his staff. Any decision to lay anyone off or to increase someone's taxes by 18 percent is not an easy decision to make...Frankly neither budget satisfies all of my hopes for reducing our base line." She said she's voted consistently to avoid having to raise property taxes and reduce the county's baseline expenditures. While both budgets have made significant cuts, the legislatures budget keeps the baseline the same while the CE's budget represents a substantive cut in the county's baseline expenditures. "That baseline is unsustainable," and so she voted nay.

As Low-Hogan had proposed two weeks ago, she asked for an ongoing year long analysis of the budget starting in January.

Legislative Chair person, Harriett Cornell said that while the job of county government is public safety, there is also public health. "That is something that no other government in Rockland County does. There's no one out there that's helping to prevent illness." She said this is the purview of the County Health Department and Cornell Cooperative Extension.

She said the CE's budget was short on educa-

tion and prevention. "The way you maintain public health is education." She said the County Department of Health is key in the emergency services unit in preparing for any kind of emergency." She voted for override of the vetoes.

Legislator Chris Carey voted against the veto override. After the meeting he said the County Executive's response kept in the reinstated public safety issues with the exception of the Highway Department. "I didn't think it was a great budget but I think better than the budget we had put together."

In regards to the \$12 million, he said after speaking to both the county's financial personnel as well as the company that reviewed the budget, "that was just a balance sheet item." He said it was not portrayed as an operating budget issue.

As to the contract, that while the CE had negotiated contract his legal team would have advised him on all ramifications of any actions. While he was absent at the time of the vote on the CSEA contract vote, he would have voted for it knowing that programmatic cuts would have been allowed.

Legislator Ed Day said he had

BUDGET VETO:

Page 21, please

never expected the CE to veto the budget amendments and had informed the legislative leaders that he was scheduled to be absent on December 18, due to job considerations. Hence he was absent at the time of the veto override vote. Previously he had voted against the legislative

amendments to the budget and said in a subsequent phone interview that his colleagues knew where he stood.

"I made my position known on December 4. With that position my not being there had not effect on the outcome obviously. I was not going to change my vote." He said even with all the debate, the tax increase is much higher than it should be. Programs that have been criticized for inefficiencies are being kept open and that nothing is being done to cut back the budget line in those areas. He also wanted to take the patronage positions out of the budget, but said there is still business as usual. "I'm sick of the excuses why we can't do better."

After the vote, Billy Ricaldo, the Southern Region President of the CSEA said "We're really thankful for the vote but we also found out a lot more on how they feel about the County Executive and how he does the daily business, that it's not in the best interests of the county residents or employees and the programs that we so desperately need in this County."

Asked if since contract negotiations had taken so long to resolve and there is a contract through 2013, will the union start negotiations for 2014 or wait for the next CE to take office, Ricaldo said Vanderhoef wants to start negotiations for 2014 in January. "We really want to look at a lot of things before we in proper court procedures make up our minds because we just settled this contract and he's gone back on his word on numerous occasions."

"We've been challenged on a lot of other issues with him. I think he's getting the wrong information from the guy who negotiated the contract as well as the Commissioner of Personnel (Joan Silvestri) which I think is a conflict of interest."

HERKIMER Union grievance not going away

By Amanda Fries
GateHouse News Service

HERKIMER — The local union representing Herkimer County employees has filed a grievance over the apparent failure of the county to list a job opening.

County officials said a clerical error caused the problem, but the union is continuing the grievance.

Steven Billings, Herkimer County's personnel officer, said the grievance was received on Dec. 13, and they have "rectified the situation." He would not elaborate.

The position was for senior data collector, which was filled by Gabe Oram, who was promoted on Oct. 1 from data collector in the county's Real Property Tax Department, Billings said.

"We're complying with the contract," he said. "The union has filed a grievance, and I'll leave it at that."

JoAnne LeClair, Civil Service Employees Association Unit 7100 president, said the union filed the grievance based on two

points:

- The vacant position should immediately be posted.

- The county also should give the appropriate Civil Service exam.

The union has not ended the grievance.

LeClair said she is waiting for a response to her Freedom of Information requests.

The FOIL inquiries stem from the recent announcement of two layoffs within the Real Property Department.

While it's not stipulated in the union contract, LeClair said they requested an exam be given as "part of the remedy."

Billings said, "That's not necessary to do."

LeClair said typically she is emailed the postings,

SEE UNION, A5

but instead was informed by county employees of the vacant position.

Billings said the posting goes to Herkimer County Community College's Human Resources Department as well as posting them internally and on county bulletin boards.

"It does say in the contract that (sending it to the union president is) what we do," he said, adding he had never received a call or complaint before.



Steuben sells health care facility to owners of Founders Pavilion

BY MARY PERHAM
THE COURIER

BATH | The Steuben County Health Care Facility complex has been sold to Centers for Specialty Care Group, LLC for nearly \$11 million.

County legislators unanimously approved Monday the sale of the 105-bed, four-year-old facility on Mt. Washington Road and the nearby former health care facility.

But emotions ran high before the final roll call vote on the sale.

CSEA officials and employees lobbied emphatically against the sale, asking for the vote to be tabled to allow for more time to consider the matter.

Union leaders warned Steuben lawmakers selling the nursing home would not save the county much money overall and warned the quality of care would deteriorate under a private company.

"You are removing a vital safety net and putting long term health care out of reach for many of your residents," said CSEA Western Region President Flo Tripi.

Others union officials argued there was strong local support to keep the facility, with 66 percent of local taxpayers surveyed wanting the nursing home to stay under Steuben's control.

The poll was a random sampling of 689 people across the county, according to union official Chris Reakal.

But legislators said the sale pay down construction costs and do away with an

operational annual deficit of \$2 million to \$3 million - the equivalent of a 6 percent to 9 percent tax hike for property owners.

The new owner, Centers for Specialty Care Group, LLC was selected from five bidders and owns Founders Pavilion in Corning, Legislator Scott Van Etten said.

"We toured Founders, we talked to the residents there," Van Etten said. "None of them said they had any of the kind of the problems (with care) you're talking about."

County Legislator Gary Swackhamer, R-Hornell, said his mother had been a county nursing home resident, adding he has spent 25 years on the county board trying to keep the facility.

"It's not us. It's not us," Swackhamer said. "It's the state government you should be talking to. They said 'You build it. We'll pay you more.' They lied to us... You're talking to the wrong people."

Steuben legislators considered selling the county nursing home some 10 years ago, after the facility's \$10 million reserves were nearly depleted by operational costs. But the search for a seller turned up one bid for \$1 million and the Legislature soundly rejected the deal.

Instead, they took up the state's offer to build a new \$17 million facility, paid for largely through state aid. State officials also said they would reimburse the new nursing home at higher rates for

daily operations.

At the time projections showed the higher state rates would bring the new facility to a break-even status. But the promised higher funding never materialized.

Instead, counties across the state can expect lower reimbursement, while private companies are receiving more money, legislators said Monday.

County Administrator Mark Alger said the union's warnings low-income residents will not be accepted under new ownership are misleading.

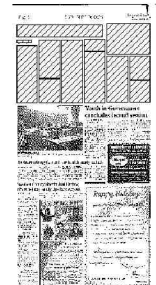
Alger said the county's sale agreement stipulates 80 percent of the residents must qualify for Medicaid - similar to the number of residents at the facility now. Typically, private pay residents also transition quickly to low-income status, too, he said.

Adding the old facility to the sale also may offer the new owners an opportunity in the future to provide other aging-related services, Alger said.

"Obviously I can't speak for them," he said. "But we put the old one in to see if there was interest, and there was, from a couple, for that purpose, of day care or assisted living."

Alger said as painful as selling the facility is, the sale probably ensures the nursing home's future.

"If we tried to maintain the service, ultimately we would have grown broke," he said. "Now, they may even expand some services."



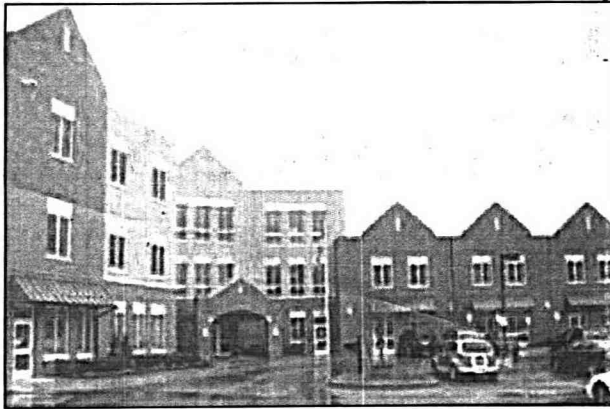
Alger said the county will now complete its negotiations, with no deadline set for the closing. Centers for Specialty Care Group also must apply for and receive a Certificate of Need from the state, before the sale can be complete.

Union officials – who also voiced concern current employees will lose some of their benefits – said they

will keep an eye on the proceedings.

Steuben County **CSEA** Local President Sally MacDougal said the union will keep a close eye on future negotiations, especially the employees' contracts.

"We did our best," she said. "And we're still here for the employees. That hasn't changed."



THE COURIER/FILES

Valley View seeks new administrator

Temporary administrator will run nursing home as county lays groundwork for permanent hire

BY EDIE JOHNSON

GOSHEN — Funding for Valley View nursing home is assured for next year. But still undecided is who will manage the county-owned facility.

On Dec. 14, legislators on the Health and Mental Health Committee agreed to hire a temporary administrator to manage the nursing home come Jan. 1, when the county's contract with the current administrator ends. In the meantime, the legislature will establish the position of county commissioner. The commissioner will make a permanent appointment.

County Executive Edward Diana terminated the current administrator, Orange Administrative Services (OAS), after an investigatory committee of the legislature found that OAS has mismanaged the place.

It is illegal for a nursing facility to operate without a licensed administrator. Diana said a temporary administrator could be hired on a monthly, quarterly, or yearly basis.

The meeting began in an especially tense mood following last week's override of Diana's budget. But the atmosphere grew more cooperative as Diana addressed all of the legislators' concerns.

There are two ways the administrator's position can be filled: appointment by the county executive, or appointment by a county commissioner. Legislators say they want to be involved in the hiring and in ongoing oversight.

Diana offered the position to the committee chair, Michael Amo of Central Valley, who is a licensed administrator himself. But Amo said no.

The quest promises to be a long one, starting with establishing the commissioner position.

"I think you will be shocked at what they want," Diana said, referring to the one response so far to the county's request for proposals. Legislators had earlier set a working figure of just under \$150,000 per year.

If no one is selected by the end of the month, Diana said, the Department of Health will put the nursing home in receivership and assign a temporary administrator.

The bottom line

Diana last week blasted legislators after they agreed, 19-2, to fund Valley View through 2013. He said legislators built a budget on "speculative revenue opportunities, hypothetical expense cutting measures, and unrealized union concessions" that will "send our county down a path toward certain financial ruin."



Legislators will be under pressure to prove him wrong. Step 1 will be continued negotiations with labor unions, which have so far promised an 8 percent cut in salaries, a separate bargaining unit, and staffing control measures to limit the need for overtime.

A nursing home gains an important advantage when hospitals choose them for the patients it discharges. And Amo said Valley View's occupancy rate may be bolstered with residents from the 19 other nursing homes in the region that closed indefinitely after sustaining damage from Hurricane Sandy.

Legislators say the big battle will be with the state and federal bureaucracy, with their strangling regulations and meager reimbursements.

The Berger Commission concluded that there was a surplus of nursing home beds in New York State and recommended reducing nursing home capacity will be reduced by 3 percent. Another report conducted later by health care professionals found that outpatient and home care yielded better results.

But then the Department of Health warned of a coming "tsunami of increasing elderly" — as Amo put it — and said the hospital system did not have enough beds.

Medicare has set up a Catch-22, legislators say: Medicaid will only cover a patient's stay while the patient shows improvement. But as soon as the patient reaches a clinical plateau, he or she is either sent home, sent to another facility, or billed out-of-pocket.

Patients unable to show continued improvement are usually the ones who have the most pressing needs. Facilities like Valley View that care for patients with advanced Alzheimer's disease, pulmonary diseases that require oxygen, and other difficult conditions will be unable to compete with facilities that offer rehabilitation programs

where patients show continuing progress.

"Lots of people have contributed lists of potential solutions," said Bill Oliphant, who heads the almost 400-member **CSEA** labor union said. "Offering some new services such as kidney dialysis that give a good cost-benefit ratio, day care services, and more rehab programs may be a few of the service changes that can improve reimbursement rates."

Oliphant waited nearly an hour and a half to participate in the Labor Relations Committee meeting, which had gone into a contentious executive session – during which one legislator could be heard screaming "Liar!"

"We are always willing to come to the table," said the patiently waiting Oliphant. "But it will take a willing partner and some time."

A legislative session scheduled for Dec. 20 at the Emergency Services Building will be the last this year.

The meeting began in an especially tense mood following last week's override of Diana's budget. But the atmosphere grew cooperative as Diana addressed all of the legislators' concerns.

WHISPERING PINES: Facility, slated for closure, has its final holiday party

A BITTERSWEET AFFAIR

By **DANIEL FLATLEY**
TIMES STAFF WRITER

On Thursday night, there was an air of familiarity to what likely was the last Christmas party at the Jefferson County Home for the Aged, also known as Whispering Pines, 1240 Coffeen St.

Santa was on hand to distribute brightly wrapped packages to the 47 residents who filled the room. Stockings and bows adorned the walls and figurines and snow globes sat on the artificial snow stuffed in each windowsill.

Whispering Pines staff and volunteers from the North Side Improvement League called out names of gift recipients; their voices were soon drowned out by the ripping of wrapping paper and the excited chatter of residents examining their newly opened presents.

"This is probably one of the last parties because we'll be closing, but we do this every year," said nursing assistant Joan E. Wilder. "We have several parties."

North Side Improvement League President Brenda L. Parker said the organization likely will not host parties at Samaritan Summit Village when the facility opens next year.

"It's just too big and there will be too many residents," she said.

After presents were opened, Kim M. Greene, activities director and 22-year

veteran of Whispering Pines, led residents in an impromptu rendition of "Santa Claus Is Coming to Town."

Ms. Greene said residents like to arrive for the party promptly at 6 p.m. and depart just as promptly 45 minutes later.

Everyone agreed the new Samaritan facility would be good for the residents, but the transition has left county employees of the nursing home in a difficult position.

"The new facility ought to be beautiful," said Timothy M. Glover, who played Santa Claus. "The hard part is the people who work here."

It's still unknown if the 15 full-time county employees at Whispering Pines will have jobs next year.

"They're waiting to see what's going on with the

See EMPLOYEES B5
county. We don't know," Mrs. Wilder said.

The employees are looking to stay within county government, which provides benefits based on classifications and seniority and is part of the state retirement system. They would be unlikely to find a similar benefits plan in the private sector, which would have significant effects on their retirement plans.

Whispering Pines is expected to close early next year. The county has been engaged with Civil Service Employees Association Local 823 to try to secure opportunities for the facility's full-time staff members.

The county Legislature has been trying to close the facility for years, recognizing that the continued cost of providing care would increase greatly in the future. In August 2010, the county voted to contribute \$5 million to the construction of two facilities in order to bring more skilled-nursing beds to the county so it could get out of the business.

That \$5 million investment, in addition to a \$30 million grant from the state Department of Health, has helped bring 168 skilled-nursing beds and 120 assisted-living beds to Samaritan Summit Village in Watertown, and 60 assisted-living beds to Meadowbrook Terrace in Carthage.

Both facilities are expected to open in early 2013 and will be managed by private health-care companies.

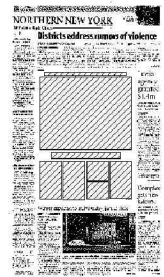
"The state has backed away from adequately financing adult homes," said Laura C. Cerow, commissioner of the Jefferson County Department of Social Services.

It would cost the county \$500,000 a year to maintain Whispering Pines, Mrs. Cerow said.

"It's not really about the money," she said. "It's about moving this service to an entity that is better equipped to provide it."

Mrs. Cerow said this holiday season is going to be an emotional one for Whispering Pines staff members who have become attached to residents.

Mrs. Wilder, who worked



for the county for 27 years before retiring and returning to work part time, said, "We love 'em, you know? They're good people. Some of them have nobody."



AMANDA MORRISON ■ WATERTOWN DAILY TIMES

Mary Lou Hough, center, laughs with Santa Claus as he talks with residents of Whispering Pines about their plans for the future during the facility's last holiday party before the building is closed down.

CSEA: Rejected Our Savings Ideas

Westchester Exec: Union's Making Me Lay Off 100

By MARK TOOR

Westchester County Executive Robert P. Astorino is blaming the Westchester Civil Service Employees Association for the layoff of about 100 public employees called for in the county's new budget. The union shot back that the budget was passed "based on an intentional campaign of misinformation" by Mr. Astorino.

The County Executive said on Westchester's website, "Most, if not all, of those layoffs could have been averted had the CSEA, the county's largest union, agreed to a new contract that included employee health-care contributions just like almost everyone else pays. But unlike three other county unions, the leadership of the CSEA refused to make a deal."

'He Won't Compromise'

Karen Pecora, president of the Westchester CSEA, said Mr. Astorino was misrepresenting the situation. "We've said we'll contribute toward health-insurance premiums," she said. "We've made other cost-savings proposals that would result in huge savings for the county. All we've asked is for a modicum of job security, but the County Executive insists on a 'my-way-or-the-highway' approach over any sort of compromise with us on contract issues.

"We've even been told that this budget agreement was the county's way of 'inflicting pain' on CSEA," she continued.

Ms. Pecora asked the Board of Legislators to review union proposals aimed at saving the county at least \$22 million next year, including \$10 million from salary freezes, \$4 million from four furlough days per employee, and \$6 million based on health-care contributions by workers. The contract is now in mediation, said union spokeswoman Jessica Ladlee.

The number of layoffs started at 126 and by Dec. 12 was down to 102, Ms. Ladlee said. The layoff lists include Ms. Pecora and a second union official, she said. Though she has worked for the county since the early

1990s, Ms. Pecora, a secretary in the Parks Department, is the only one in her title. Third Vice President Teri Rella, a secretary in Public Works, is also on the layoff list.

Democrats Say It Ain't So

The county budget was approved Dec. 7 by a coalition of seven Republicans and two Democrats on the Board of Legislators, and signed immediately by Mr. Astorino. But the remaining Democrats, who walked out of the legislative chamber before the vote, say they don't recognize it as passed.

"The budget approved Friday by a bipartisan coalition of the Board of Legislators and signed by County Executive Astorino is the final budget for 2013," county spokeswoman Donna Greene said Dec. 12. "It is a good solid budget, the result of compromises by both sides. If the union had followed the lead of three other county unions and contributed to the cost of their health care—as Astorino has been asking them to do for three years—many if not all of the layoffs could have been averted."

This budget was the third proposed by Mr. Astorino that does not raise property taxes. He was elected on a promise to end the spiral of increasing taxes.

On health-care contributions, the union had offered a sliding scale based on salary that averaged 8.5 percent of the premium for individual coverage

(Continued on Page 7)

and 10 percent of the cost of family coverage. It also proposed payments of \$4,000 to \$16,000 a year for each employee who opts out of coverage.

Union officials say Mr. Astorino has asked CSEA for higher health-care premiums than other unions whose members were better-paid. One of those unions, the Teamsters, agreed to have members pay 10 percent of their health-care premiums, a figure that will rise to 12.5 percent in 2015. New hires will pay 20 percent. Figures for the other unions were not available.





ROBERT P. ASTORINO:
CSEA 'refused to make a deal.'



KAREN PECORA: A 'my-way-or-the-highway' approach.

State Unions Caution: 'Right-to-Work' Law Could Happen Here

By MARK TOOR

The national anti-labor tide last week swamped Michigan, which passed "right-to-work" laws covering both private and public employees, and leaders of public-worker unions here said they can't guarantee something similar wouldn't happen in New York.

"It's pretty disturbing, isn't it?" said Susan Kent, president of the Public Employees Federation. "I don't know if it's something we're going to see in New York, but nationally they are really cutting into labor."

"You have different elements in play here, but take nothing for granted," said Stephen Madarasz, a spokesman for Civil Service Employees Association President Danny Donohue. He recalled hard-

(Continued on Page 7)

right Republican gubernatorial candidate Carl Paladino, who was defeated in 2010 by Governor Cuomo. The Republicans are "no longer the party of Nelson Rockefeller," he said.

As 12,000 union supporters protested outside Michigan's capitol building on Dec. 11, the Republican-controlled Assembly approved a bill prohibiting any requirement that workers who are not union members pay fees to cover the cost of contract negotiations, grievances and other services. The State Senate had passed the bills a week earlier, and Gov. Rick Snyder signed them immediately.

The issue seemed to come from nowhere; Governor Snyder had been neutral on the "right-to-work" proposals until barely a week before they were passed.

Federal law requires that unions represent all employees equally, whether they're members or not. Though the law takes effect in 90 days, it does not affect contracts currently in force. Non-union members would not be able to withhold payments until the pacts lapse.

So it was unclear how much the new law would damage unions, although it will definitely shrink their treasuries. Labor leaders in Michigan said they would consult with their counterparts in the South, where "right-to-work" laws have existed for decades.

'Sleeping Tiger' May Maul GOP

They also said they are looking toward the 2014 elections, hoping to replace Mr. Snyder with a Democrat and take back the State Legislature. "The

sleeping tiger is awake now," Michigan AFL-CIO President Karla Swift told the Detroit Free Press. "We have 2014 as a goal to shift out and win justice."

Michigan became the 24th state to pass a "right-to-work" law. Ms. Kent and Mr. Madarasz said the law, coupled with anti-union efforts in other states, was part of a right-wing strategy against unions. "They're trying to force unions to spend their resources on things other than representing the membership," Mr. Madarasz said, referring to increased efforts that will be required to collect payments from non-members.

He said the billionaire Koch brothers—who were reported to have funded the lobbying effort on the bills in Michigan—and other wealthy Tea Party members and anti-labor activists are bent on "destroying our democracy. They don't want people to be able to have a voice. They want to control the discussion and the choices."

There is "a certain symbolism" about the new law passing in Michigan, which with the United Auto Workers has been a major pro-union state, Mr. Madarasz said. "It has a chilling effect on labor nationally."

It's been a difficult couple of years politically for unions, particularly those representing public employees.

In Wisconsin, Republican Gov. Scott Walker rammed a bill through the Republican-dominated State Senate soon after taking office in 2011 that limited collective bargaining for public workers to salaries only, abolished dues check-off and required that the unions be recertified annually by a majority of their membership—not just most of those voting. A Federal Judge struck down much of the law, but the state is appealing.

Ohio Also Targeted

In Ohio, voters late last year repealed a bill championed by Republican Gov. John R. Kasich that restricted bargaining rights for public employees. But the anti-union efforts continue, and conservatives are now pushing to add Ohio to the list of "right-to-work" states.

In Indiana, Republican Gov. Mitch Daniels signed a "right-to-work" law for his state—the first such bill passed in 10 years—in February.

Ms. Kent said anti-union laws such as right-to-work retard the economic recovery, because they deprive workers of jobs that pay a livable wage and allow them to make purchases. "It's more of a race to the bottom while corporations are making record profits," she said. Unions "have to start putting together a strategy to combat



this” on a national basis, she added.

Proponents of “right-to-work” laws say they are actually helping workers by allowing them the choice of keeping more money in their pockets. But the unions say “right-to-work” is financially devastating by weakening unions and thus depressing wages. An AFL-CIO fact sheet says the average worker in a “right-to-work” state makes \$1,540 less per year, the median household income is \$6,437 less, and 28 percent more people lack health insurance.

“Governor Snyder’s own flip-flop on this issue reveals the lengths to which he is willing to go to deliver for the Koch brothers, the American Legislative Exchange Council, CEOs and other extremists waging a war on working people,” said Randi Weingarten, president of the American Federation of Teachers.

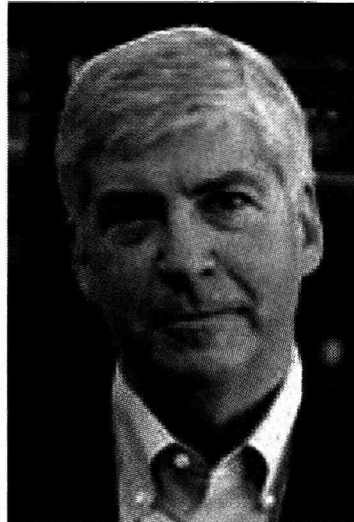
‘Take Nothing for Granted’



SUSAN KENT: ‘Really cutting into labor nationally.’



STEVE MADARASZ: Forcing unions to divert resources.



RICK SNYDER: Accused of ‘war on working people.’

Renewed Attack on Labor

Any notion that the radical anti-union forces in this country might be chastened by last month's election results went up in smoke when "right-to-work" laws were swiftly pushed through the Michigan State Legislature and signed by Gov. Rick Snyder last week.

The same basic formula was at work as during a similar hijacking of union rights in Wisconsin nearly two years ago: a Republican-controlled Legislature and Governor, and a lobbying effort bankrolled by the odious Koch brothers, the billionaire industrialists who hate unions as much as they detest environmental regulations. Despite claims that this was aimed at empowering individuals to not have their dues money become captive to their union leaders' interests, the real political agenda was underscored in both states by the exemptions from the new laws for both police and fire unions, the labor groups which are most likely to be conservative.

Union officials representing New York State workers described the measures, which have long been standard in the South and are being taken up by an increasing number of GOP-led state governments in the Midwest, as a potential threat here. That seems far-fetched at this point—while the name of Carl Paladino was invoked by a Civil Service Employees Association spokesman, that Tea Party-backed GOP gubernatorial candidate proved an embarrassment to the party not only by the margin of his defeat but based on his rabid rhetoric and tawdry past. It's hard to imagine someone of his ilk having a serious chance of winning in a state that has become increasingly Democratic in both the suburbs and upstate regions.

But Public Employees Federation President Susan Kent noted that such laws "are really cutting into labor" nationally, and they have been proven to depress wages in the states where they've been adopted, as well as making fringe benefits either scarce or a shadow of what is provided in states where union shops require that workers pay dues to the union with the bargaining certificate for their job title even if they choose not to become full-fledged members.

State AFL-CIO President Mario Cilento noted in a letter to the editor published in the Dec. 15 New York Post the toll taken by right-to-work conditions goes well beyond the wage gap: "28 percent more workers lack health insurance, the poverty rate is 18 percent higher and workplace deaths are 36 percent higher."

Yet he was a lonely voice in a letters column that reflects the right-wing tilt of the paper's editorial page: the other six missives on the subject were re-



liably anti-union, with one letter-writer stating, “Unions had a purpose years ago, but now they have become political shakedowns with their dues requirements going to their admitted socialist leaders to give to politicians of their choice.”

The sentiments were as clichéd as they were wrong. There is much less of a socialist grounding to today’s union leaders than there was 70 or 80 years ago, and the continuing importance of unions even with the achievements during that era can be seen in the fact that over the past 40 years, wages for working people have stayed roughly flat once adjusted for inflation, while executive compensation has soared into the stratosphere during that period. It is no coincidence that union representation today, at less than 12 percent nationally (and about half that percentage in the private sector) is one-third what it was in the early 1970s.

As Hedrick Smith, the author of the new book “Who Stole the American Dream?”, remarked in an interview on “New York Times Close-Up” this past weekend, “Middle-class prosperity goes with middle-class power.” Unions, even with their imperfections and the outright corruption that has infested some, have been the primary engines of that middle-class power.

Even members of the police and fire unions, however conservative in their politics, should not be fooled by the special treatment afforded their brethren in states like Michigan and Wisconsin: the weakening of the labor movement as a whole hurts their own bargaining power.

CSEA proposal could save \$400K yearly

By LIZ SKOCZYLAS

OBSERVER Mayville Bureau

MAYVILLE – Proposals made in a letter by the CSEA to county officials could add up to hundreds of thousands of dollars in savings for the County Home.

County legislators may not be privy to information regarding CSEA negotiations, but they did receive a letter regarding the union's proposals for the County Home. An abbreviated version of the letter was read during Wednesday's legislature meeting. Due to the Taylor Law, Steve Abdella, county attorney, advised legislators not to speak publicly about the union's proposals.

The OBSERVER obtained a copy of the six-page letter, which was addressed from the CSEA Western Region Office to Joseph Porpiglia, county director of human resources. Additionally, it obtained a separate 11-page document of proposed changes to the Collective Bargaining Agreement. Proposed changes could stretch upward of \$400,000 in annual savings.

"The county executive has instructed CSEA by letter dated Nov. 28, to submit proposals to the County negotiating team concerning any changes CSEA is willing to make concerning work rules, pay and benefits to keep the County Nursing Home economically viable," the letter states.

Additionally in the November letter from County Executive Greg Edwards, it was asked that CSEA make recommendations to increase the home's revenue. For this request, CSEA chose to defer to an August 2012 report issued by the Center for Governmental Research.

"CSEA has studied that report and whole-heartedly supports the recommendations for revenue enhancements stated therein," the letter states.

The letter, which was signed by Penny Gleason, CSEA labor relations specialist, goes on to ask that Porpiglia accept the correspondence as an explanation of the proposals the union has prepared prior to entering into negotiations with the county.

Several proposals are made in the letter, including proposals regarding wages, pay increments, longevity with the county, substitute employees, health insurance, sick leave, holidays, uniform allowance and overtime.

"All provisions of the current Collective Bargaining Agreement would still apply to employees of the Chautauqua County Nursing Home," the proposal states. "Where provisions of the current Collective Bargaining Agreement are modified to apply to nursing home employees only, these provisions shall be stated at Article 18 Special Provisions for County Home and shall not affect any other employees covered by this agreement."

WAGES

The first proposal suggests a wage freeze for all four years of the contract. The CSEA calculated the average salary of County Home employees to be \$36,613 per year. The Center for Governmental Research stated that payroll, which excludes overtime pay, is \$6.9 million per year.

INCREMENTS

The letter also proposes to stop increases, which are given to eligible employees from the date of ratification to the end of the contract.

"Based on information provided to the CSEA by the county – of 187 eligible employees 127 employees have reached or should have reached step 9 of the salary schedule and would there-

fore be ineligible for any additional increases," the letter states.

For the 70 employees still moving through the salary schedule, no increments would be awarded if the union and the county come to an agreement. According to CSEA calculations, this would result in a savings of \$76,887 per year in each of the contract's three years.

LONGEVITY

An employee receives an additional \$40 for each year of service after 10. So, the CSEA also proposes a freeze on the increases in longevity to which employees would be eligible to receive based on increased years of service for the duration of the contract. The CSEA calculates by freezing the longevity increases, \$3,840 per year would be saved in each of the contract's three years.

It also proposes a lower longevity rate for employees who are hired on or after the ratification of the agreement.

SUBSTITUTE EMPLOYEES

The Center for Governmental Research report reports that there are 233 full-time equivalent positions at the County Home, with 92 substitute employees.

"Most substitutes are paid at step 3 of the salary schedule for the grade in which their title is placed. However, 17 of the 92 are paid above that step 3 rate," the letter states.

In this case, CSEA proposes that all substitute employees be placed at the first step of the salary schedule for their title. By doing



this, a total savings of \$148,890 could be recognized, according to the CSEA.

HEALTH INSURANCE

The letter also makes suppositions regarding employee health insurance. It estimates that 151 of the County Home's 187 employees are enrolled in the county health insurance program. The letter estimates that for each employee who enrolls in the High Deductible Plan rather than the Preferred Provider Network, there would be savings. The letter assumes 20 percent of the County Home Employees would enroll in the High Deductible plan, which would save a total of \$80,040.

"CSEA believes these are conservative figures, given the county's marketing ability and the educational information that will be given to employees," the letter states.

SICK LEAVE

Several proposals have also been made regarding sick time for employees of the county home. One proposal eliminates the sick leave bonus, which the CSEA said will be a savings of \$15,065 to the county.

The letter also proposes that, in order to stop employees from extending a holiday by using sick time, that they must work the day before and following a scheduled holiday, or not receive holiday pay. It also proposes forming a sick leave use committee to help lessen sick leave use.

OTHER ITEMS

Another proposal, which the CSEA said will result in savings of \$52,678, is to

eliminate Good Friday and Election Day as holidays. Eliminating uniform allowances, which is paid to employees in the Nursing Department, would result in saving \$29,500 annually, the letter states. And, the letter proposes that employees be allowed to contribute to the Chautauqua County Home Fund through payroll deduction.

NEXT STEPS

Paul Wendel, R-Lakewood, asked during Wednesday's legislature meeting why legislators received a copy of the proposal, when they are unable to discuss it.

"If this is going to be presented as to our knowledge or understanding of the contract, why are we given a portion of that contract?" Wendel asked. "This is pertaining to County Home employees."

Despite questions by Wendel and other legislators, Abdella repeatedly cited the Taylor Law during the meeting in an attempt to explain why the negotiations should not be discussed.

"The county could be viewed as having had an improper practice and not negotiating in good faith, because it permitted the legislative body to involve itself in negotiations and completely muddy the waters as far as the negotiation process," Abdella said.

Abdella assured legislators that the county is in a fact-finding stage in the negotiation process. The county executive will continue to work with CSEA officials, but legislators have no part in the negotiation unless negotiations reach impasse.

Union tries to save Maplewood

BY JAMES TWIGG

jtwigg@theballstonjournal.com

Members of the union representing Saratoga County employees (CSEA) are actively campaigning to keep Maplewood Manor nursing home under control of the county.

The board of supervisors voted last month to transfer control of Maplewood Manor into the hands of a local development corporation (LDC). The LDC will be working with a private operator in order to manage the sale.

CSEA spokeswoman Therese Assalian has been actively trying to prevent this from happening. She says that the county was interested in weighing their options over the summer, and came up with a quick decision to move forward.

"They are moving way too fast," said Assalian. "This solution they came to with the LDC is not a good solution."

In their efforts to keep Maplewood Manor a county nursing home, Assalian says they have been campaigning for the past few months. Overall between advertising, a float outside of the county complex, and the turn out at the meetings, it seems that word is getting out but it's still unknown whether or not Maplewood Manor will remain under control of Saratoga County.

"We've been running a campaign for months that campaign involved meeting with supervisors which we are still doing," said Assalian. "We have a group of employees and community members that we've been coordinating with. We have been doing some advertising, and will continue to do advertising to get the word out."

A second and final public hearing is already scheduled. The process has been moving forward towards each vote, with no guarantee of what the future will bring for Maple-

wood Manor.

Assalian is worried that the switch to private ownership of Maplewood Manor may spell bad news for current residence. It could lead to some of those currently residing there to no longer have a place to stay or could result in the closing of the nursing home all together.

Furthermore, Assalian is worried about the impact that the sale might have on local jobs as well. County employ-

*Please see **Journal** on page 3*



ees could potentially face unemployment if Maplewood Manor is indeed switched over to private ownership. For now, Assalian and the other members of the CSEA will continue their campaign and wait anxiously for the final hearing to learn what will become of the nursing home. “There’s a public hearing coming on January 9th, that’s the next step,” said Assalian. “They are going to be voting we think after that, it could be as early as January to finalize the transfer.”

Though there is still time for the CSEA to stop the privatization of Maplewood Manor, their window of opportunity is ever shrinking as Jan. 9 approaches. At this moment, the future for Maplewood Manor, its residents, and its employees is unknown.

Concessions On The Table

CSEA Proposal For County Home Workers Could Save Upwards Of \$400K A Year

By **LIZ SKOCZYLAS**

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MAYVILLE — Proposals made in a letter by the CSEA to county officials could add up to hundreds of thousands of dollars in savings for the County Home.

County legislators may not be privy to information regarding CSEA negotiations, but they did receive a letter regarding the union's proposals for the County Home. An abbreviated version of the letter was read during Wednesday's legislature meeting.

Due to the Taylor Law, Steve Abdella, county attorney, advised legislators not to speak publicly about the union's proposals.

The *Post-Journal* obtained a copy of the six-page letter, which was addressed from the CSEA Western Region Office to Joseph Porpiglia, county director of human resources. Additionally, it obtained a separate 11-page document of proposed changes to the Collective Bargaining Agreement.

Proposed changes could stretch upward of \$400,000 in annual savings.

"The county executive has instructed CSEA by letter dated Nov. 28, to submit proposals to the County negotiating team concerning any changes CSEA is willing to make concerning work rules, pay and benefits to

keep the County Nursing Home economically viable," the letter states.

Additionally in the November letter from County Executive Greg Edwards, it was asked that CSEA make recommendations to increase the home's revenue. For this request, CSEA chose to defer to an August 2012 report issued by the Center for Governmental Research.

"CSEA has studied that report and wholeheartedly supports the recommendations for revenue enhancements stated therein," the letter states.

See CSEA,
Page A6

The letter, which was signed by Penny Gleason, CSEA labor relations specialist, goes on to ask that Porpiglia accept the correspondence as an explanation of the proposals the union has prepared prior to entering into negotiations with the county.

Several proposals are made in the letter, including proposals regarding wages, pay increments, longevity with the county, substitute employees, health insurance, sick leave, holidays, uniform allowance and overtime.

"All provisions of the current Collective Bargaining Agreement would still apply to employees of the Chautauque County Nursing Home," the proposal states. "Where provisions of the current Collective Bargaining Agreement are modified to apply to nursing home employees only, these provisions shall be stated at Article 18 Special Provisions for County Home and shall not affect any other employees covered by this agreement."

WAGES

The first proposal suggests a wage freeze for all four years of the contract. The CSEA calculated the average salary of County Home employees to be \$36,613 per year. The Center for Governmental Research stated that payroll, which excludes overtime pay, is \$6.9 million per year.

INCREMENTS

The letter also proposes to stop increases, which are given to eligible employees from the date of ratification to the end of the contract.

"Based on information

provided to the CSEA by the county — of 187 eligible labor relations specialist, goes on to ask that Porpiglia accept the correspondence as an explanation of the proposals the union has prepared prior to entering into negotiations with the county.

provided to the CSEA by the county — of 187 eligible employees have reached or should have reached step 9 of the salary schedule and would therefore be ineligible for any additional increases," the letter states. For the 70 employees still moving through the salary schedule, no increments would be awarded if the union and the county come to an agreement. According to CSEA calculations, this would result in a savings of \$76,887 per year in each of the contract's three years.

LONGEVITY

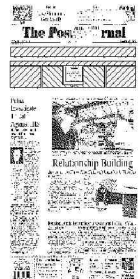
An employee receives an additional \$40 for each year of service after 10. So, the CSEA also proposes a freeze on the increases in longevity to which employees would be eligible to receive based on increased years of service for the duration of the contract. The CSEA calculates by freezing the longevity increases, \$3,840 per year would be saved in each of the contract's three years.

It also proposes a lower longevity rate for employees who are hired on or after the ratification of the agreement.

SUBSTITUTE EMPLOYEES

The Center for Governmental Research report states that there are 233 full-time equivalent positions at the County Home, with 92 substitute employees.

"Most substitutes are paid at step 3 of the salary schedule for the grade in which their title is placed. However, 17 of the 92 are paid above that step 3 rate," the letter states.



In this case, **CSEA** proposes that all substitute employees be placed at the first step of the salary schedule for their title. By doing this, a total savings of \$148,890 could be recognized, according to the CSEA.

HEALTH INSURANCE

The letter also makes suppositions regarding employee health insurance. It estimates that 151 of the County Home's 187 employees are enrolled in the county health insurance program. The letter estimates that for each employee who enrolls in the High Deductible Plan rather than the Preferred Provider Network, there would be savings. The letter assumes 20 percent of the County Home employees would enroll in the High Deductible Plan, which would save a total of \$80,040.

"CSEA believes these are conservative figures, given the county's marketing ability and the educational information that will be given to employees," the letter states.

SICK LEAVE

Several proposals have also been made regarding sick time for employees of the county home. One proposal eliminates the sick leave bonus, which the CSEA said will be a savings of \$15,065 to the county.

The letter also proposes that, in order to stop employees from extending a holiday by using sick time, that they must work the day before and following a scheduled holiday, or not receive holiday pay. It also proposes forming a sick leave use committee to help lessen sick leave use.

OTHER ITEMS

Another proposal, which the CSEA said will result in savings of \$52,678, is to eliminate Good Friday and Election Day as holidays. Eliminating uniform allowances, which is paid to employees in the Nursing Department, would result in saving \$29,500 annually, the letter states. And, the letter proposes that employees be allowed to contribute to the Chautauqua County Home Fund through payroll deduction.

NEXT STEPS

Paul Wendel, R-Lake-wood, asked during Wednesday's legislature meeting why legislators received a copy of the proposal, when they are unable to discuss it.

"If this is going to be presented as to our knowledge or understanding of the contract, why are we given a portion of that contract?" Wendel asked. "This is pertaining to County Home employees."

Despite questions by Wendel and other legislators, Abdella repeatedly cited the Taylor Law during the meeting in an attempt to explain why the negotiations should not be discussed.

"The county could be viewed as having had an improper practice and not negotiating in good faith, because it permitted the legislative body to involve itself in negotiations and completely muddy the waters as far as the negotiation process," Abdella said.

Abdella assured legislators that the county is in a fact-finding stage in the negotiation process. The county executive will continue to work with CSEA officials, but legislators have no part in the negotiation unless negotiations reach impasse.

Maplewood disposal advances

Saratoga County agrees to more fees related to nursing home lease deal

By Dennis Yusko

BALLSTON SPA — Saratoga County supervisors voted to spend an additional \$35,000 on attorney fees toward the expected lease and sale of its nursing home, which continues to serve as a refuge for dozens of fire victims, as a crucial vote on its future nears.

Under a resolution passed by the Board of Supervisors on Tuesday, the county will hire Harris Beach to complete the lease of Maplewood Manor nursing home to a local development corporation. The legal bill comes on top of \$50,000 the county paid the firm this year for a study that led a majority of supervisors to support a privatization plan for the public nursing home.

Under the county's plan, a local development corporation made up of county leaders will borrow \$6 million from the public nursing home's sale, include that money in the 2013 county budget and try to sell Maplewood Manor to a private buyer by the end of 2014. A public hearing on transferring the 237-resident facility to the corporation is scheduled for Jan. 9. County supervisors will vote on the plan on Jan. 15.

"I think everyone is a little concerned and worried, and they're just waiting and seeing," Maplewood Manor Administrator Diane Brown said Wednesday.

Board of Supervisors Chairman Thomas Wood III and Vice Chairman Alan Grattidge have said taxpayers cannot afford to continue paying for the nursing home's financial losses. Annual deficits going back to 2004 have depleted the county's reserves by about \$60 mil-

lion, county Administrator Spencer Hellwig III said.

The privatization plan has the board's support. While six members of the 23-person body opposed forming the development corporation last month, all but one voted Tuesday to pay Harris Beach the \$35,000. Supervisors recently passed a county budget for next year that includes the \$6 million achieved through borrowing against Maplewood's equity.

On Tuesday, supervisors also voted to set a fee of \$44.13 a day for 31 residents of the Home of the Good Shepherd in Malta, who were displaced by a fire on Dec. 2 and moved into a 40-bed wing in Maplewood that the county had closed last month as part of a downsizing effort. The Malta home provides its own staff to care for the residents, and is paying the county to cover lodging, food and bed linen costs, Hellwig said. Persons who were relocated could remain at Maplewood for another few weeks, or until the Malta home is repaired, Maplewood's Brown said.

Patricia Southworth, town supervisor of Ballston, said the arrangement showed the county has a need for nursing home services. Southworth opposed selling Maplewood Manor because she thinks quality of care will suffer if it's sold, but she supported Tuesday's resolution to retain Harris Beach.

"If it does happen, we want to make sure it happens correctly and the county is protected on legal fronts," Southworth said.

Members of the Civil Service

Employees Union, which represents hundreds of employees at Maplewood, are making a late push to derail the privatization effort.

"CSEA is coordinating with community members and Maplewood Manor employees to lobby supervisors and get as many people as possible to the January 9 public hearing," spokeswoman Therese Assalian said. The union is running advertisements about Maplewood Manor's future because it thinks many county residents are not aware of the changes proposed, Assalian said.

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Sani2 to stay

By CHRIS CONNOLLY

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The votes are in, and Sanitary District 2 will remain in operation. The final count was 4,597 to keep the district in place and 1,682 to dissolve it.

Following an extremely high turnout, reactions on both sides of the election were positive. The commissioners and supporters of the sanitary district thanked those who voted in their favor, and even some of those behind the movement to dissolve the district had a positive take on the outcome.

Sani2 supporters jubilant

History is written by the victors, and the story being told by Sani2 and its boosters is one of holding off a band of mercenary invaders.

In an email to his colleagues and members of the media, Sanitary Commissioner Jerry Brown called the referendum "unprecedented and historic," and described the coalition that demanded the vote as "carpetbaggers that invaded our hometown."

"The taxpayers of Baldwin, South Hempstead and Roosevelt voted to keep Sanitary District #2, and send these outsiders packing by a 4,597 to 1,682 vote: a 73 percent victory," Brown wrote. He went on to voice the hope that "the District Attorney's office will take a close look at these paid political operatives that perpetrated this fraud on the good people of [D]istrict 2."

Messages celebrating the win also came from the Baldwin Chamber of Commerce and Nick LaMorte, president of the Long Island Region's Civil Service Employees union. "The sustained efforts of paid political operatives from two special-interest groups to subject the residents of Sanitation District 2 to a barrage of lies and distortions were ultimately unsuccessful," LaMorte said. "We were confident from the outset that voters would see through this charade." LaMorte was joined by Local 882 President John Shepherd, Sanitation District Unit 1 President John Laibach, Sanitation

District Unit 2 President Chris Seaman and Recy-

See **SANITARY**, page 5

cling Unit President Russ Brower is issuing congratulations.

LIPC reacts

Among members of the Long Island Progressive Coalition and Residents for Efficient Special Districts, the outlook was positive as well — with equivocations. David Segal, communications coordinator for the LIPC, which backed RESD, said he felt that while his group's referendum did not pass, it was not altogether unsuccessful.

"The thing we're most excited about is that the vote mobilized a higher number of people than you see in these kinds of elections," Segal said. "Turnout was at least triple the mobilization you usually see, which means people are talking about these issues. That's never a bad thing. The more people that take civic engagement seriously, the more excited we will be."

Asked why he thought Sani2 had such a strong showing, Segal pointed to the district's work after Hurricane Sandy. "The district's performance after Sandy was great," he said. "That's to their credit."

Segal went on to say that his side's efforts would pay dividends in the future. "I think as a result of this effort, you might see people being more active in traditionally nonpolitical parts of Long Island," he said. "This isn't the end of efforts like this."

SANI 2 VOTING RESULTS

Yes	1,682
No	4,597





BALDWIN HERALD - December 20, 2012

Chris Connolly/Herald file photo

SANITARY DISTRICT 2 won a referendum to continue operations in convincing fashion. The Herald spoke to both sides to get their reactions to the result.

MAPLEWOOD MANOR

Union's goal: Save facility

By **CAITLIN MORRIS**
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BALLSTON SPA — The union representing Saratoga County employees vowed Tuesday to actively campaign to keep Maplewood Manor as a county-owned nursing home.

"We've taken issue with the process by which the supervisors moved forward with the LDC," said Therese Assalian, a spokeswoman for **CSEA's** regional office, Tuesday.

At the end of last month, the Board of Supervisors voted to transfer the public facility into the hands of a local development corporation to manage its sale to a private operator.

In the union's view, Assalian said, "the Republican caucus met privately and decided this was the plan to push through the LDC, and every step has been part of that plan and very little has been open to public input."

The process toward privatization is muddy enough for at least one supervisor — Joanne Yepsen, one of Saratoga Springs' two representatives — to recommend the county get a professional opinion from the state Attorney General on how to proceed. The county

board has scheduled a Jan. 9 vote to create the local development corporation.

County attorney Stephen Dorsey had said earlier this month transferring Maple-

See UNION, Page 10A
wood Manor to an LDC would require a two-thirds vote of the board, in accordance with a county law. But Tuesday evening he cited a state law indicating that the vote would need only a simple majority to pass.

"This is a big change that could take place for the county on Jan. 9, and I think we should be sure we know how to proceed under the law; the best place I know to do that is the state," said Yepsen, one of six members of the 23-member county board who had voted against pursuing the LDC.

Assalian said the union wants residents of Saratoga County to seriously consider the effects of the privatization move on the county's elderly population, and is also concerned about county jobs.

At Tuesday's monthly Saratoga County Board of Supervisors meeting, Chairman Thomas Wood noted that supervisors

were still open to viable cost-saving ideas to stabilize the financial state of Maplewood Manor, but that the home can't keep running millions of dollars in the red.

"We have to stop pretending that if we wait things will improve on their own. A failure to move forward immediately will result in a loss of what little fund balance we have left," Wood said, referring to the county budget.

In Orange County, the privatization of the county-owned nursing home Valley View was recently reversed, following a campaign waged by nursing home employees, political pressure and contractual concessions made by CSEA, which Assalian hinted at being willing to do in Saratoga.

"We made it quite clear that we would be willing to work with the county, and they have not reached out to us in any way to discuss cost-saving measures," Assalian said Tuesday.

Saratoga Springs Supervisor Matt Veitch said that if there have been any concessions made or offered by the union, he has not seen them. "But I'm always willing to be open to suggestions," Veitch said. "Even at this late point, you always have to be open to ideas."

The union says it will focus on developing a campaign with Maplewood Manor employees and television ads to catch the attention of county residents.

Brian Nealon, CEO of Wesley Nursing Home, a faith-based, private non-profit in Saratoga Springs,



said Tuesday he has looked at the numbers and doubts a private operator would want to buy Maplewood Manor as-is.

“County officials will struggle to find an entity to come in and pay the market value for the property, given the fact that right now the property is committed to being a 277-bed nursing home and it’s sustaining a loss of many millions a year,” Nealon said.

On Dec. 11, the Board of Supervisors adopted a 2013 county budget that included a controversial revenue item — \$6 million borrowed from the equity of Maplewood Manor. That item led three supervisors to vote against the budget.

One was Supervisor Yepsen. “I can’t support bad accounting practices of borrowing money against an asset (Maplewood Manor) to pay for operations, and I can’t support raising taxes without deeper spending cuts,” she said.

The budget that was approved will increase the average countywide tax rate to \$2.27 per \$1,000 assessed value, a 4-cent raise from this year. County officials say keeping Maplewood in the hands of the county would have required a 20 percent increase in county property taxes. For a home assessed at

\$250,000, the raise would be just over \$100 a year.

“Keeping Maplewood Manor would mean we either raise taxes or cut services,” Veitch said.

Pat Reed is a former nursing administrator at Albany Medical Center and regularly attends the county Public Health Committee meetings as an observer for the local League of Women Voters. She says that the county already doesn’t have enough beds available in nursing homes, and calls the issue a “medical crisis.”

“I don’t think it is in the best interests of Saratoga County to rush forward with this,” Reed said Tuesday. She said county officials “stated it would be transparent and there would be lots of room for input, and I believe the decision was made by two men in a room and the other supervisors just played out a role.”

A second and final public hearing is scheduled for Jan. 9, immediately before the Board of Supervisors votes to transfer Maplewood Manor in the LDC.

One Saratoga Springs resident, Cliff Ammon, said he is among those county citizens ready to fight to keep Maplewood Manor a public facility.

“The people are out there sharpening their pitchforks,” Ammon said.

ISLIP TOWN

Union criticizes security layoffs

BY NICOLE FULLER

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The union representing most Town of Islip employees is questioning the decision to lay off security personnel and harbor police, saying the moves conflict with the town's recent efforts to beef up security at Town Hall and maintain safe waters.

The town board last month approved the layoffs of 35 town employees — including three security guards and four members of the harbor police — as it moves to close a \$12 million budget deficit. The board also raised property taxes 28 percent.

But officials from the United Public Service Employees Union, which represents about 370 Islip Town workers, said losing the security guards would leave the town without

staffing for a newly installed security post at Town Hall.

"The town was emphatic that there needed to be security at the town's main office building to ensure the safety of town leaders, staff, town residents and taxpayers who visit the building for town services," said Patrick E. Boyle Jr., union president. "Is the town's message with these layoffs that this was four weeks ago, and we're really not concerned with their safety?"

Town Supervisor Tom Croci said he'd prefer to avoid layoffs, but they are part of the town's fiscal reality. Croci said the addition of the guard post at Town Hall was a "security enhancement" that will remain. He declined to comment on specific security measures but said any further changes will merit

"appropriate public notice."

"Our job is to not only look out for our employees but the taxpayers as well," said Croci, a Republican. "We're balancing the safety needs of our town in acknowledgment that there are state and local partners that play a role in the town as well."

Union officials also challenged the decision to leave the area's waterways without a town security presence. The layoffs of three bay constables and one supervisor would effectively disband the unit.

Patrick Passaretti, the union's labor relations representative, said relying solely on Suffolk Police and the Coast Guard would leave the public "in danger. . . . Their boats break down; there's no one to rescue them." he said.



LOCAL NEWS

County transfers Van Duyn ownership

Move is the county's first step in selling nursing home to private operator.

By Rick Moriarty
Staff writer

The Onondaga County Legislature voted 13-4 Tuesday to transfer Van Duyn Home & Hospital to a county-created development corporation — the first step toward selling the 513-bed nursing home to a private operator.

The vote came despite threats by the union representing most of Van Duyn's 559 employees to take legal action to try to stop the transfer to the Onondaga Civic Development Corp.

The transfer is a legal maneuver to allow the sale of the county-owned nursing home to Rockland County-based Upstate Services Group, a private nursing home operator. Plans are for the OCDC to sell the facility to Upstate Services at the end of November 2013 for \$5 million and hold a five-year mortgage as part of the transaction.

The interim step is necessary because the county could not legally hold a mortgage on the property, while the civic development corporation could.

Supporters said the county has little choice but to sell the nursing home. If it does not, county taxpayers will have to foot the bill for an estimated \$1 million-a-month operating deficit caused by inadequate Medicaid reimbursement rates, they said. The state has frozen the reimbursement rates at 1987 levels to pressure the county to get out of the nursing home business, they said.

"As I see it, it's really the only solution," said Legislator Michael Plochocki, R-Marcellus.

Before the vote, Phil Graham, president of Civil Service Employees Association Local 834, said the sale to a private operator could result in staff cuts and a reduction in the quality of patient care. He also questioned the accuracy of the county's estimates of future deficits at Van Duyn.

Legislator Monica Williams, D-Syracuse, said she opposed the sale because she is not sure that Upstate Services will continue Van Duyn's policy of accepting the most needy and hard-to-place patients. She and legislators Linda Ervin, Chris Ryan and John Dougherty were the only lawmakers to vote against the transfer.

Though the price that Upstate Services will pay for Van Duyn is \$5 million, the county will net much less from the transaction because lawmakers also voted 13-4 today to give the operator \$2 million to assist with first-month operating costs. They also voted today to borrow \$2.5 million to demolish the former tuberculosis sanatorium on the property.

Contact Rick Moriarty at rmoriarty@syracuse.com or 470-3148.



County budget cuts union leader's job

Astorino's move decried as heavy-handed, anti-union

By David McKay Wilson
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A 2013 Westchester County budget that cut the job of the outspoken president of the county government's largest public employee union is being decried by some as part of an anti-union wave sweeping parts of the country.

Ken Margolies, senior associate at Cornell University's School of Industrial and Labor Relations, said that over his 26-year career in the field, it's the first time he has seen a municipal labor leader lose his or her job as a result of stalled contract negotiations.

"It's a sign of the times, that management is getting bolder, and willing to take more extreme action against unions," he said.

County Executive Rob Astorino's action came in his no-tax increase budget. During budget talks, he assailed the Civil Service Employees Association Unit 9200, saying it failed to provide enough givebacks on health-insurance premiums to halt about 90 layoffs.

A similar fight is being waged across the river in Rockland County, where CSEA Unit 8350 is taking on County Executive Scott Vanderhoef, whose budget called for 55 layoffs. CSEA members are fuming because in September, they ratified a contract with a three-year salary freeze, elimination of step-raises valued at \$1.2 million, deferred pay for 10 days, and increased health-insurance contributions. Those conces-

sions came in exchange for a contract clause that prohibited layoffs for "budgetary reasons."

The county Legislature voted 10-7 to restore the jobs, but Vanderhoef vetoed 45 of the CSEA job restorations. He maintained that privatizing food and security services to save money was a "programmatic" change and not "budgetary."

The Legislature will meet today to consider overriding the veto.

In Westchester, CSEA President Karen Pecora charged that Astorino's decision to eliminate her job and the position of Teresa Rella, Unit 9200's third vice president, is part of his anti-union agenda. There were about 90 CSEA layoffs in the Westchester budget.

"It's really a union-busting bullying tactic," said Pecora, the Unit 9200 president who must step down on Dec. 31 when her job is eliminated. "He's targeting CSEA officers."

Astorino spokeswoman Donna Greene, however, said it was the union's fault that the leaders lost their jobs. She said the union could have saved their posts if it had agreed to Astorino's demands in collective bargaining.

"Had the CSEA followed the model of three other unions to have their members contribute a portion of the cost of their health-care benefits—just like virtually every other worker today—most if not all of the layoffs could have been avoided," Greene said.

Astorino's decision to eliminate Pecora's job in the Department of Parks and Recreation came at the behest of Parks Commissioner Kathleen O'Connor, based on her assessment of the department's staffing needs, Greene said.

Though Pecora's job title — secretary 1, word processor — was within the Parks Department budget, she did not work at parks headquarters. Under Westchester County labor contracts, union leaders are allowed to work full time on union business.

"We did what's best for the department," said Peter Tartaglia, deputy commissioner of the Parks Department. "It's not easy to downsize when you have six golf courses, the County Center, Playland and 18,000 acres of parkland."

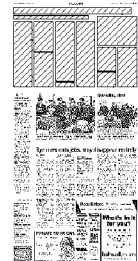
Margolies said the elimination of Pecora's job could hurt labor-management relations here.

"It obviously personalizes the situation," he said. "You can't help but think it was vindictive, and deliberate. There's no finesse here. It's a heavy-handed move."

Pecora said this strategy puts at peril the position of any labor leader who is released from a county post to conduct union business, as authorized by contract.

CSEA spokeswoman Jessica Ladlee said the union is evaluating how to respond to Astorino.

"We have to take a close look at having an outspoken union leader being



targeted for job elimination,” Ladlee said.

At issue in the stalled labor talks were the thorny issues of wages and health benefits. Pecora said the union had agreed to no raises for two years, plus four unpaid furlough days. She said the union offered to pay a portion of health-insurance premiums, based on a sliding scale, noting that it would be unfair to have employees who earn \$35,000 a year pay the same premium as those earning \$100,000 a year.

She said the county has insisted that CSEA adopt an across-the-board contribution, as agreed to by other county unions.

“It might work for the other unions, but not for us because of the huge difference in our salaries,” she said. “We are still of the mindset that we are willing to meet to come to an agreement.”



Karen Pecora, president of Civil Service Employees Association Unit 9200 on the decision to cut her job: “It’s really a union-busting bullying tactic.” FILE/THE JOURNAL NEWS

Pay cuts save 200 jobs

BY BILL BLEYER

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Oyster Bay Town employees on Friday overwhelmingly approved a new contract package to save 200 jobs from elimination.

The vote was 620-323 to accept the financially strapped town's offer of reduced pay in return for a no-layoff clause.

"The union is very happy," union president Robert Rauff said. "Our obligation is to save jobs and create more security, and I think we accomplished that. They stuck together and they looked at the big picture and they gave the town the help it needed."

Among concessions made by the union, workers will forgo salary hikes, step increases and

longevity pay in addition to taking a payroll lag — 25 instead of 26 checks — in 2013. And 2014 will see a step increase but also another payroll lag and 2 percent raises in January and July, rather than a 4 percent hike at the start of the year.

The reconstructed contract approved by the 1,100-member Civil Service Employees Association Local 881 will be in effect until 2016.

The measures are intended to cut expenses to rescue the town from a fiscal crisis that includes borrowing to cover a \$13 million shortfall this year.

"We commend the leadership for striking the right balance and commend the workforce for doing the right thing for the town and its residents," town at-

torney and deputy superintendent Leonard Genova said.

About 90 employees retired earlier this year through an incentive program, but 200 layoffs or union concessions would have been necessary to cut costs, town officials said. The town is expected to save \$10.5 million in salaries and benefits from the buyouts and \$8 million in union salary givebacks, a Standard & Poor's credit ratings agency report showed last month.

A scheduled Nov. 5 union vote on a deal was postponed by superstorm Sandy. At meetings last fall, union members complained that they and their families were bearing the brunt of the town's financial problems.





DANNY DONOHUE: State can't just impose hike.

Rule Federal Lawsuit Against Hiking Retiree Health Costs is Valid

By MARK TOOR

A Federal Judge last week rejected the state's request to dismiss a lawsuit filed by the Civil Service Employees Association that seeks to stop the state from increasing health-insurance payments for retirees.

"We're encouraged that a judge has agreed what the state did may be legally wrong," said CSEA President Danny Donohue. "We are certain what they did is morally wrong."

Key State Unions Involved

The Retired Public Employees Association, the Public Employees Federation, United University Professions, the New York State Correctional Officers and Police Benevolent Association and other unions are party to the suit or have filed their own suits. The decision by Judge Mae A. D'Agostino of the Northern District of New York affects all the cases filed in the district.

The New York State Court Officers Association has filed a separate suit that is proceeding in the Federal courts downstate.

The suits were brought after the state in the fall of 2011 unilaterally increased payments for health-care costs for retirees. The lawsuit said the state and the Unified Court System violated the retirees' contracts when the state raised their contribution rates from 10 to 12 percent for indi-

vidual coverage and from 25 to 27 percent for family coverage.

The union argued that it is illegal for the state to increase costs for members who are already retired. "Nobody bargained for these increases," Mr. Donohue said. "Not the union and certainly not the retirees living on fixed incomes who are being hit hard by higher costs."

Lawyers for the Cuomo administration said the state had raised insurance

(Continued on Page 7)

payments by retirees before and had not run into legal trouble. They also questioned whether the court had jurisdiction over the dispute. And they reminded the court that state was experiencing fiscal difficulties.

But Judge D'Agostino ruled that the unions had met the burden required to continue the case: that they had presented a coherent argument and that the matter was under the court's jurisdiction.



Valley View funded through 2013

Legislators cite moral obligation, promise oversight to contain costs

BY EDIE JOHNSON

GOSHEN — Impassioned speeches accompanied the 19-2 vote Wednesday that will keep Valley View nursing home in the county's hands for another year.

"It survived the Civil War, two world wars, and now it will survive the Diana administration," said Legislator Michael Agnostakis, referring to the nursing home's 180-year history.

Orange County lawmakers said they had a moral obligation to the county's most vulnerable residents. And they had the supermajority needed to meet that obligation. Their vote cancelled the veto of the county executive, Edward Diana, who objected to amendments they had inserted in his budget to fund Valley View beyond February.

Within a few hours of the vote Wednesday, Diana sent out a blast email calling the vote "reckless and irresponsible." He said funding Valley View would drive county taxes up 8.5 percent. Legislators insist there is no increase to the budget.

What was expected to be a squeaker ended up a landslide. Diana in his email blamed "the emotional, personal, and political agendas of a few legislators (for creating) dysfunction within the Legislature. I believe they... are destroying the financial stability that we have worked so hard to establish." (For his complete email, please turn to page 12.)

Only Michael Amo and Patrick Berardinelli, both Republicans, held out. They said Medicaid reimbursements are certain to decrease, despite legislators' hopes.

'Be a hero'

Before the vote, Emmet Garnham, vice president of the CSEA labor union to which Valley View workers belong, told lawmakers that, rather than follow the rest of the failing nursing homes in the state, they should let Valley View be "a model of success."

"Have courage," he told them. "Be a hero."

Chester Supervisor Steve Neuhaus said veterans at Valley View have told him they are "terrorized about their future."

Valley View "has been punted like a football," he said. "Don't disappoint the Greatest Generation."

Woodbury Councilman James Skoufis, who was elected to the state Assembly in November, said, "We've done the right thing at Valley View for generations. Don't let this be the generation that fails. Our county government was formed to help the people of the county."

Containing costs

All legislators agree Valley View is never going to be a moneymaker. Their goal is to limit losses so that it does not crush

SEE VALLEY VIEW, PAGE 29
 the county budget, which now tops \$700 million. They're betting they can keep annual operating costs to between \$5 million and \$10 million when they hire a new administrator. Diana fired the current administrator, OAS, which most legislators blamed for poor financial management of the facility. Lawmakers are also counting on better reimbursement rates, greater efficiency in operating the facility, and salary givebacks by the union. Legislators say they will follow Valley View's progress with benchmarks toward financial solvency, and regular reviews of the administration and labor.

Legislator Tom Pahucki challenged the



expectation that Valley View make a profit. Most county services — parks, golf courses, colleges, the airport — are not, he said.

"They are, rather, services," said Pahucki. "Why is it we keep funding Orange County Community College, even when the state has dropped its one-half contribution? Are we the best that we can be? Do we care for those that cared for us?"

“

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Legislator Tom Pahucki



PHOTO BY JOSH ROSENAU

Valley View nursing home



CSEA 7900/7902 President Bill Oliphant in a file photo (Photo by Joshua Rosenau)

Legislators override Diana's veto to fund Valley View through 2013

BY EDIE JOHNSON

GOSHEN — Impassioned speeches accompanied the 19-2 vote Wednesday that will keep Valley View nursing home in the county's hands for another year.

"It survived the Civil War, two world wars, and now it will survive the Diana administration," said Legislator Michael Agnostakis, referring to the nursing home's 180-year history.

Orange County lawmakers said they had a moral obligation to the county's most vulnerable residents. And they had the supermajority needed to meet that obligation. Their vote cancelled the veto of the county executive, Edward Diana, who objected to amendments they had inserted in his budget to fund Valley View beyond February.

Within a few hours of the vote Wednesday, Diana sent out a blast email calling the vote "reckless and irresponsible." He said funding Valley View would drive county taxes up 8.5 percent. Legislators insist there is no increase to the budget.

What was expected to be a squeaker ended up a landslide. Diana in his email blamed "the emotional, personal, and political agendas of a few legislators (for creating) dysfunction within the Legislature. I believe they...are destroying the financial stability that we have worked so hard to establish." (For his complete email, please turn to page 12.)

Only Michael Amo and Patrick Berardinelli, both Republicans, held out. They said Medicaid reimbursements are certain to decrease, despite legislators' hopes.

Before the vote, Emmet Garnham, vice president of the **CSEA** labor union to which Valley View workers belong, told lawmakers that, rather than follow the rest of the failing nursing homes

in the state, they should let Valley View be "a model of success."

"Have courage," he told them. "Be a hero."

Chester Supervisor Steve Neuhaus said veterans at Valley View have told him they are "terrorized about their future."

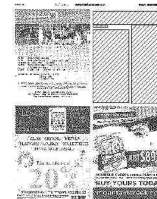
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All legislators agree Valley View is never going to be a moneymaker. Their goal is to limit losses so that it does not crush the county budget, which now tops \$700 million. They're betting they can keep annual operating costs to between \$5 million and \$10 million when they hire a new administrator. Diana fired the current administrator, OAS, which most legislators blamed for poor financial management of the facility. Lawmakers are also counting on better reimbursement rates, greater efficiency in operating the facility, and salary givebacks by the union. Legislators say they will follow Valley View's progress with benchmarks toward financial solvency, and regular reviews of the administration and labor.

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Already Shorthanded, Court System Reduces Request for Funding

By MARK TOOR

Even as a union leader described staffing levels as being in "dire straits," the Unified Court System submitted a \$1.75-billion budget for fiscal year 2013-14 that's \$212,000 less than the current year's. It includes increases for legal aid in civil and criminal cases while reducing personnel and overtime budgets.

"The vast majority of the Judiciary budget supports personnel, so controlling these costs is critical," Chief Administrative Judge Gail A. Prudenti said in her introduction to the budget.

Cut 1,500-Plus Positions

"Over the past three fiscal years, as a result of participation in the Early Retirement Incentive Program, targeted layoffs, a hiring freeze, and other measures, the non-judicial workforce of the court system has been reduced by more than 1,500 positions, a reduction of almost 10 percent," she continued. "Our current staffing is below levels last seen a decade ago, despite a significant increase in our workload over that time period."

Judge Prudenti told the New York Law Journal, "We are continuing to fill only the most-critical positions where they are most needed, in the trial courts. We are not filling any positions at the Office of Court Administration, and we will be taking a careful look on a weekly and monthly basis of how many people are leaving the court system and carefully filling only essential positions."

"We're in dire straits," Dennis Quirk, president of the New York State Court Officers Association, said in an interview last week. "We're shorthanded." He said the loss of 1,500

(Continued on Page 9)

employees includes 350 Court Officers in the city. "We can't give people days off, we can't give vacations," he said.

He said court employees are "pretty stressed out. But it's not good in any state agency, in any city agency."

Judges' Pay Hikes Included

The budget includes pay increases for judges, which were approved earlier this year and are being phased in

over a three-year period. Before the increase took effect, the judges had had their pay frozen for 13 years.

It also includes experience increments for current employees. Their unions are negotiating new contracts, but the Triborough Amendment requires that increments be paid even after a contract expires. The budget contains no reference to possible pay raises for union-represented employees.

Mr. Quirk said that in submitting a no-growth budget, UCS officials "are doing what they've been told to do by the Legislature and the Governor." Since he took office in January 2011, Governor Cuomo has pressed state agencies to reduce spending, and when court officials requested a budget increase in his first year in office, he and the Legislature cut the courts' allocation more than \$100 million below the previous year's.

Mr. Quirk noted the state's continuing economic problems, saying, "I can't blame the Governor, can't blame the Legislature, can't blame the Chief Judge." But he did blame the Civil Service Employees Association, which was the first major state-employee union to settle on a contract. The pact included a three-year pay freeze, nine unpaid furlough days and increases in workers' payments for health insurance, and it served as a basis for contracts with other unions.

'Threw Us Under the Bus'

"Danny Donohue [CSEA's president] threw all the employees of the state of New York under a bus," Mr. Quirk said. A CSEA spokesman declined to respond.

The budget continues austerity measures that were introduced to save money, such as closing courts at 4:30 p.m. to avoid overtime and limiting the use of Judicial Hearing Officers, retired judges who work on a per-diem basis.

UCS's proposed budget will become part of the state budget, which the Legislature must pass by April 1, 2013. Governor Cuomo will propose his budget in January.



DENNIS QUIRK: Court officers 'pretty stressed out.'



Valley View labor talks break down

CSEA representatives balk at county demands

BY JOSHUA ROSENAU

GOSHEN — Negotiations to trade labor concessions in exchange for the continuance of Orange County's public nursing home Valley Viewed stalled after union officials and county leaders walked away from the bargaining table last Thursday, union leaders announced Dec. 10.

Bill Oliphant, president of the Civil Service Employees Union CSEA 7900/7902, said he still holds out hope that further negotiations will keep the nursing home in the county's control. Last month the county executive, Edward Diana, agreed not to renew the county's contract with Orange Administrative Services

(OAS), while the union agreed to wage freezes and other concessions.

But the county proposes cutting the wages of nursing home workers by 24 percent, which Oliphant says is "absolutely absurd."

Oliphant said talks broke down in part because David Darwin, the county's representative at the bargaining table, was unable provide basic information about the cost of operating the nursing home.

"I cannot believe they are acting in good faith," he said.

Despite the continued disagreement, Oliphant said he will continue to urge the county to resume negotiations. He said a meeting has been scheduled for Dec. 16.



CAYUGA COUNTY Union: Keep nursing home

CSEA official asks
Legislature to reconsider
sale or merger

Sistina Giordano
The Citizen

Cayuga County legislators are being asked to seriously re-think the potential sale or merger of the Cayuga County Nursing Home.

In a letter dated Dec. 10, Colleen Wheaton, central region president of the Civil Service Employees Association, the union representing workers at the Cayuga County Nursing home, asked the Legislature to re-consider any decisions made about the nursing home and warns them of the potential dire consequences of privatization.

Wheaton cited the Country-side Care Center, a nursing home formerly owned and operated by Delaware County. Six years after the sale of the home to a private operator, it recently closed for good when private operators walked away from both ownership and promises made to the county and its residents, she said.

See Privatize, A5

The end result, she said, left nearly 125 nursing home residents to make alternate living arrangements hundreds of miles away from their families.

"It would be a tragic

mistake to allow what happened in Delaware County to happen here," Wheaton said.

Legislators have discussed the potential merger between the county nursing home and Mercy Rehabilitation Center for the last few months and officials have said that privatization could have a positive outcome for the county. No final decisions have been made. Nursing home residents and staff have stood in defense of the nursing home however, suggesting that the potential plan could be detrimental to the county.

Cayuga County Nursing Home Administrator Deb English is still waiting to see what the outcome will be but said legislators have had the mindset of sustainability and are trying to make a decision that is best suited for everyone.

"They are still in the process of gathering information and no final decision has been made," English said. "I'd like to wait and see what the final product is going to be before jumping to any conclusions. I think that's what we're all waiting for."

In her letter, Wheaton addressed the fast-growing population of aging citizens and that union members believe Cayuga County cannot afford to lose any nursing home beds and gamble on privatization which could result in some county resident needs being unmet.

"With privatization, we lose the direct control we have over quality of care and costs," she said, "and we lose that 'safety net' mandate to care for our most vulnerable citizens if they don't happen to be able to afford private care."

Instead, Wheaton urged officials to consider devel-

oping cost-saving initiatives that could help ease the county's burden.

"... I would hope that you would recognize, as do many of your constituents, that your County Nursing Home is something that your community values having, worth funding by whatever means necessary - whether it means raising taxes, or developing another dedicated funding source to continue your long legacy of caring for your own," she said. "This is precisely the kind of service we pay taxes for."

Staff writer Sistina Giordano can be reached at 282-2237 or sistina.giordano@lee.net. Follow her on Twitter at [CitizenGiordano](https://twitter.com/CitizenGiordano).



*“It would be a tragic
mistake to allow what
happened in Delaware
County to happen here.”*

**Colleen Wheaton, central region president
of the Civil Service Employees Association**

LOCAL NEWS

CSEA: Astorino health-care claim false

Union says it offered plan for contribution on premiums

By Gary Stern
gstern@lohud.com

CSEA leaders on Monday blasted Westchester County Executive Rob Astorino and two Democrats who supported a last-minute 2013 budget for misrepresenting the union's position on health-care contributions, saying that 100 layoffs could have been avoided.

Astorino has been pushing the Civil Service Employees Association to accept employee contributions toward health-care premiums, contending that the union has been unwilling to do so.

But union leaders said Monday they have been proposing contributions based on a percentage of each worker's salary. The average annual family contribution under their plan, they said, would be \$2,020. The CSEA, which represents about 3,200 county employees, also has sought a no-layoff clause, which leaders said the county would not consider. The union's contract expired Dec. 31.

Karen Pecora, president of CSEA Unit 9200, said Astorino wanted the union to accept higher health-care premium contributions like those al-

ready accepted by other unions whose members make more money.

"To ask someone who makes \$35,000 a year to pay the same thing as someone who makes \$135,000 didn't seem right to our membership," she said.

Pecora's job is due to be eliminated under the budget. The 22-year county employee is a secretary.

County spokeswoman Donna Greene said the 2013 budget approved Friday and signed by Astorino was the result of compromise. "If the union had followed the lead of three other county unions and contributed to the cost of their health care as the county executive has been asking them to do for three years — many if not all of the layoffs could have been averted," she said in a statement.

CSEA leaders said they also offered other concessions for a proposed two-year contract, including no salary increases and four days of unpaid furloughs in 2013. They contend the concession would have saved the county \$22 million in 2012 and 2013.

Union leaders said they planned to reach out to two Democratic legislators — Michael Kaplowitz

of Somers and Virginia Perez of Yonkers — who sided with Republicans on Friday to approve a compromise \$1.7 billion budget. They hoped a board majority still might consider amending the budget to reduce layoffs.

"We're trying to work on those two legislators who jumped ship to come back in," said Billy Riccaldo, president of the CSEA in the lower and mid-Hudson Valley. Riccaldo said the union was disappointed and surprised by what Kaplowitz and Perez did.

But Kaplowitz said the CSEA is too late. The union did not make a solid proposal on health-care contributions, he said.

"The budget is final for 2013," he said. "We have had not one, not two, but three discussions on health-care contributions to save jobs. There were no concrete details. The responsibility lies squarely at the feet of the CSEA leadership. It's unfortunate. I'm not happy about 100 people losing their jobs in a recession."

The average salary of CSEA members in county government is \$62,000, Pecora said. But about 900 employees make so little that they qualify for food stamps, she said.



CSEA critics on a witch hunt?

To the editor:

After reading Anne Phyllis Pinzow's article about the progress on the current contract negotiations between CSEA and the town board, I had some questions about who the residents are who keep pressuring the town board members to hold out for implementing unreasonable demands on town workers.

Firstly, what is this concept of wage freeze. when the total cost of living freezes then i see their point. I don't think O&R will freeze rates anytime soon.

Secondly, I would like to have seen the names and addresses of such residents printed in the article. I feel it is cowardly for any one to hide behind anonymity when attacking the livelihood of ANY individual.

I am sure they are the same extremists who have nothing better to do with their time but annoy public officials over and over and rationalize their actions by telling themselves and others that they are on a crusade for the public good. The individuals who I have in mind go to public budget meetings and decry the taxes they have to pay in Orangetown and workers pay and benefits.

I wonder if they would have liked it if the same thing happened to them when they were working and trying to raise families. I hope they are not church goers.

It is disgusting to watch them interrogate officials looking for some perceived failing which they can exploit. Always looking for them to slip up as if they want to catch them in some act of fiduciary crime. They act as if they were witch hunters. Yet, some were public servants themselves during their working careers. Enjoying benefits and still enjoying benefits in their retirement

which they themselves are trying now to deprive others of, others worked in the private sector and thought that civil service jobs were beneath them and collect Social Security decrying the increases are too small. My congratulations to them is in order.

They are doing a great job pushing an agenda that will help destroy the middle class in this country of which I will remind them they are part of.

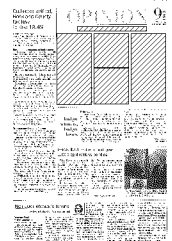
The other fear is that this is causing needless expense. If the union brings a discriminatory lawsuit against the town we will pay some more as we did with tax certiori cases in the 1980s and with the McGee Brothers case. The union is not asking for outrageous demands. These unnamed residents are.

The pathetic part of all this is that our town officials listen to this small vocal group. These people are trying to fight economics itself. Since the 1950s Orangetown has been a bedroom community of NYC, families move here, work here, raise children, and move on because of taxes.

Taxes that pay for the community and make it worth living in. There is no law or rule or guarantee that says you have to live here for the rest of your natural life. To fight this trend at other peoples expense is reprehensible at best. My parents have left due to taxes and I will do the same some day. I have no illusions of dying in Pearl River and they should not either.

If you can afford to stay here in Orangetown that's great, if not find a proper solution. Don't turn on people. Remember we who live here now pushed out people who paid for schools, side walks, teachers, snow plowing police protection etc. we all enjoy.

James Cassetta
Pearl River





Rockland County Legislature Approves 2013 Budget

**BY MICHAEL
RICONDA**

The Rockland County Legislature narrowly voted 10-7 to approve a revised version of the December 2012 budget, making major cutbacks while avoiding the layoffs of contract-safeguarded employees and restoring some programs which were initially eliminated.

The budget produced significant dissent for a variety of reasons, with opposing votes from Legislators Day, Moroney, Low-Hogan, Meyers, Sparaco, Carey, and Wieder.

Blame for difficulties in putting together and passing it was levelled on a variety of factors, including unfunded mandates from Albany and slow action by County Executive C. Scott Vanderhoef.

Legislator Nancy Low-Hogan stated that poor auditing, a failure to adequately address the deficit, and an unwillingness to make significant cuts in appropriate areas produced a weak budget which fails to provide critical services for county residents. Low-Hogan stated that her position was informed, in part, by her experiences in public service, which she said convinced her that programs such as nonprofits provide crucial services for the most vulnerable of citizens.

"We need to have salary cuts, perhaps across the board among higher-compensated employees," Low-Hogan said.

Legislator Joseph Meyers expressed agreement with Low-Hogan, calling the budget "disheartening" and stating that cuts had to be made to

appropriate areas.

Still, the proposal inched by with the required majority of votes. Legislator Alden Wolfe, who supported the measure, stated that the impact of the legislature's changes was "profound."

"I can say with a straight face that I believe the budget that is proposed tonight, with the proposed changes, is the most balanced budget I have ever voted on," Wolfe said.

The budget, which initially outsourced CSEA-backed employees in laundry, radiology, cook, and security positions, was modified to reflect the existing union contract, which does not allow layoffs of CSEA members for budgetary reasons.

Also included were cuts to employee overtime, the abolition of certain vacant positions, the closure of the county employee pharmacy, and cuts in hospital services, including neonatal programs for new mothers. In sum, the cuts reduced county expenditures by \$7,585,838.

Other previously included cuts, such as the elimination of Sheriff's Mounted Patrol Unit, Highway Department layoffs, and mosquito control, were reinstated into the budget, with legislators stating that these programs which were too important to cut even temporarily.

The sale of the Summit Park facility's nursing home was not included in the final 2013 budget, as it will require additional time to organize and

will likely appear in the 2014 budget.

Several program and position restorations were approved in the budget, including the restoration of various contracts continued on page 6

tract agencies such as Cornell Cooperative Extension and the Nathan Klein Institute. The total expenses related to restorations come to \$6,169,173.

When both the cuts and restorations are taken into account, \$1,416,665 is left over. These funds will be set aside for unforeseen expenses which might arise in the 2013 fiscal year. On the revenue side of the budget, a property tax increase of roughly 18 percent was also approved.

With the proposal passing through the legislature, its final stage is approval by the county executive, who can sign, veto, or modify the proposed budget before giving it his approval.

Prior to the final vote the Rockland County Legislature held three public hearings and votes beginning at 6 p.m. on

December 4 on various budget and tax items, including a tax cap bypass and measures which provide taxpayers with greater information on how their money is spent.

The first hearing was on the Rockland County Deficit Reduction Act (RCDA), a bill which establishes a special reserve account to hold \$10 million in funds each year which can only be used for the purpose of paying down the deficit. The measure is an alternative to a \$80 million deficit bond which the county requested from the state.

Should the deficit bond be approved and provided by the state, the funds from the bill will be unnecessary. According to Legislator Ilan S. Schoenberger, the measure is preferable to the deficit bond because





the county could pay down the deficit with in-hand money while having a contingency plan at the same time.

"If the state does not give it to us, we have to get it ourselves," Schoenberger said.

The proposal passed almost unanimously, with the sole opposing vote coming from legislator Joseph Meyers. Meyers objected to the opening of a reserve account with no cash in hand, which he said might look suspicious and send the wrong message about its purpose.

The second hearing addressed an override for the 2013 tax limit, which raises the maximum real property tax which the county can levy. If the override goes into effect, it will be in effect for the 2013 fiscal year.

Legislators disagreed on the wisdom of raising the county's property tax, but most agreed that the inability to override the state-mandated sales tax cap and a lack of cash flow required a bypass of the 2% property tax cap.

Legislator Alden H. Wolfe specifically blamed unfunded state mandates which require additional tax revenue to maintain critical county functions.

"Counties are seemingly set up to fail through this burden of state mandates, and we really don't have a choice," Wolfe said "If you are voting against the lifting of the cap, then you damn well better be prepared to offer \$13 million in cuts to local share, because that's the difference."

Dissenting from the majority, Legislator Frank Sparaco defended his opposing vote by saying that the budget could not accommodate the 18 percent tax because nothing in the budget offsets its effects.

"The truth of the matter is that if I felt that this was fair-with balanced cuts and tax increases-I'd be willing to nego-

ciate, but I just don't see it that way," Sparaco said.

Sparaco also added to the legislators' frustrations with the timing of the budget's presentation by the county executive, stating that it was "insulting" to be provided a budget which did not factor in the 2% tax cap on such short notice.

The legislature also approved two additional tax education measures. The Rockland County Mandate and Taxation Information Act approved the inclusion of an insert detailing county revenues and expenses with county tax bills.

The insert includes a description of state mandates and their impact on county finances. The Rockland County Taxation Transparency Act performs the supplemental function by inserting an additional tax flyer, which summarizes county income and expenses, as well as the effects of mandates and an optional flyer for towns.

The tax resolutions, which passed unanimously, also sought to address what Legislator John Murphy compared to a publicity campaign to raise awareness of the role of state-levied expenses which impact county taxes.

Optional inserts which provide similar information as it relates to town finances would be made available by both bills, as well.

Wayne axes 30.5 jobs

Budget adopted with 2.9 percent hike in tax rate

By JULIE ANDERSON

janderson@fittimes.com

LYONS — As economic conditions at the federal and state levels continue to fluctuate, some county governments, school boards, nonprofits and businesses are making difficult decisions related to their fiscal futures.

The Wayne County Board of Supervisors voted last week to adopt a 2013 budget that calls for the elimination of 30.5 full-time jobs. The budget passed by a weighted vote of 933-256.

Marion Supervisor Jolene Bender and Sodus Supervisor Steve LeRoy were absent.

The spending plan includes a 2.9 percent increase in the tax rate, raising it to \$7.76 per \$1,000 of assessed value. There was a 3.24 percent increase in the total property tax levy.

"We did the right thing," Williamson Supervisor and board Chairman James Hoffman said. "It is not a happy occasion. I wish we could do everything for everyone, but we just can't. Many of us, me in particular, have to keep thinking about

■ See WAYNE on Page 6A

years past 2013 and what is to come."

The crucial numbers in the 2013 budget:

- Total revenues are \$129,467,912.
- The total tax levy will bring in an estimated \$36,093,503.
- The total amount of appropriations is \$170,981,214, a 0.3 percent increase from this year.
- The general fund appropriations are \$134,528,916, \$816,049 more than this year.
- General fund revenues are projected at \$93,735,414, nearly \$1.2 million less than 2012.

The final calculations cre-

ated a budget gap of \$2,007,252.

The board voted Nov. 6 to override the tax cap if needed but decided not to take that step.

The county Mental Health Behavioral Health Network will be impacted severely, losing 13 full- and six part-time positions. Conversely, the county jail and corrections department will see an increase of 17 part-time positions.

The Wayne County Nursing Home will receive \$1,522,084, its operating costs subsidized by the general fund.

Several individuals opposed the budget proposal at last week's meeting. Among them were four Mental Health clients, a Mental Health employee and five trustees from local libraries.

The Pioneer Library system receives funding from town governments: The county cut its appropriations by \$30,000.

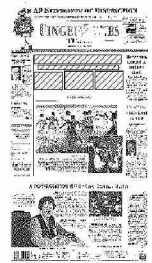
Paul Peters, president of CSEA Local No. 859, believes over \$105,000 could have been saved by the county if they did not hire an outside law firm when negotiating contracts. He also believes that "those responsible for thousands of employees do not fully understand what county workers do. They are not hearing the issues."

Wolcott Supervisor Kim Park voted no to the budget, saying it was financially irresponsible to look at using \$4.7 million in the general fund balance. Rose Supervisor Kenan Baldrige was the other no vote.

"Making cuts has real-world consequences,"

Baldrige said. "Granted, we used a scalpel and not a meat cleaver, but we should be looking at revenue, not towards cuts."

County supervisors were tasked this budget season with finding a solution to the problem of state-mandated costs exceeding the county tax levy by more than \$2 million, a problem facing other upstate jurisdictions, also.



Hard choices ahead for Rockland exec

Budget items face veto pen

The county executive has through Wednesday to decide whose math — and whose vision of the county's obligations — makes more sense. Many hard choices must be made, this budget season and beyond.

While the bottom line of both the Rockland County executive's proposed 2013 budget and the amended budget plan passed by the Legislature are the same — both are \$737 million and both would raise property taxes by 18 percent — starkly different decisions have been made to arrive at those figures.

Now, County Executive C. Scott Vanderhoef can decide if he will attempt to quash any or all changes via his veto power; the Legislature could be hard-pressed to override such veto, considering Tuesday's tight 10-7 budget vote. The trick for the county executive is discerning which changes made by the Legislature better serve the mission of crafting a reliable budget, and which will do more harm. There are no easy choices.

Much is at stake. Rockland County's deficit had been estimated at \$96 million, but now is expected to reach \$114 million by year's end. The continued flow of red ink, and lack of a solid plan to stanch it, has landed Rockland's bond ratings just one step above junk status.

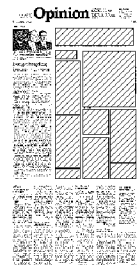
The 2013 budget plan has to be

solid enough to instill faith in the county by bond-rating agencies that have warned a downgrade could come. Rockland already has the worst rating among New York's counties.

Job cuts restored

Vanderhoef's budget included scores of job cuts, among them about 70 layoffs. Legislators on Tuesday restored most of those positions. Among the jobs saved: workers whose departments — security, food services at the jail, laundry services at the health complex — would be outsourced in 2013. Those workers' union, **CSEA**, had recently agreed to a contract that included givebacks in exchange for a ban on layoffs for budgetary reasons in 2013.

"If you are laying off people (and) replacing them for less money, that's budgetary ... the county has to honor its contract," Legislature Budget & Finance Chairman Ilan Schoenberger told the Editorial Board. Schoenberger said the county stood to save \$700,000 by



outsourcing; the amended budget accounts for that by making other budget cuts..

The Legislature also restored the sheriff's mounted patrol unit, and other jobs in that department, betting on cuts in costly overtime expenditures at the jail after staffing problems there were addressed. The Legislature's amended budget also restores funding for the important mosquito control program — duties that would cost municipalities more to do, a cost that would be passed on to taxpayers.

Real-time budgeting

One budget move Vanderhoef shouldn't undo: The Legislature's decision to take out \$12 million in revenue from the transfer of the Summit Park nursing home complex to a local development corporation that will handle its future sale.

The chance that the transfer would be complete, and revenue from a sale realized, in 2013 is slim.

This is a transition that is going to happen, as it is occurring in counties throughout New York state. But banking on revenue before the mechanisms to achieve it are in place just repeats earlier budgeting errors that have helped feed the swelling deficit.

Summit Park compounds the county's problems in another way. The recently passed Rockland County Deficit Reduction Act demands that the county set aside \$10 million a year to put toward the deficit; it was originally designed to begin in 2013, but will now start in 2014, since the Legislature will not bank on revenue from the Summit Park sale until then.

The delay may be frustrating, but it is better to make clear what can be accomplished, rather than again anticipate revenue that would only come on a wing and a prayer.

Vanderhoef spokesman Ron Levine told the Editorial Board that the county executive is reviewing the Legislature's budget changes, and until that review is completed, he is unable to make an informed

determination if any veto is required.

The county executive has through Wednesday to decide whose math — and whose vision of the county's obligations — makes more sense. Many hard choices must be made, this budget season and beyond.



Rockland County Executive C. Scott Vanderhoef addresses the Rockland Legislature in May when the county instituted new taxes, fees and layoffs as part of a contingency budget amid a growing deficit. LAURA INCALCATERRA / THE JOURNAL NEWS

Dems propose to cut Astorino's 'appointees'

Executive says if cuts go through, he plans to veto entire 2013 budget

By Elizabeth Ganga
eganga@lohud.com

As the Westchester Board of Legislators approaches a vote on the final 2013 budget today, the Democrats have put forward a proposal that balances the \$1.7 billion spending plan by cutting 57 jobs they consider political appointees of Republican County Executive Rob Astorino.

"The Democratic caucus very clearly decided it was not going to swap experienced professionals for political patronage jobs," said Thomas Staudter, a spokesman for the legislature's Democrats.

But Astorino called the proposal irresponsible and said it would lead to chaos next year.

And by cutting staff within the budget for the County Executive's Office, Astorino said, the Democrats have violated a longstanding agreement to allow each branch of government to make its own staffing decisions.

"They cut my office," he said. "That had never been done in the history of this county. There was always a detente."

He added: "They should never touch the people I work with on my floor."

If the cuts go through, Astorino said he may have to veto the entire budget. If an override failed, the 2012 budget numbers would roll forward into 2013, and would not accurately reflect the new

year's expenses.

The job eliminations include several assistants to the county executive, county attorneys, budget department staff and a long list from the Department of Social Services, including two deputy social services commissioners.

Astorino appealed to individual Democrats to work with the Republicans on a bipartisan budget.

He said he was willing to compromise — but not on the county's fiscal health.

"I would hope at least two would have the courage to do what's right," he said.

The cuts and other budget adjustments allowed the Democrats to restore 126 positions that Astorino cut in his proposed budget, including nature center curators, engineers, Civil Service Employees Association members and others who argued their jobs keep the county going.



County eyes layoffs

Union will vote as time grows short in Warren County

By **DON LEHMAN**

dlehman@poststar.com

QUEENSBURY ♦ The union that represents nearly 500 Warren County workers will vote on a new proposed labor contract as county leaders eye the Dec. 21 county Board of Supervisors meeting as a deadline for a new deal.

The county has modified its contract offer to the Civil Service Employees Association unit "slightly" during the latest round of negotiations, said Warrensburg Supervisor Kevin Geraghty, the county's budget officer.

Both Geraghty and county Administrator Paul Dusek said they are optimistic a deal can be in place in time to avoid an estimated 20 layoffs county officials have said they would need to get the savings hoped for in the new labor contract.

"Our stated goal is to have

a contract by the end of the year," Dusek said.

Dusek said he believed progress had been made toward a new contract since a proposed five-year deal was voted down in October.

Geraghty would not elaborate on how the contract offer was changed. The CSEA Warren County unit's

See COUNTY, Back Page leadership was taking the proposal back to the membership and a vote was expected before the county board's regular December meeting.

Therese Assalian, a spokeswoman for the CSEA, said she couldn't offer specifics about the union's schedule for having members review the contract proposal.

"What I can say today is that progress is being made and there has been solid movement on key issues," she said.

The county has had a hir-

ing freeze in place since the contract was rejected in mid-October, and has compiled a list of 20 or so positions to cut later this month if no contract is in place by the end of the year.

More than a dozen vacant positions have not been filled over the past seven weeks because of the hiring freeze.

Concessions in health insurance premiums, raises and other labor costs were being counted on for the county's 2013 budget.

"Everything depends on whether we can get that contract," Geraghty said. "They (the union leadership) have been very responsive. They know what we need to do."

The timetable for layoffs was unclear this week as negotiations continued.

"We'll talk about that at the Dec. 21 meeting," Dusek said.



Rising costs spur calls to unionize

Employees at SUNY
Research Foundation
cite health insurance

By Rick Karlin

ALBANY — Health insurance costs for thousands of employees at the State University of New York's Research Foundation are rising, a development that's prompting renewed calls by its employees to unionize.

Previous labor organizing efforts at the foundation have had little effect. Foundation officials say they are aligning health insurance costs with those of the rest of the unionized state workforce, whose members have swallowed increases in recent years.

"A lot of people are there for the benefits," said Bill Scherl, a neurology researcher at SUNY Stony Brook who's part of a group seeking initial recognition as a union — dubbed United Research Professionals — on the Long Island campus, with hopes to reach out to foundation employees across the state.

The foundation carries 9,527 people on its payroll; approximately 17,500 work there, but about half are paid through a variety of grants. Just 742 foundation employees are currently unionized.

At issue is a phased-in increase in the percentage of health care insurance costs that employees pay. By 2014, it will have risen from 10 percent to 15 percent for

individuals and from 25 percent to 30 percent for family coverage, said foundation spokesman Peter Taubkin.

The out-of-pocket cost for the workers, then, would be a 50 percent increase or a 20 percent boost, respectively.

State employees represented by major unions, including the Public Employees Federation and Civil Service Employees Association, had similar health insurance increases in their most recent contracts.

"After this change the value of our health care plan will remain comparable to other SUNY health plan, and competitive with other research universities," said Taubkin.

According to a chart on the foundation's website, the monthly cost of an individual plan in 2013 will run between \$62 and \$153, depending on the plan chosen and the worker's region. For family plans, the range goes from \$293 to \$666 per month.

Retiree health care costs are rising as well.

The foundation maintains a differential between employees who have worked for 20 years or more and those with less time on the job. Retirees who worked between 10 and 19 years, for instance, pay more for their health

coverage.

That has put retiring at age 55 out of reach for people like Scherl, who is 49 and has two young children.

"I planned my life around this," he said, explaining that he initially planned to retire at 55 and focus on an art and antiques business he runs.

But with the recent increases, he figures that leaving in six years would be unaffordable.

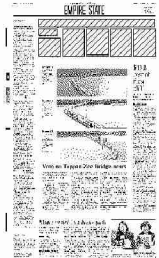
"The only thing that can be done is to form a union," said Scherl. "I'm not a big fan of them, but they are just chipping away at our benefits."

Also increasing are charges for services such as out-of-network coverage, for using doctors that are not on a given insurance plan's roster.

Other unions across the state, including New York State United Teachers more than a decade ago, have tried and failed to organize workers in the vast research foundation.

In 1996, two foundation clerical workers at SUNY's Albany campus were fired after distributing fliers that said the unionized SUNY employees earned more money than they did.

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Jail medical unit going 'private'

NIAGARA COUNTY:

Medical services company to take over inmate care Dec. 16.

BY JOYCE M. MILES

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The transition to private medical care for inmates of Niagara County Jail should be completed by mid-month.

Armor Correctional Health Services, a Miami-based medical services company, is set to take over the jail medical unit Dec. 16, Sheriff James Voutour said this week.

That means Dec. 15 is the last day of work for seven county employees who work as registered and licensed practical nurses at the jail.

Some, but not all, of those nurses will stay on as employees of ACHS. According to Voutour, the company hired three of the seven after interviews with nurses who applied. To complete its staff roster, Armor passed over some present county employees and hired from the outside.

All laid-off nurses are being offered a severance package that includes 3 1/2 months of county-paid health insurance, and 100 percent buyback of unspent vacation, personal and sick days, human resources Director Peter Lopes said.

The standard severance package for laid-off county employees includes health coverage for two months after the month in which they're terminated. After consultation with Voutour and a representative of the

nurses' union, CSEA, Lopes said the county agreed to offer the nurses an extra month of paid health coverage.

They hope the offer discourages nurses from quitting — and potentially leaving the jail medical unit understaffed — before Armor takes over.

"It's everybody's hope, through careful planning, that the transition will go smoothly," Lopes said.

The US&J recently fielded a complaint from a nurse who didn't get hired by Armor, charging the county's process for handing off jail medical work was not fair or transparent.

The nurse, who declined to give her name, claimed top officials at the jail did not keep the nursing staff apprised of privatization talks — they learned from the media that their jobs were being cut, she said; and also claimed officials falsely promised nurses that ACHS would hire all of them.

Voutour, and CSEA unit President Tom Lafornia, denied both of those charges.

Lafornia said he and the nurses were informed months ago that the sheriff's office was pursuing privatization. CSEA did register its objections to that, he added.

Voutour acknowledged the nurses may well have learned from the media first that their jobs were

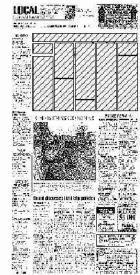
definitely being cut — in mid-September a legislative committee recommended the county legislature give Voutour the authority to cut a final deal with Armor — but he said the news accounts merely confirmed what the nurses knew was likely.

"We didn't confirm (Armor contract approval) to employees until the administration committee voted, but they knew all along this is what we were working toward," Voutour said.

As for assurances the county nurses would all be retained by Armor, none were ever made, Voutour said. What was relayed to the nurses, and Voutour was quoted as saying in various publications, is that they would all be able to apply for jobs with Armcr. Why half of them weren't retained, he declined to say Monday.

Per the contract signed Nov. 30, Armor will be paid \$1,999,250 next year to staff and operate the jail infirmary, provide all inmates' medical, dental and mental health care, and assume liability for any malpractice-type claims lodged by inmates.

While the contract price is higher than this year's \$1.7 million budgeted cost of a county-run medical unit, going with Armor should help the county save money long-term, in part by getting the jail out



from under a state Commission on Corrections mandate regarding medical unit staffing.

As of mid-October, the county-run unit was six RNs short of being properly staffed and the infirmary — comparable to an on-site hospital — was not operable, according to Voutour; inmates needing medical treatment were being taken to Eastern Niagara Hospital instead.

By farming out medical work, the county will shed public employee legacy costs and cut spending on inmate-patient transport and guarding, the sheriff noted. Armor can get medical supplies including pharmaceuticals at less cost and its assumption of liability for patient-care complaints offers the county potentially “huge” savings, he added.

Use layoff threat to wring concessions from Orangetown CSEA workers, residents insist

By Anne Phyllis Pinzow
STAFF WRITER

Orangetown residents have demanded that elected officials threaten layoffs of CSEA (Civil Service Employees Association) unit employees if the union makes no concessions as a new contract is crafted. But the new contract has been very long in coming; the CSEA workers have been working out of contract since January, 2011.

Demands have been made for employees' salaries to remain frozen and there has been pressure mounting that employees pay in for their pension and health benefits for the length of their employment.

Demand parity with PBA

CSEA unit members want to be treated with the same financial consideration as PBA (Patrolmen's Benevolent Association) unit members who had negotiated a settlement for a five year contract with yearly increases.

Members have also spoken at Town Board meetings decrying their perception that the town's fiscal woes are being laid at their feet.

That perception is borne partly from the mounting New York State Retirement Pension costs which jumped so high for 2012 (19 percent) that in order for the tax levy to remain under the two percent increase cap, the payment was amortized for a five year period, adding \$200,000 to this year's budget from last year, and will again for the next four years. This year's pension costs made another 11 percent leap.

Town council members have spoken of consolidating the Office of Receiver of Taxes with the Town Clerk, divesting the town of Broadacres Golf Course as well as the sewer plant. Any one of these options will mean layoffs from town employment from the present workforce.

Negotiations drag

Negotiations have dragged on for three years, since the beginning of 2010, and are entering the fourth year with possibly lit-

tle incentive for a settlement as the budget has already passed, with no layoffs and with salaries and benefits based on the 2010 CSEA contract.

Given the terms of that contract, it will remain in force allowing for pre-determined raises but no overall wage increases, and no changes to the pension and health benefit pay in policy, all of which speculatively adds up to a better deal than what is being offered by the town.

Some items that have been spoken of openly at Town Board meetings are employee payments into their pensions and health benefit expenses, wage freezes, wage furloughs, work rule changes, layoffs and restrictions on overtime. There also have been items which the Town Board has reserved as matters of policy and under their sole purview, which the CSEA would rather be included in the contract and therefore subject to negotiation.

On both sides there is political pressure with taxpayers pushing with votes to pay less and reduce mounting taxes and on the labor side, again with votes, to get a better deal or give up leadership.

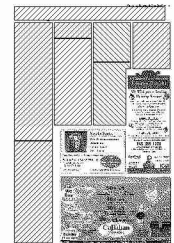
Mike Menegaux, president of the Orangetown CSEA said in a recent interview that the negotiations are going nowhere right now. "We are in mediation and as of yet, nothing's really happened."

He said that while he did not want to discuss what the union had asked for he said that they had been granted nothing up until the point when he asked for PERB (the Public Employment Relations Board) to assign a mediator (Lori Matles) to the negotiations.

"Considering what the town settled for with the PBA and is still talking zeros to us, it doesn't matter what number I say. As far as I'm concerned, you treat one group of employees one way and you treat another group significantly different, there's a problem."

Record lag in negotiations

While there have been problems before in negotiating contracts, with the last one



delayed as the entire contract was revamped for language and consistency, this is one of the longest periods between negotiations.

Menegaux said it started in 2010 when he and former Town Supervisor Paul Whalen had some dialogue about starting the negotiating process with possibly doing a roll over for one year and talking about a percentage increase.

"This way both sides would have gotten through the economic debacle and could wait to see what would happen. Verbally Whalen said it might be a good idea, but then nothing happened."

That continued until August of 2010 when Menegaux wrote a letter to Whalen requesting dates to start negotiations. "He eventually gave us a date, (but Whalen never showed.) We sat down and that's when we were told via a (deputy) Town Attorney (Teresa Kenny) a member of the negotiating team that Whalen didn't know what direction he was going in and might bring in another attorney and blindsided both negotiation teams. Officially, he never sat down with us." Other members of the team were Deputy Town Attorney Barbara Gionta, Charles Richardson, the former Orangetown Finance Director, and Eileen Schlag, Director of Personnel. On the labor side, Menegaux said aside from him and Larry Sparber, the chief negotiator for the CSEA, there were representatives from different town departments.

Whalen then brought in Richard Zuckerman, experienced in labor negotiations, and never himself appeared at any of the negotiations, which was taken as a slap in the face by the union leadership.

Menegaux said this attitude seems to have continued into the new administration and that Town Supervisor Andrew Stewart has not attended any negotiation session either.

"I've been doing this a lot (since 1976) and the Supervisor always comes in, especially if he's new, to introduce himself and put his blessings on how the system works and so forth but we haven't gotten that from either Whalen or Andy Stewart."

Stewart told Our Town. "I have met with, and spoken on the phone with, both PBA and CSEA leadership, and I welcome impromptu meetings as a part of my basic

"open door" principle of management. Also, I recently conducted a very intense and frank discussion with all of the sewer department employees at once addressing their questions and concerns about the town budget for 2013.

"I lead regular department head staff meetings where we discuss employee concerns and quality of work life issues of concern to our union leaders and members. In addition, I speak frequently and with great enthusiasm on radio and in public meetings as to the quality and dedication of our town employees, and the vital services they provide.

"While I think it very important to recognize and communicate with union leadership, I also believe very strongly that each employee can speak for themselves and raise issues that I need to know about, regardless of whether it is seen as relevant by the union leadership."

If Stewart's presence at any of the meetings would have changed the outcome will not be known as six meetings into the negotiations, Menegaux said there had been no movement. That's when he called for a mediator.

Richard K. Zuckerman, the attorney hired to negotiate for Orangetown, said in a phone interview that his experience with the negotiations began on February 7, 2011 though there was at least one meeting before that.

Impasse declared

An impasse was declared in June of 2011 after six sessions and the union asked New York State PERB to assign a mediator to conduct a mediation.

He said that mediation involves a state

CSEA NEGOTIATION:

Page 4, please

appointed mediator. "She has the power of persuasion but no binding authority. She can not make either side agree to a proposal. She can not oppose a contract."

He said if that does not work then the next step in the process is implemented which is "fact finding." This involves the appointment by PERB of a

different person who conducts a hearing during which both sides put in their documentary evidence in support of their various proposals.

Documentary evidence as it was presented during the PBA negotiations consisted of graphs and figures showing the "labor's" pay scale as opposed to that of the surrounding pay scales for similar work. It also presents demographics and an examination of the wealth of the town and its residents as well as the need of the services of the laborers. Basically it's a statement of what the labor side wants, why they should get it and presents how and why the town can afford to give what is being asked.

On the town's side, a document was presented, again with graphs and charts also showing demographics, the town's budget, and the stresses placed upon that budget by other economic factors. This is basically a report acknowledging the value of labor but showing how and why the town cannot afford what it is being asked to pay.

From these the fact finder writes a formal report that analysis the criteria presented.

However, unlike the arbitration panel in a PBA negotiation, the fact finder's report is not binding. If both sides agree there's a contract.

If they don't then the next step is legislative determination. That is when the Town Board imposes a contract on the union.

Unlike the PBA, the CSEA can negotiate a contract to cover any length of time agreed upon with the town.

There is no time limit as to how long negotiations can go on or any type of deadline date unless it is set by either or both parties such as layoffs, sales, or strikes.

There have been three mediation sessions with the next one not until December 17. Zuckerman commented that this is usually many more than is usual. "There's a misperception in the public eye that if you keep people in a room long enough there will be a contract. But all that happens if you lock people in a room for a long time is they get hungry."

Zuckerman said, "The mediator has been working hard to resolve the difference between the parties but has, unfortunately not yet succeeded in achieving a settlement."

Commenting on the negotiations, Orangetown Councilman Denis Troy said, "We are in negotiations and I do understand how they feel regarding the police contract but that was due to the existence of the binding arbitration process and how it works against the municipalities. We will try to reach an agreement shortly with CSEA." Councilman Tom Diviny said, "The town will continue to negotiate in good faith with the union and try to come up with an agreement both sides can live with."

Controversy erupts over how to pay county employees

by Carol Thompson

Oswego County employees belonging to the Civil Service Employees Union settled their most recent contract agreeing to a lump sum payment of \$1,000. How the payment is to be made resulted in a cyber war of words last Friday.

The employees who are to receive the additional payment are under the assumption that it is a payroll adjustment to compensate for the lack of a raise during the year or more that they worked without a contract.

Oswego County's CSEA union president Bill Reed and county officials were in disagreement as to how to distribute the payment.

That led to an e-mail exchange that involved employees.

At issue is whether the payment should be made a bonus or treated as additional pay.

There is a stark difference in the amount the employees will receive under the Internal Revenue Service tax code.

If treated as a bonus, the employees would receive \$577 after taxes. If paid as additional salary, the payment would be subject to only regular deductions.

In response to a string of e-mails, County Treasurer John Kruk wrote, "As County Treasurer, it is my responsibility to ensure that Payroll and all related deductions are paid according to State and Federal Law."

He added, "I have attached Section 31.3402 of the Internal Revenue Code which states how the \$1,000 Supplemental

Wage check on January 17th to CSEA CO-OP Union Members should be handled. These deductions were outlined in a letter to the Union on October 9, 2012 offering an alternative option to include the \$1,000 payment in your normal payroll check which would result in deductions at your normal rate."

Kruk said the treasurer's office would be glad to change the \$1,000 payment to be included in the regular check if Reed so advised.

"I trust this clarifies any misunderstanding and eliminates any further calls and e-mails," Kruk wrote.

The confusion began when county chief accountant Mark See sent an e-mail to employees outlining how the payment would be made. See had wanted to include the payment in with a regular paycheck as a salary adjustment so there would be less taxes deducted.

When the union objected, See sent out an e-mail to notify the employees of the amount they would receive.

Following Kruk's message, Reed wrote, "Neither Mr. Kruk nor Mr. See speak for the union and I would not expect them to be familiar with how the process works with CSEA. I am sure their suggestions were well-intended but they were not really helpful and kind of confusing at this point."

County officials and the union are working to settle the matter. Reed said in one of his messages that it could come to a membership vote.



New wave of temps

State officials say they've hit on a way to save \$60 million over the next five years by reducing the pay of a legion of temporary



JAMES M. ODATÓ

workers who supplement the state workforce.

Under a series of new contracts arranged by the Office of General Services, temp service employees

will see their wages fall as much as 42 percent.

The savings should reach \$12 million a year, said OGS spokeswoman Heather Groll, on a range of employees, many of them on long-term assignments. The temps are technical and management personnel; clerks; agricultural and service workers; building construction tradesmen; translators; and interpreters. They are asbestos removers, who might work on a specific project. Or they are highly skilled doctors and nurses needed for key assignments. Others are

hearing transcriptionists, call center staff or food preparation workers. Many are working side by side with state employees every day for months or even years.

Groll said the new contracts, awarded to 38 companies, should result in a 30 percent cut in temp service costs to agencies compared with the previous deals, which recently expired. She added that 37 percent of the contracts were awarded to minority- or women-owned enterprises.

Rates are falling across the board based on the winning bidders' pay structures. For instance: An over-the-phone language interpreter will receive 75 cents per minute, compared with the old rate of 90 cents to \$1.12.

A legal secretary in the Capital Region will get an hourly rate of \$12.48, compared with as much as \$22.07. Hearing reporters in New York City will be paid \$3.25 per page, compared with the old rate of \$4.83. A registered nurse in the Capital Region will get an hourly rate of \$36.67, compared with the former pay of up to \$63.20.

"They don't take into consideration where these agencies are, or (workers') reputations or their credentials," said Maisie Hillenbrandt, area director of Nursefinders. The firm has supplied nurses to the state for a decade, but no longer after the lowest bidder won. She said the nurses she has been sending to state agencies, already trained and familiar with the work, won't take the lower wages and

won't sign on with the winning contractors. She said the rate charged for temps isn't the rate the workers pocket, as the contractor keeps a substantial percentage. Giving temp services to the lowest bidders, Hillenbrandt said, may give state employers cheap labor, but they may be poorly prepared workers. "I don't think they're realizing the repercussions yet."

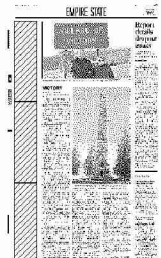
Other mainstays, like Kelly Services, are also now on the sidelines. Winning bidders include return company New Wave People Inc., a woman-owned firm in Princeton, N.J., whose owner would not discuss her business.

Groll could not provide an estimate on the number of temps in the state force. The Civil Service Employees Association estimates the number is in the thousands, given that \$62 million was spent on them from April 2008 to March 2010. "New York state has long abused the use of temporary workers to undercut both full-time state workers and the temps," said **CSEA** spokesman Stephen Madarasz.

"The state is now just continuing that abuse but paying the workers even less." He noted that some temps shore up depleted staffs.

The strategy masks the size of the state payroll and allows expansion during hiring freezes, the union argues.

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‘Difficult’ budget in hands of leaders

Rockland’s lawmakers to vote on \$737M plan

By Khurram Saeed

ksaeed@lohud.com

NEW CITY — Rockland legislators will vote Tuesday night on next year’s county budget, which will likely result in higher taxes and further cuts to services.

Lawmakers are not expected to approve the \$737 million budget as it was submitted to them by County Executive C. Scott Vanderhoef in late October. Typically, legislators make adjustments to the massive budget following weeks of review and outside analysis.

“Many of our departments and many of our services have already been cut to the bone,” said Legislator Ilan Schoenberger, who serves as

See BUDGET, Page 7A

chairman of the body’s Budget and Finance Committee. “It makes it a very difficult budget.”

Some legislators have taken issue with a number of Vanderhoef’s proposals, including an 18 percent property-tax increase (or an extra \$157 for the typical homeowner) that would break the state tax cap, the elimination of union jobs and getting rid of the county sheriff’s mounted patrol unit.

Vanderhoef spokesman Ron Levine said hard choices had to be made to balance the budget.

Vanderhoef’s spending plan also calls

for cutting funding for the county pharmacy and reducing the workforce by 55 people through another early retirement plan.

“We feel confident that our budget complies with the law, is conservative and we believe our numbers are accurate,” Levine said.

The county may have cash flow issues, but the county executive has said that it’s not broke.

But Rockland’s budget deficit remains a major challenge since it makes the cost of borrowing money more expensive. The county has a credit rating that stands at one level above junk status, giving it the unwelcome distinction of being the lowest of all the counties in New York.

The deficit is estimated to be \$90 million to \$100 million, but the accounting consultant firm hired by the Legislature said last week that the debt was projected to increase more than \$114 million. Schoenberger called the figure a worst-case scenario.

Following the examination of the proposed budget, consultants Nicholas DeSantis and Alan Kassay, of Harrison-based O’Connor Davies, reviewed their findings with legislators Tuesday and discussed potential items that posed problems. One of them has to do with the future of the county-owned Summit Park Hospital and Nursing Care Center in Ramapo. In October, Vanderhoef called on the county to create a local development corporation to sell Summit Park’s 100-bed hospital and 321-bed nurs-

ing home by 2014 and use the proceeds to pay down the county’s debt. The county has loaned Summit Park \$32 million to operate, and none of the money has been repaid.

Legislators would have to sign off on creating the local development corporation and agreeing to transfer Summit Park to it. If that happens, the local development corporation would lease the facility back to the county, likely for a dollar, and then borrow money and make a partial payment to the county. The county would get the rest when the sale was completed.

The proposed budget included \$12 million from the anticipated transfer of Summit Park to a local development corporation. The consultants’ report noted that the approval process for a third party to take over could take anywhere from 18 to 24 months. Unless the sale was completed before the end of 2013, DeSantis said the \$12 million couldn’t be recognized as revenue and wouldn’t be available to be applied to the deficit.

DeSantis and Kassay also told The Journal News they had concerns about the county budgeting \$2.4 million in new revenue from the expected sales of rights to future revenues from cellphone tower leases since there are no agreements in place. He also said a “misunderstanding of government accounting” saw the administration include \$4 million in revenue from the issuance of serial bonds.

Levine said the administration stood by its numbers.

Legislator Ed Day compared the existing condensed budget review



process to working on a car with major engine damage.

"They're giving it to us and expect us to do an overhaul," Day said. "We can do minimal things at best. We're not going to solve the problem."

If the Legislature approves an amended budget, Vanderhoef has the power to veto it or certain line items within it. The Legislature could then override his veto.

The Legislature ordinarily takes about five weeks to review the budget, department by department, line by line. But they lost nearly two weeks due to Superstorm Sandy. Lawmakers have been meeting until midnight in recent days to come up with solutions.

Legislative Chairwoman Harriet Cornell said one of major issues they have been discussing are the proposed job cuts of union workers. Three unions, including the Civil Service Employees Association, recently signed new contracts with the county forbidding layoffs due to budgetary reasons. Vanderhoef has countered the positions are being outsourced because the programs are changing.

Cornell said many in the Legislature don't see the reasons as programmatic but budgetary.

"We're struggling with them and talking about them and trying to come to a consensus on them," Cornell said.

Rockland CSEA President P.T. Thomas said about 60 of the 70 workers on the chopping block belong to his union. They primarily work in security, food services, as X-ray technicians and prenatal

workers. He remained optimistic that legislators would reinstate all of the positions. "For my side, there is no compromise as far as these positions are concerned because it is a violation of the contract," Thomas said. "I am not going to give up even one of my members."

Staff writer Laura Incalcaterra contributed to this report.

Putting off pension payments is a horrible solution



Phil Reisman

If you had a great credit rating and wanted to buy a house or take out a loan to go to college, you would expect to obtain the lowest interest rate possible. That's how the free market works.

Only here's a case where the free market doesn't apply.

Westchester County has a triple-A bond rating. As far as credit worthiness goes, it doesn't get any better than that. Of New York's 62 counties, only two others — Orange and Onondaga — are rated that high, according to the New York State Association of Counties.

But in one significant way, Westchester gains no advantage from its fiscal prudence.

County Executive Rob Astorino's proposed 2013 budget includes borrowing \$35 million to help meet a \$91.1 million employee pension bill.

Common sense and fairness dictate that the county should be able to finance that bill by venturing into the open-bond market, just as it routinely does when it borrows to pay for, say, capital projects. With a triple-A bond rating, the county, Astorino claims, should obtain a favorably low interest rate of between 1.5 percent and 2 percent.

Only he can't borrow at less than 3 percent.

Why can't he? He can't because we're not talking about the free market, not

in the conventional sense. We're talking about the state government in Albany — and that's a whole different kettle of fish.

Ever since the economy tanked, local governments have been overwhelmed with exponentially higher payments to the state's public employee pension fund. In 2001, Westchester's obligation was \$4 million. By 2015, it is expected to be \$107 million. That year, pension costs are projected to account for a whopping 35 percent of municipal government budgets statewide.

There are a couple of ways of handing this crisis — raise property taxes or lay off workers. But there is also a third way, first offered by the state in 2010.

Under the so-called amortization plan, municipalities may defer the pension costs and pay the state back at a fixed interest rate of 3 percent. That rate applies to everyone, including governments with a triple-A bond rating.

Critics say this is like buying from the company store at noncompetitive prices. The result is getting deeper and deeper into debt.

Earlier this year, Bloomberg News quoted White Plains Mayor Thomas Roach, who summed it up this way: "The road to hell is paved in amortizing pensions.

All you're doing is taking a current operating cost and pushing it down the line."

Astorino vociferously resisted the impulse to opt for amortization last year, mainly for that reason. He changed his mind this year, though he hyperbolically complained at a recent budget news conference that it was like dealing with a loan shark. This got a laugh from those in attendance.

The county executive claims that being allowed the option to borrow on the outside would save the county \$2 million to \$3 million, or as much as \$300,000 a year over a 10-year period.

Not to be able to do that was "outrageous," he said.

"We have asked them to make a change in the law that would allow counties like us or any public entity that has to borrow, if they have good credit, to be able to do so," he said. "Why not? Who's being hurt here? Nobody. But this is what they allow us to do — borrow from them only."

From the state's perspective, Astorino is, well, wrong. Among other things, he's supposedly wrong that the county would get a markedly better interest rate on the outside, more like 2.5 percent.

Make no mistake, there's a lot of politics in this.



Astorino came into office on a pledge that he wouldn't raise property taxes — and he has succeeded so far in keeping his word. Next year, he faces what promises to be a tough re-election campaign and he doesn't want to go into it without saying he held the line on three successive budgets.

His strategy has been to cut frills, or what he calls “nice-to-haves,” and to press the public employee unions — particularly the Civil Service Employees Union — to pay a percentage of their health-care benefits. An impasse with the CSEA on this issue has resulted in Astorino's call for laying off 126 workers.

Amortization is a horrible solution to a pressing problem — though more and more cash-strapped public employers are seizing on it.

And if it helps hold to a zero percent tax increase in Westchester, Astorino will take it. In the meantime, he can at least attempt to deflect any criticism by saying that the 3 percent interest rate is unfair when applied to a triple-A-rated county.

On top of that, he can presumably blame the state's higher interest rate for not allowing him to save a few jobs.

This budget stuff gets sticky. The Democratic-controlled board has already jabbed Astorino for the amortization proposal, as well as his idea to borrow money to pay for \$13 million in court-ordered property-tax reductions.

So there will be a fight.

But there is one thing that can be counted on: No matter what happens on the local level, the

state always gets its money.

The state always wins.

*Reach Phil Reisman at
preisman@lohud.com or
914-694-5008.*

County officials nix smoking ban proposal

BY MARY PERHAM
THE COURIER

BATH | Steuben County legislators defeated a second effort by a standing legislative committee 11-4 Monday to ban smoking on county-owned or leased property.

The ban, proposed by the county Legislature's Human Service, Health and Education Committee was being considered at the urging of various local health officials. It was tabled a couple months ago to allow officials more time to develop the restriction.

But the new proposal was strongly criticized by a number of legislators for being too broad and the \$1,000 fine excessive. County lawmakers also thought the restriction would be unenforceable.

HSH&E Committee Chairwoman Legislator Carol Ferratella, R-Riverside, said the restriction would be "self-policed" and was meant to encourage people to stop using tobacco products. Ferratella said she doubted the fine would ever be imposed.

But the ban would be meaningful to anyone who has had a loved one die of cancer or struggle with emphysema. Ferratella said.

"Well, where does (the

ban) stop," county Legislator Scott Van Etten, R-Caton, asked. "The government needs to stay out of people's lives."

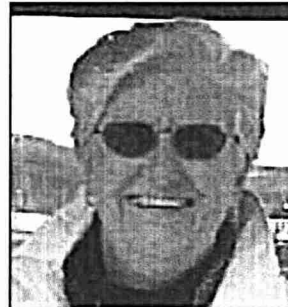
Ferratella, and county legislators Hilda Lando, D-Corning City, Robin Lattimer, R-Bath, Gary Swackhamer, R-Hornell and Randy Weaver D-Hornell voted in favor of the bill.

VanEtten and county legislators Lawrence Crosssett, R-Bath, Dan Farrand, R-Rathbone, Mike Hanna, R-Hammondsport, Joe Hauryski, R-Campbell, Patrick McAllister, R-Wayland, Aaron Mullen, R-Avoca, Bill Peoples, R-Addison, Tom Ryan, R-Canisteo, Brian Schu, R-Hornellsville, and George Welch, D-Corning City voted against the measure.

County Legislator Gary Roush, R-Erwin, was absent.

Legislators also were implored by clients and county mental health staff not to close continuing day treatment services now offered by Steuben. The clients and staff participated in a CSEA-sponsored protest before the meeting before filling the legislative chambers and speaking during the public comment period.

The county has been considering ways to cut the cost of mental health serv-



CAROL FERRATELLA

ices, but recently dropped the idea of outsourcing the programs. Legislators were recently warned state cut-backs next year could force the closure of continuing day treatment services, now offered.

The public comment period was opened, despite a recent decision by Legislature Chairman Joe Hauryski, R-Campbell, not to allow a time at the meeting for the public to speak. Hauryski said anyone with an issue could bring it to the appropriate committee chair and be put on the agenda.

Bringing it before a committee also allows discussion of the topic, since lawmakers do not respond to public comments.

But environmentalist Rachel Treichler, of Hammondsport, asked the board to reconsider allowing comments before the meeting.

Treichler said the public comment period allows the Legislature to be notified of new information on a topic closer to the time they occur.



Astorino, Westchester CSEA Feud Over Plan To Lay Off 126 Staff

By MARK TOOR

Westchester County Executive Robert P. Astorino has presented a budget for 2013 that calls for laying off 126 workers and eliminating 63 unfilled jobs. He blamed the layoffs on the Westchester Civil Service Employees Association, saying that if members had agreed to contribute to their health-care costs, they would not be necessary.

The budget "is a labor-driven juggernaut," he said. "Despite all efforts, expenses are going to rise by about \$97 million and of that, 82 percent has to do with labor costs, salaries and increased benefits. This has nothing to do with our employees; they are terrific."

'Wants Biggest Bite on Lowest-Paid'

Karen Pecora, the union president, responded after the budget announcement Nov. 14 that the union had presented a proposal for members to pay a portion of their health-care costs but that the contributions offered weren't high enough for county negotiators. "Our members are the lowest-paid in the county but he is demanding the highest contribution rate toward health-insurance premiums," she said

(Continued on Page 9)

in a statement on the CSEA website Nov. 15.

The county wants the Westchester CSEA, the largest of its five unions, to pay more toward the premiums than it was getting from three other unions that had agreed to contributions, a union spokeswoman said in an interview. Actual numbers were not available, but the Teamsters agreed to have members pay 10 percent of their health-care premiums, a figure that will rise to 12.5 percent in 2015. New hires will pay 20 percent.

In return for negotiating health-care contributions, the spokeswoman said, the union wanted a no-layoff guarantee, but it had not materialized.

The \$1.7-billion budget is \$97 million higher than last year's. It reflects a deficit of \$89 million. In addition to the layoffs, Mr. Astorino proposes balancing the budget by issuing bonds to pay refunds for tax overpayments by property owners and some of the required increase in payments to the

state pension fund.

Sticks to No-Tax-Hike Stance

He declined to raise taxes, as he has since he took office three years ago. Residents of the affluent but high-taxed county have suffered in the recession, and they elected him in 2009 in the hope that he would end the ever-rising tax spiral.

Ms. Pecora said Hurricane Sandy had pointed out the folly of reducing the county workforce: "The County Executive's reckless proposed cuts will pose a completely unnecessary safety risk for the residents of this great county. This comes after County Executive Astorino thanked workers for their dedication and expertise in providing critical responsiveness to our neighbors in the county. . . . If it was entirely up to Mr. Astorino, many of these dedicated county CSEA workers would already have been laid off last year and Superstorm Sandy's impact would have been far worse for all residents.

"During this most-recent storm," she continued, "the CSEA county workforce worked around the clock to remove trees, pump out water to prevent flooding, monitor drinking water for safety, deliver supplies to emergency shelters, dispatch emergency calls, and inspect bridges and roads for safety. Draconian cuts in the 2013 budget will prevent such a smooth response when the next major storm comes."

Wants Cutbacks Rescinded

She called on the Board of Legislators to rescind Mr. Astorino's proposed cuts. Most of the layoffs would come in the Parks, Social Services, Public Works and Transportation departments. No public-safety jobs would be affected, according to the Astorino administration. The county has lost 20 percent of its workforce in the past two years, Ms. Pecora said.

The union spokeswoman said members were being urged to attend and speak out at one of the three open hearings on the budget. The Board of Legislators must approve a budget by Dec. 27.

Mr. Astorino said the state was responsible for much of the county's fiscal problems. "Unfunded mandates account for 85 cents of every dollar we take in, leaving 15 cents on the dollar for things we want to do," he said. And without mandate relief, he said, the 2-percent annual cap on property-tax increases "is a complete farce, a cruel joke on people."





ROBERT ASTORINO: Budget woes 'labor-driven.'



KAREN PECORA: Calls health-care demand unfair.

Paper trail brings CSEA negotiations back to square one

OBSERVER Staff Report

MAYVILLE — Greg Edwards has been waiting nearly 11 months for a list of proposals from union officials to save the County Home.

On Thursday, less than 30 days prior to the county legislature's review of the contract to sell the County Home to Altitude Health Services, Inc., the union responded to Edwards' request to negotiate.

"CSEA is requesting that negotiations for terms and conditions of employment for employees at the Chautauqua County Nursing Home be separated from negotiations for the remainder of the Chautauqua County Employee Unit 6300," noted Penny Gleason, labor relations specialist. "This request is predicated upon full funding of the County Home (including IGT match) and implementation of other cost-saving and revenue enhancing recommendations made in the Center for Governmental Research report."

Edwards, while noting the poor timing by the CSEA, formulated a response and said there was still time for the CSEA to deliver on the first invitation he made more than 10 months ago to

negotiate.

"If I commit the taxpayers of our county to funneling over \$3.2 million tax dollars into the County Home each year, and implement flawed changes, then the CSEA will negotiate changes to their contract," Edwards said in response to the Nov. 20 letter submitted by Gleason. "If the CSEA would like to submit a proposal that is responsive to my letter delivered over 10 months ago, I would be willing to review the same as long as the offer is received by the negotiating team prior to Dec. 12, 2012."

In his letter, Edwards also seeks clarification from the CSEA as to what they meant by their request being predicated on IGT funding and implementation of CGR recommendations.

"The union's letter conditions any potential negotiations by the CSEA on my promise that I will guarantee that the taxpayers of Chautauqua County will spend \$1.6 million of our property taxes, and another \$1.6 million of our state and federal taxes every year going forward to keep the Skilled Nursing Home owned by the county," Edwards notes. "Not stopping there it also requires that I promise that the significantly flawed CGR report recommendations be guaranteed to be implemented."

On Oct. 24, the legislature voted 16-8 to direct Edwards to negotiate a contract for the sale of the County Home to Altitude Health Services, Inc. for \$16.5 million. The legislature will review the contract for sale during its Dec. 19 meeting.

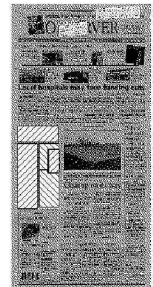
In the meantime, the County Home continues to lose an estimated \$9,000 per day, according to Edwards.

"Instead of losing \$9,000 per day we could be earning \$2,190 per day and have the opportunity for expanded health care for our seniors," Edwards said, noting how the sale of the County Home to a private sector company would change the county's financial climate.

Comments may be sent to editorial@observertoday.com



Greg Edwards



Maplewood Employees, Others Oppose Privatization

by Harold Wessell

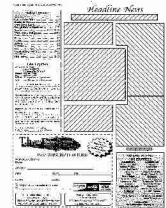
BALLSTON SPA, Nov. 20—Dorothy Tyler of Saratoga Springs, whose mother Patricia is a resident of Maplewood Manor, was the first of about a dozen speakers before the Saratoga County Board of Supervisors, when the Board began the process of finding an acceptable private operator for the fiscally strapped facility.

Tyler, a member of the nursing home's Family Council, told of another, just-formed group of staff and County citizens, named Citizens Advocate for a Sustainable Maplewood Manor (C.A.S.M.M.), "formed to advocate for people being left out of the process — your process...We are willing to assist you, and we would like to be part of the process. Our County has been caring for our elderly, sick and poor for over 200 years. As a county, it is our duty to provide for those who cannot provide for themselves. We should not pass it off to the highest bidder." She presented a list of questions and suggestions from the group.

Looking ahead five to ten years, she voiced what proved a persistent theme of the speakers: "You can't possibly believe that employees working for lower wages and benefits, in inappropriate staff-to-patient ratios, can provide the same quality care our residents now receive."

Maplewood employee Nick Berardi read a letter from members of the residents' association: "Maplewood's mission has always been to provide quality care for those in need. You cannot get that same quality from a private-run nursing home ... whose primary mission is to make money ... Providing for these elderly and disabled should not be run as a business," but to provide for "a fundamental need of society."

Susan Flowers, an employee, also maintained that private nursing homes equal "lower pay and lower staff, that usually means lower care ... We could be the county that says No to getting rid of its county nursing home. There are a lot of people out there that cannot afford private nursing homes, especially these days. We need to stand proud and say to care about our county residents and our elderly who need somewhere to live ... and take care of our own." She said she prayed that day; the Board would "give Maplewood Manor one more year, at least one more year, to prove that we



can make it.”

Employee Steven Mitchell likewise expected that “Privatization would likely mean diminished services ... The responsibilities of a private company would condemn [residents] to fewer activities, no meals from scratch, and other luxuries that a private company would not allow due to the bottom line. The dollar cannot be the bottom line when we are dealing with these residents.”

Barbara Thomas called it a “social and moral obligation” to provide that kind of service to county residents. She estimated that a 20 percent property tax increase – said to be the only other way to save the home – would be about “\$50 a year per \$100,000 – I’m willing to pay that, particularly in the short term; because I think we have been rushed into this decision, by a small committee of the board... And I know that the meetings were not public. The people didn’t know what the charge to the consultant was.”

Raymond Meyers was the lone speaker to support

• **see Maplewood page 21**

privatization, calling attention to the now-notorious main cause of its persistent deficit: the constant shortfall in Medicaid reimbursements municipal homes are subject to. “I think this a very painful loss of control by local government in state unfunded mandates. It’s hard to believe that it’s gone on this long, and impacted so large financially. And nothing brings that home as how people are hurt in this example.” However, he felt that unless the County takes a position and figures out a solution to dealing with unfunded state and federal mandates, “What’s the next service that we’re going to lose in the county, around the corner?”

Prior to the vote, Waterford supervisor John Lawler, illustrated the perennial impact of unfunded state mandates on the entire County budget: In the 2013 budget due for adoption next month, every dollar of the anticipated property tax of \$52,577,684 will go toward paying for \$63,837,520 in state mandates – with \$12,259,836 to be found from other sources.

Kathy Garrison, CSEA Capital Region President, calling Nov. 20 a sad day for Saratoga County, claimed that “The decision to dispense of the property was decided privately by the Republican caucus, behind closed doors, with zero transparency. County residents have been shut out of this process, ignored and disrespected. Your vote today to create an LDC is being done without the consideration of other options, without a public hearing and without any respect for the residents and employees of Maplewood Manor...” She further alleged that LDCs have “great potential

for abuse .. Friends and family can be appointed to the board; LDCs are not required to comply with open meetings and Freedom of Information Laws; no disclosure of financial information is required; no requirement that fair market value is paid for property.” (Maplewood Manor is valued at \$13-15 million.)

She warned members who were *behind the plan, or are going along with it*, “Let me assure you that your ability to get re-elected will be impacted by this vote. Voters will remember; and next year when you are up for re-election, CSEA will be happy to remind them...”

Prior to the vote, Moreau Supervisor Preston Jenkins said he was concerned that the County would still be borrowing money from the LDC, which could impact taxpayers for the next three years, if the sale as proposed doesn't occur at some point; and he was “not comfortable” with that.

Ballston Supervisor Patricia Southworth said she had “serious questions about quality of life issues that will occur, I'm sure,” if Maplewood is privatized -- and should the facility end up closing in the future. She hoped that if the LDC goes forward, the Board would keep looking at alternative plans.

New Milton Supervisor Daniel Lewza also expressed his concern that after the \$6 million the County will be getting from the LDC, in the 2014 budget, even if they sell the property in January, the County will still be responsible for probably the next 16 months. “... Are we going to have to borrow again? I think what we need to

do is go back, take a look at things, ... and tighten up a flat cut, across the board, in each department, including Maplewood Manor, and see where they can get to making up the \$6 million.”

Northumberland Supervisor Willard “Bill” Peck said he went into the process with an open mind about 18 months ago, and originally doubted the need for an

LDC. "The more I looked at it, the more I'm dealing with it, the LDC was really a way to finance an annual operations until we can transition to a private entity."

Peck took issue with some of the comments, pointing out that in fact all meetings will be subject to the Open Meetings Law. As for claims of "friends and family getting high paid wages to come to work for the LDC... The LDC is going to be made up of five supervisors and two other people as citizens – That's the LDC. We aren't being paid for it." He added, "I think everybody knows, there is a great need for a nursing home here." The concern he has, however, is about long-term viability; "and in the hands of the County that is not sustainable. We probably should have done this ten years ago."

Voting against the proposal were Jenkins, Mary Ann Johnson, Lewza, Southworth and Yepsen. Richardson and Jean Raymond of Edinburg did not attend. Members of the LDC board will be Chairman of the Board of Supervisors Thomas Wood III; Supervisors Ed Kinowski of Stillwater, Thomas Richardson of Mechanicville, and Arthur Wright of Hadley; and from the general public former longtime Public Health Nursing director Helen Endres, and former Malta Supervisor David Meager.

Observed Kinowski to the Express later: "The challenge with saving Maplewood is striking the best balance to preserve its existence for our future. The LDC appears to be the best method to continue Maplewood's future; provide time to work out employee matters; continue caring for our residents, and help stabilize and improve our County Budget. Lacking a direction to help on these four fronts is not an option." Meanwhile, "The Federal and State government continue to wrangle over Inter-governmental Transfers (IGTs) of Medicaid funding, shorting the County millions of dollars. Medical costs continue to skyrocket."

Richardson told the Express: "I think it's a good idea ...Here's the thing, We've tried to investigate to see if we're doing the right thing, and no one has been able to come up with an idea to make Maplewood self-sufficient;" since compared to a private operator which gets 100 percent Medicaid reimbursement, a County gets only about 68 percent. "So we've been running it at negative-millions of dollars a year... Now it's been negative nine million for the last couple years." Property taxes can't be increased, "because the governor says we can't do that." Nor he added was the legislature willing to let the County raise its sales tax – "That would have been one percent, and we would have been equal to all the other counties around us, and they screamed about that."

He emphasized that he was glad he was asked to participate on the LDC board, "because I want to make sure. My heart is saying let's keep it open [as a county facility] but my head is saying, we just can't do it." He pointed out that over the last seven he has helped many people from Mechanicville to live there. "And I understand what it all means. I have my aunt up there right now, and have had other relatives up there." He added the whole LDC board is a very good group. "Everybody's heart is in this as well as our heads, so we're taking as close a look at this as we possibly can."

A second resolution passed last week sets a public hearing for January 9, 2013, at 5:15PM in the Board of Supervisors Chamber for consideration of a second resolution, that would initiate the LDC's actual management of the sale process, while the County continues as operator.



LOCAL NEWS

Astorino accuses union of pact holdout

County exec: Officials delay contract to keep health care

By Elizabeth Ganga
eganga@lohud.com

WHITE PLAINS — Westchester County Executive Rob Astorino accused the county's largest union Wednesday of intentionally holding out on a contract settlement to get another year of free health care.

The Civil Service Employees Association, which represents about 3,200 county employees, has apparently decided to accept layoffs to protect its health care benefit, Astorino told The Journal News' Editorial Board. Astorino has pressed the eight county unions to accept health premium contributions in its contracts. Three unions have agreed to the provision, but five are still in talks.

"They've probably made the conscious decision: 126 bodies is worth it so the rest of us keep free health care," Astorino said of the CSEA.

The terms of expired contracts continue during negotiations under state labor law.

CSEA officials could not be reached, but Karen Pecora, the president of Unit 9200, has said the union is willing to contribute to health care and has made other offers to save the county money but is looking for a "no layoff" guarantee in return. Astorino has used layoffs as a threat, she said.

The layoffs are part of a \$1.7 billion budget with no tax increase for 2013 that Astorino proposed two weeks ago and must

be in place by the end of December. Throughout the budget season, Astorino, a Republican, had laid the layoffs at the door of the CSEA. While he doesn't want to lay people off, Astorino told the Editorial Board, cuts were necessary to create a responsible budget without a massive tax increase.

Though nonprofits and county employees facing cuts have protested his budget, his third with no tax increase, Astorino also said he has reached the appropriate balance of funding government and controlling taxes.

There are certain things government should do, including keeping a strong safety net, building roads and bridges, and protecting public health, he said, but Westchester has expanded into areas arguably not the province of government, like running an amusement park and funding nonprofits. The goal is to provide services more efficiently, he said.

"We are, I think, very kind and generous in what we do as a county," he said. "We do what we're supposed to do, and we go well beyond what we're supposed to do."

Astorino specifically addressed cuts to health centers and child care, two of his most controversial proposals. The health centers have the resources to do well without the \$3 million in county funding they currently get, he said. And the higher contributions from par-

ents in the county's subsidized child care programs are similar to many counties and will allow the county to help more people, he said.

In the future, as cuts get more difficult, Astorino said, "taxes have to be the last resort."

"We're not there yet," he said.



Time To Talk?

CSEA Willing To Negotiate If County Invests In Home

BY LIZ SKOCZYLAS
lskoczylas@post-journal.com

MAYVILLE — County Executive Greg Edwards plans to formally respond to a letter from CSEA today.

At the County Legislature meeting Wednesday evening, Bonnie Peters, a member of CSEA, spoke about a letter she sent to each member of the legislature. The letter is apparently different from the one Edwards received from the union last Wednesday, which he has been studying with the county's legal and Human Resources teams.

"Tonight, for the first time, I understand that a different letter with different language, different terms, was sent to the legislature," Edwards told media following the meeting. "So, I'll be asking legislators to get a copy of that, so I can look at that as well, because that was the first I heard, when a CSEA member read it to the Legislature earlier (Wednesday) evening. I guess the complicating factor is, I haven't seen that letter, other than hearing it being read this evening. It's different than the one I received."

See COUNTY, Page A3

The letter was not formally sent to the Legislature clerk to be entered into the records, however the CSEA member read portions of it aloud. Edwards expressed frustration over receiving the letters now, when communication was initially started in January to discuss issues between the county and CSEA.

"This is a situation where we have negotiated for over a year with CSEA Local 6300 as a complete organization, 934 employees, and have been unable to reach an agreement," Edwards said. "The union walked away from the negotiation, declared impasse. So, there is a formal procedure, a very technical procedure, you have to follow in those sorts of circumstances."

According to Edwards, the union is requesting that the county invest a significant amount of money into the Chautauqua County Home. At that point, CSEA would be willing to discuss proposals it is willing to make about changing the operation of the home.

"It's all premised and preconditioned on my commitment, the Legislature's commitment, to invest fully in the IGT," Edwards said. "This year, that would mean \$1.6 million in local property tax, matched by \$1.6 million of our state and federal taxes, for a total of \$3.2 million of tax subsidy for an organization that right now is losing over \$9,000 a day in its operations."

Edwards called the timing of the letters "unfortunate," also stating that the language was unusual and unclear. However, he said that he will have a formal response for CSEA as well as the Legislators today.



Otsego board grilled on Manor, job cuts

BY JOE MAHONEY
STAFF WRITER

COOPERSTOWN — An Otsego County staffer who helps the elderly with questions about their medical benefits and Public Defender Richard “Otto” Rothermel were among a parade of people who urged county lawmakers Wednesday night to reconsider planned job cuts included in the tentative budget.

Fighting for his job and supported by about two dozen people who flocked to the Otsego County Courthouse for a public hearing on the spending plan, David Polley, an Office for the Aging benefits specialist, said services to the aged population “will suffer dramatically” if his position is eliminated.

Numerous senior citizens and John Imperato Sr., the president of the county’s Civil Service Employees Association local union, asked the board to keep Polley on the job.

“Why are we attacking our elderly?” asked Imperato, who also criticized the Board of Representatives’ decision earlier this year to seek a private operator for the 174-bed Otsego Manor nursing home.

Board Chairwoman Kathleen Clark, R-Otsego noted the board is facing tough choices heading into 2013 as a result of having to increase its subsidy to keep the county-owned nursing home operating from \$3.3 million this year to \$5.5 million next year.

She said unfunded mandates imposed by the state and rising retirement costs for public employees have forced the board to whittle away at services and

consider cuts that prove to be unpopular.

Among the cuts included in the tentative budget — as released by county Treasurer Dan Crowell, who packed the document after consulting with board members — is the elimination of one of the five part-time assistant public defenders.

Rothermel challenged the reasoning for that cut, arguing the cost of providing representation to people who can’t afford a lawyer will end up increasing because it will drive more cases to so-called assigned counsel — private lawyers who work at a much higher hourly rate.

He also expressed concern that eliminating the job of one of his assistants will prompt others to resign from the office — leading to an even bigger increase in the number of cases routed to assigned counsel. Rothermel said the current assistants could end up making more money by working less if they simply quit and join the pool of lawyers working as assigned counsel. He said he could also retire, collect his pension and work as an assigned counsel.

“I’ll win, the assistants will win, but I’m concerned the county will lose,” he said.

The most consistent topics that ran through the remarks from those who sounded off at the forum dealt with requests to keep Polley in his position and to reconsider the sale of the nursing home.

Bob Compani, another CSEA official, described how patient care has declined and working conditions for staffers have suffered since a nursing home

formerly operated by Fulton County was privatized.

“I have seen it in my home town,” said Compani, who is from Gloversville. “Don’t let it happen here.”

He said scores of employees have left their jobs at that facility, despite the fact Gloversville has one of the highest unemployment rates in New York.

The board is expected to act on the \$124.5 million tentative budget at its monthly meeting next Wednesday.

Clark, in an interview, said the spending plan could be amended then, after she and other board members reflect on the comments made by citizens.

Rep. Rich Murphy, D-town of Oneonta, said he plans to meet today with Polley, whose job elimination was proposed by Frances Wright, the director of the Office for the Aging. Murphy said he has never seen such a strong showing of public support for one county worker.

Meanwhile, Murphy said he expects the panel will continue to examine the possibility of tacking on a quarter of a percentage point to the county sales tax in order to avoid the possibility of cutting more jobs and services. However, it will not be possible to enact such an increase in time to impact the budget that will be acted on next week.

The tentative budget amounts to a 1.97 percent increase over the county’s 2012 property tax levy.



Debate arises over possible county job cut

BY JOE MAHONEY
STAFF WRITER

COOPERSTOWN — As Otsego County lawmakers prepare to hear from the public tonight on a tentative county budget for 2013, a behind-the-scenes debate has broken out.

The debate focuses on whether planned layoffs should include a worker responsible for counseling senior citizens on their Medicare options.

John Imperato Sr., the head of the local Civil Service Employees Association unit representing unionized county workers, said the proposed termination of Office for the Aging staffer David Polley is based on flimsy rationales that fail to take into account the positive contributions he has made to enlighten seniors on their federal benefit options under Medicare.

"A lot of people will be there to support him" at a public hearing on the tentative budget at 6 p.m. at the Otsego County Courthouse in Cooperstown, Imperato said.

Polley, contacted by The Daily Star, declined to comment, saying his supervisor, Director of the Office for the Aging Frances Wright, instructed him to refrain from making public comments about the planned elimination of his job.

County Treasurer Dan Crowell, whose tentative budget includes the elimination of Polley's job, denied charges by Imperato that the firing was "political" in nature.

"We've got a budget gap that we have to close, and that involves very hard decisions," he said.

As to whether or not Polley has enough allies on the County Board of Representatives to keep him in his \$39,527-a-year job, Crowell said that it's "too hard to tell."

One of Polley's allies, Rep. Betty Anne Schwerd, R-Burlington, said she has been flooded with calls from seniors who want Polley to keep his job.

"I think he is an integral part of the office, and to give up any part of the office is a disservice to seniors," Schwerd said.

However, Rep. James Powers, R-Butternuts, said it was up to Wright to "make the cuts where she thinks the least damage will be done."

At the same time, Powers said he is opposed to any job cuts at the Department of Motor Vehicles, an arm of county Clerk Kathy Sinnott-Gardner's office. He said any cuts to jobs there would hurt the public.



CSEA Looks To Negotiate Separately For County Home Workers

By Liz Skoczylas

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MAYVILLE - Nearly 11 months after a request for what the CSEA was willing to do regarding the sale of the County Home, the union has responded.

Last week, County Executive Greg Edwards received a letter from the CSEA. In the letter, the union requested "that negotiations for terms and conditions of employment for employees at the Chautauqua County Nursing Home be separated from negotiations for the remainder of the Chautauqua County Employee Unit 6300."

However, the letter may be too little, too late.

"My thoughts are pretty clear. I asked the president of the local CSEA in January by letter to advise me what the CSEA was willing to do," Edwards said. "They did not acknowledge receipt of the letter, nor did they ever respond to that letter until I received this letter in my office on Nov. 21. So, from January until November, this is the first thing I have received."

Edwards said he had formally communicated with the CSEA in January of this year. At the time, he said he told them he was working with Marcus and Millichap to begin marketing analysis of the County Home. He requested that the CSEA provide anything it was going to propose on the County

Home by April, to be presented along with the findings of Marcus and Millichap.

According to a release by the CSEA on Tuesday, the union is taking the first step toward controlling costs and increasing revenue as suggested in a recent report and study of operations at the Chautauqua County Home.

"We are committed to nursing home residents and taxpayers who demand quality long-term care and access to the care that only the Chautauqua County Home provides," said David Fagerstrom, Chautauqua County unit president. "This offer demonstrates that commitment. We are hopeful these negotiations can begin immediately and that measures recommended by the Legislature's Ad Hoc Committee on the County Home and the Center for Governmental Research can be implemented."

The letter, which is dated Nov. 20, states that the request is predicted upon full funding of the County Home, including IGT match, and implementation of other cost-saving and revenue enhancing recommendations made in the Center for Governmental Research report.

Under the union proposal, nursing home workers would remain members of the CSEA Chautauqua

County Unit 6300, but a separate section of the contract would include articles specific only to county home employees.

In his budget proposal, Edwards called for \$1.3 million in IGT funding which would have been matched by another \$1.3 million of state and federal taxes. The legislature, however, reduced that amount by \$250,000.

"It is important for the home to be fully funded as negotiations take place, and for other recommendations in the study to be considered for implementation as well," Fagerstrom said. "The Chautauqua County Home is an asset owned by county residents, and an important safety net that provides care for all regardless of ability to pay. We believe it can remain taxpayer-

owned and thrive if the CGR report is fully and seriously considered."

According to Edwards, the County Home is projected to lose more than \$700,000, or approximately \$9,000 per day. This information is why the county engaged Marcus and Millichap, and why it acknowledged an offer by Altitude Health Services Inc. for \$16.5 million to purchase the County Home, Edwards said.

"That's why we are finalizing the contract as we speak between

Altitude and the county of Chautauqua to be presented to the Chautauqua County Legislature for their review for their December session," Edwards said. "So, obviously it is difficult on the eve of reviewing the contract of the sale, to receive this letter as the first letter in response to my January letter, when we're negotiating the contract for the sale of the property. So, it's very unfortunate timing that the CSEA chose here."

Stephen Abdella, county attorney, said since the budget is fully adopted, Legislators would not be able to change the tax levy at this point.

"If they decided to increase it back to where it was in the tentative budget or higher, I think they could do that by going to the fund balance," he said. "They could do that at any time. That would be outside the budget process at this point."

Edwards said he does not expect the letter from CSEA to be discussed during tonight's legislature meeting. However, he will be discussing the letter further with CSEA representatives.

"Since it's unclear what is actually being proposed in this letter, I'll work between now and the December meeting to try and figure out what that is," Edwards said.

Attempts to reach union officials for further comment Tuesday were unsuccessful.



Operation Christmas Child

CSEA CRIES BETRAYAL:

After inking a no-layoff agreement with the County, CSEA workers are angered over elimination of jobs in the new county budget for 2013. **Page 3**



Union warns county of suit

Workers say transferring ownership of Van Duyn nursing home is illegal.

By Rick Moriarty
Staff writer

The union that represents workers at the Van Duyn nursing home said Tuesday it may sue Onondaga County if, as expected, the county takes the first step toward selling the 513-bed facility to a private operator.

Mark Kotzin, a spokesman for the Civil Service Employees Association, said the union believes it would be illegal for the county to transfer ownership of Van Duyn Home & Hospital to the Onondaga Civic Development Corp.

The county Legislature is expected to vote as early as Tuesday on a proposal to transfer the nursing home to the OCDC. County officials said the OCDC would then sell the nursing home to Upstate Services Group of Rockland County for between \$8 million and \$10 million. Unlike the county, the OCDC could hold a mortgage on the nursing home, making it easier for Upstate Services to finance the purchase.

The OCDC is a local development corporation created by the county in 2009 primarily to issue bonds on behalf of nonprofits to finance their development projects. Kotzin said its purpose does not include facilitating the county's sale of

its nursing home to a private entity.

"We believe it's not legal to be using an LDC (local development corporation) for this purpose," he said.

The CSEA represents about 500 of Van Duyn's 559 employees. It says it is worried that a private operator would slash wages, benefits and staffing at Van Duyn, leading to a reduction in the quality of care at the facility.

Upstate Services has said it would keep nearly all of Van Duyn's employees and maintain its mission. The company has not said whether a change in ownership would affect wages and benefits.

Earlier this year, Lewis County considered forming a local development corporation to operate its nursing home while the county looked for a buyer. It backed off after the CSEA threatened to take legal action to stop the move, Kotzin said.

Threats of a lawsuit do not appear to be deterring the administration of Onondaga County Executive Joanie Mahoney, however. County Attorney Gordon Cuffy said the state law that authorizes the creation of local development corporations does not limit them to financing projects for nonprofits.

He noted that a section of the law states that one of the purposes of a local development corporation is to "lessen

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the burden of government."

It's under that provision that the OCDC could facilitate the sale of Van Duyn, he said.

"A clear reading of the statute shows it can do it," Cuffy said.

The Mahoney administration estimates that deficits at Van Duyn will total \$115 million over nine years, placing a huge burden on taxpayers.

State Comptroller Thomas DiNapoli last year issued a report calling for a change in the

law to rein in local development corporations, which he said are exempt from many of the provisions that guide the operations and financial transactions of local government. His report said the wide latitude given to the corporations "increases the risk of waste, fraud, or abuse of taxpayer dollars or assets."

Contact Rick Moriarty at 470-3148 or rmoriarty@syracuse.com.





UNION STRIKES BACK

Rockland County CSEA Calls for Rockland Legislature to Reconsider Budget Cutbacks, Threatens Suit

BY MICHAEL RICONDA

New City – The Rockland County Legislature held a public hearing at its November 20 meeting to address the recently-released 2013 budget, prompting public employees represented by the Civil Service Employees Association to speak against cuts to programs and layoffs.

The budget, which includes the elimination of 70 positions and cuts to public health programs such as mosquito control and the county’s breastfeeding initiative for new mothers, was presented in late October and has been going through detailed review in the legislature.

CSEA members criticized a variety of cuts presented in the budget, including the breastfeeding program, health benefits packages for county employees, the employee pharmacy, and the prescription drug program. In addition, several CSEA members claimed that the proposed cuts meant that county was entertaining the possibility of breaching their previous contract with the union.

CSEA President P.T. Thomas spoke out against

the layoffs and stated that if the budget cuts interfered with their prior contract or the public ownership of Summit Park Facility, the CSEA would pursue legal action to counter what he calls a “privatization effort” against the troubled healthcare center.

“Our stand is that Summit park should stay as a public entity,” Thomas said. “We may even be forced to put the issue on a referendum in the coming ballot.”

Thomas also took the bold step of suggesting drastic \$11 million cuts to legislator positions and eliminating the position of the county executive entirely, emphasizing the importance of focusing cuts upon small numbers of high earners rather than low-level service positions.

Laurie Messenger, whose position with the breastfeeding program could be cut in the current budget plan, criticized County Executive C. Scott Vanderhoef for emphasizing the elimination of departments over eliminations of positions, a move which Messenger described as misleading.

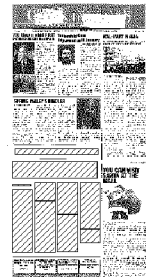
Messenger also stressed

the importance and economic value of retaining public health programs, a common theme among many healthcare workers who spoke.

Prevention saves money by keeping people healthy,” Messenger said.

In defense of the budget, President of the Rockland Business Association Al Samuels stated that while he felt that the legislature should be more active in modifying the budget and open to suggestions from outside consultants and experts who have reviewed the budget, the budget as it stands “represents a direly needed reality check” and should be carefully considered by the body.

“There are things in this budget that are very hard,” Samuels said. “For some of you, many of them are harder than others because you have great commitment to some of the things that are represented by them, and we understand, but it’s time for the county legislature to vote for the entity that is Rockland County, because if Rockland doesn’t survive, no component of Rockland can.”





Budgetary meetings and public hearings are expected to continue throughout the coming weeks, with the next budgetary review scheduled for November 26.

Speakers oppose selling Van Duyn

Workers union, families of residents fear quality of care, staffing would suffer.

By Rick Moriarty
Staff writer

The possible sale of Onondaga County's Van Duyn nursing home to a private operator came under fire Monday night from a public employees' union and relatives of the facility's residents.

Officials of the Civil Service Employees Association said they fear wages and benefits for Van Duyn's nurses and other employees would be slashed if the 513-bed facility is sold to Upstate Services Group, the Rockland County-based nursing home operator.

That's what happened when Fulton County sold its nursing home to a private operator from New York City, said Robert Compagni, deputy director of contract administration for the **CSEA**.

"Do what's right for the county," Compagni told lawmakers at a public hearing. The union represents about 500 of Van Duyn's 559 employees.

Phil Graham, president of CSEA Local 834, said the quality of care at Van Duyn is likely to fall under a private operator driven by a need to generate profits.

"Can we walk away from our responsibility to have a true safety net?" he asked.

Graham also questioned the accuracy of county estimates that Van Duyn will run deficits totaling \$115 million over the next nine years if it continues to be run by the government. He said the county has refused to tell the union how it came up with the estimates.

Virginia Denton, whose aunt has been a resident of Van Duyn for two years, said she is worried that a private operator would cut staff. She said the county should raise taxes to cover the facility's deficits rather than sell it.

"Van Duyn is a very, very special place," she said.

None of the eight people who spoke at the hearing supported selling the nursing home.

The county Legislature is expected to vote next month on a proposal to transfer Van Duyn to the Onondaga Civic Development Corp., a county-created nonprofit corporation, as an interim step to selling the facility to Upstate Services Group. The company is negotiating a purchase for \$8 million to \$10 million. It has pledged to maintain the quality of care at Van Duyn.

The idea of selling Van Duyn appears to have strong support in the Legislature because of the impact that ballooning deficits at the nursing home could have on the county's finances.

Legislature Chairman Ryan McMahon said the county is at a point when it must sell Van Duyn or risk financial ruin.

"If people have a better idea, we'd love to hear it," he said after the hearing.

Contact Rick Moriarty at rmoriarty@syracuse.com or 470-3148.



Maplewood Manor to be sold

Saratoga County Supervisors vote to form LDC

BY MARCI REVETTE

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Despite protests from concerned citizens and other interested parties, the Saratoga County Board of Supervisors voted at the Tuesday, Nov. 20 board meeting to form a Local Development Corporation (LDC) in order to sell Maplewood Manor, the county-owned nursing home.

The vote, which was not unanimous, came after several angry citizens spoke out during the public comment period against privatizing the county home.

Tensions between the supervisors and the employees and family members of the residents at Maplewood Manor have been evident ever since the proposed transaction was recommended last month by the Public Health Committee.

"It didn't seem possible that our elected officials would actually consider abandoning their social and moral responsibilities toward a significant portion of their constituents and our neediest neighbors," said Saratoga resident Cliff Ammon. "However, as time wore on, it became increasingly apparent that the decision to dump our most helpless was predetermined."

Ammon also echoed the sentiments of other citizens who protested the decision was made without any public hearings.

"You are all making a momentous decision without public hearings, based on a \$50,000 report that report-

edly does not question any person connected with Maplewood, staff, patient, or family member," Ammon said. "The feeling is that this corporation you are creating is designed to shield you from personal involvement and culpability."

Other citizens were upset over the fact that Schuyler Hall, a 40-bed unit, was officially closed last week. The county expects to save \$1 million in net finances. The closing of that unit required 32 patients to be moved to new beds, sometimes even separating family members.

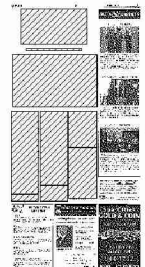
"That was their home," said Nick Barardi, an employee at Maplewood Manor. "They're being viewed as a waste of money."

Still other citizens expressed shock that the supervisors would even consider privatizing the home, since some of them have family members who are residents in the facility.

"It's sad that your greatest concern is making money, not the patients, some of whom are your relatives," said Saratoga resident Barbara Brower.

Saratoga County CSEA President Kathy Garrison was perhaps the most vocal of all when she addressed the board.

"As for the members of the caucus who hatched this scheme, and to those who simply decided to go along with it, let me assure you that your ability to get re-elected will be impacted by this vote," Garrison said. "Voters will remember, and next year when you are up for re-election, CSEA will be



happy to remind them of your deception and your vote today.”

Before the vote was taken, several board members stated why they were either for or against forming an LDC.

“I have a problem with forming an LDC and borrowing money against it,” said Moreau Supervisor Preston Jenkins. “I think it will potentially be a double whammy to the taxpayers over the next three years if this sale goes through. I cannot vote for this to borrow money to pay for operating expenses for the year.”

According to the tentative 2013 county budget released on Oct. 31, “the LDC model will allow the County to partially offset next year’s subsidy to Maplewood with funds borrowed against the equity of the facility. This will save the General Fund from having to contribute \$6 million towards Maplewood’s projected deficit.”

The county does not have such “financial flexibility” in the absence of an LDC, the budget document states.

Ballston Supervisor Patti Southworth had more personal reasons for voting no.

“I have serious concerns over quality of life issues that will occur if an LDC is formed,” she said. “I have severe concerns about how this facility would be run and what would happen to the residents and the property should the facility ever be closed.”

Northumberland Supervisor Willard Peck explained why he would be voting yes to the LDC.

“The LDC will have five supervisors on the board,” Peck said. “We care about our citizens and want to do the right thing. The right thing is to keep the facility open and we can’t do this without the LDC.”

The supervisors who voted no were Preston Jenkins, Patti Southworth, Mary Ann Johnson, Daniel Lewza, Richard Lucia and Joanne Yepsen.

A public hearing will be held on Jan. 9, 2013 at 5:15 p.m. to finalize the formation of the LDC.





Stephen D. Cannerelli / The Post-Standard, 2010

VAN DUYN Home and Hospital, West Seneca Turnpike, Syracuse, may be transferred to an Onondaga County-created development corporation as an interim step toward selling the 513-bed nursing home to a private operator. A public hearing at 7 p.m. Monday will address the issue.

Safety Net At Risk

Onondaga County must not privatize Van Duyn

By Phil Graham

Since 1827, Onondaga County has had a role in caring for our most vulnerable citizens when it founded the county poorhouse. In 1975, Onondaga County began building the Van Duyn Home & Hospital, our public nursing home.

We built Van Duyn because our elected leaders clearly saw the value to our community of continuing to have a safety net facility for our elderly and infirm, one that would treat the most medically complex cases, and that would be available to all county residents, regardless of ability to afford nursing home care.

Now, that legacy and commitment to our seniors is at serious risk.

Van Duyn belongs to the citizen taxpayers of Onondaga County. This is our nursing home. When asked in the past, residents supported keeping Van Duyn as a public nursing home, even if it cost more in taxes. This is the kind of government service people value paying for. Unfortunately, the county didn't ask the public their thoughts before putting Van Duyn up for

sale.

Now the Onondaga County Legislature is about to make another move toward getting rid of our responsibility to our community's seniors by transferring Van Duyn's property and assets to a Local Development Corporation (LDC). County officials say this will make it easier for the private company the county executive has selected to purchase Van Duyn sometime next year. Should we just allow them to dump decades worth of public investment into our county nursing home?

There are many questions that should be answered before our legislators take any further action regarding Van Duyn. Among them: Does the public support selling our nursing home? Why do we need an LDC to help the future buyer with financing? Can't it get financing on its own? Do we really want to transfer ownership to a quasi-public corporation, which has no direct accountability to taxpayers and is projected to run deficits in the next three years, according to its financial plan?

On behalf of the residents who our mem-



bers care for and their families, we oppose the sale of Van Duyn. If you want another good reason as to why, let me tell the tragic story of how nursing home privatization recently failed the citizens of Delaware County.

Last month, Delaware County residents watched as the doors closed to their former public nursing home, six years after selling it to a private operator. That operator couldn't make a profit, so it walked away from the home and the people who lived there, leaving residents to be hastily relocated hundreds of miles away from their families and leaving taxpayers holding the bag on more than half a million dollars still owed from the sale.

We urge people to speak out against Van Duyn's sale at the Legislature's public hearing at 7 p.m. Monday, to stop the possibility of what happened in Delaware County from ever happening here. Our elected officials have an obligation to make sure our safety net remains intact, and we will hold our legislators accountable for their actions if they vote to sell off Van Duyn or transfer the property to a LDC.

Phil Graham, of East Syracuse, is president of Local 834 of the Civil Service Employees Association.

Show raises \$1,700 for cancer funding

OLEAN — The 1950s In Sync show held Nov. 2 — and sponsored by the Olean Fire Department, CSEA locals, Olean Blues Brothers, Generations and the Olean Theater Workshop — generated \$1,700 toward the fight against breast cancer, organizers said.

Proceeds from the event are being donated to the Cancer Services Program of Cattaraugus and Allegany counties.



Proposed pay hikes for county officials draws criticism

By W. T. Eckert

Hudson-Catskill Newspapers

CATSKILL — Proposed raises for several appointed and elected Greene County officials got called into question Monday night in a public hearing.

Union leaders and county employees voiced their displeasure with several proposed local laws that would allow for three elected and two appointed officials to get an increase in their salary ranging from 1.5 to 16.9 percent.

Local Laws 4 through 7 introduced the potential to increase the salaries of the county treasurer by 6.7 percent from \$74,083 to \$79,083; county clerk by 16.9 percent from \$59,000 to \$69,000; county administrator by 1.5 percent from \$132,000 to \$133,980 and commissioner of Department of Social Services by 2.9 percent from \$81,873 to \$84,329 — both in Local Law Introductory No. 6; and the sheriff by 1.5 percent from \$75,000 to \$76,125.

Moved from the Greene County Legislative Chambers to the Catskill High School Auditorium in preparation for a larger turnout, not many spoke their mind on the matter at hand but those that did, spoke loud and from the heart.

Doris Vedder, a 23-year employee with Greene County Public Health said she, like those to follow her, felt the issue of raises to those selected should be addressed as a whole and not directed to one individual.

“We have had several meetings about the closing of our home care department in the interest of saving money for the county,” Vedder said, “and through the year it has been very difficult to see several coworkers, whether they were there four years or 30 years, have to leave their positions to find employment elsewhere.”

Vedder said that in the cur-

rent socio-economic climate, everyone should share in the hurt.

“I just feel in equity of everyone in the county,” Vedder said, “that this hardship should be shared by everyone.”

Greene County Mental Health employee Jessica Dillon echoed Vedder’s sentiment.

From her experience working for the county, Dillon said she has witnessed the struggles the county has gone through after tropical storms Irene and Lee; however, the economical struggles have been in existence long before the storms came to town.

“I have serious concerns about continuing to reside and work in a place where there is an unequal distribution of money,” Dillon said.

With serious cutbacks in multiple county departments, where does the county find the money for raises to specific individuals, something she called “very unfair.”

“Mental Health is housed in a building that is substandard,” Dillon told the lawmakers. “I would consider that to be a substantial cutback for many of us that work there on a regular basis.”

“We go to work with a roof falling in on us, leaks, plumbing that is inadequate,” Dillon continued, “not to mention the inability for people with disabilities to access that building with any kind of safety; our one ramp to that building is deteriorating.”

Dillon said, regardless of its condition, she loved that the space was being utilized but has concerns about the figures, how they were reached and reminded the legislators that they were “all in the same boat.”

Leaders of the Civil Service Employees Association addressed the lawmakers and Judy Soderblom, president of

CSEA Unit 7000 backed by Vice President Ed Diamante and Treasurer Pam O’Reilly spoke on behalf of CSEA Local 820.

Unit 7000 represents 247 Greene County workers.

“We’ve been told for the last three years that times are tough and we need to sacrifice,” Soderblom said. “We’ve been told there is no money for raises.”

Soderblom said that there had been significant increases in the county administrator’s salary in 2007 from \$99,507 to \$132,000 in 2012, a \$32,439 increase, averaging 6.5 percent each year, she said.

On the other hand, Soderblom said members of Unit 7000 have been laid off or demoted with a decrease in the county workforce from 282 in 2010 to 247.

“Our members are doing more with less,” Soderblom said. “What is being proposed is not fair. If these raises are approved for a select few, it will be a slap in the face to the majority of Greene County workers.”

The legislature isn’t slated to vote on the proposed salary increases until next month, tentatively Dec. 5, along with the 2013 tentative budget, which the public was also given an opportunity to address tonight, though no one did.

Greene County Legislature Chairman Wayne Speenburgh said the unions in the county have been holding the line over the last four years and have been very receptive with good contracts, something that he said he needs to personally take into consideration.

“I’ve been working with them over the last three or four years,” Speenburgh said. “We have gone through a very difficult economic downturn and they have been very, very good about helping us through this



thing.”

Speenburgh said there needs to be a discussion with his fellow legislators on how to move forward on the proposed local laws, “if it goes forward.”

“We’re going to take this information that they gave us tonight,” Speenburgh said, “they raised several good points that I think we need to consider and certainly we don’t want to ‘slap them in the face.’”

Nursing home on road to privatization

Vote for entity to manage Maplewood Manor seen as step toward its sale

By Dennis Yusko

BALLSTON SPA — Saratoga County supervisors on Tuesday voted to create a local development corporation to manage the sale of the county's Maplewood Manor nursing home to a private operator.

Members of the county Board of Supervisors voted 15-6 to form the corporation despite pleas from family members of Maplewood Manor residents and employees to keep the 277-bed home publicly owned. Supervisors will now transfer the Ballston Spa facility to a seven-member limited development corporation that could borrow money from the facility's value and try to sell it to a private buyer by December 2014.

"This decision was made after an extensive assessment and considerable deliberation," board Chairman Thomas Wood III said.

County leaders have said they cannot afford to continue subsidizing the facility's annual deficits,

Please see **HOME B7** ▶ caused mostly by declining Medicaid reimbursements from the state. The county has provided nearly \$45 million to cover nursing home deficits since 2004, budgeted for a nearly \$10 million shortfall this year, and no longer has the resources to fund it, County Administrator Spencer Hellwig III has said.

Tuesday's vote did not come as a surprise. County leaders had already budgeted \$6 million in revenue for 2013 from the corporation borrowing against Maplewood's future sale. The budget also proposes

shutting 40 beds in the facility. The rest of facility will remain open and employees would continue to work for the county until it is sold to a private entity. Maplewood's value is estimated at \$13 million to \$15 million.

On Tuesday, the board set a public hearing to consider an additional resolution authorizing the sale of the facility for 5:15 p.m. Jan. 9. County officials have said the plan will not compromise care for existing and future residents, but about 10 people who spoke prior to Tuesday's vote disagreed and urged the supervisors to keep Maplewood Manor.

"This is what we fear, that high turnover in private-sector homes is going to result in low-quality care for our loved ones," said Susan Ballinger, whose mother and mother-in-law reside in Maplewood Manor.

Kathy Garrison, president of the Civil Service Employees Union Capital Region chapter, said the creation of a local development corporation would have long-lasting negative consequences. **CSEA** represents most of Maplewood's 315 full-time employees. Garrison accused county leaders of conducting a closed process.

"This is a sad day in Saratoga County," Garrison said. "This vote effectively ends a rich legacy of decades of caring for our county's most vulnerable residents."

Voting against the resolution Tuesday were Corinth Supervisor Richard Lucia, Moreau Supervisor Preston Jenkins, Saratoga Springs

Supervisor Joanne Yepsen, Ballston Supervisor Patricia Southworth, Milton Supervisor Dan Lewza and Day Supervisor Mary Ann Johnson. They cited uncertainties regarding the sale and facility's future. Not present were Edinburg Supervisor Jean Raymond and Mechanicville Supervisor Thomas Richardson.

The local development corporation will function as a public body subject to open meetings laws, Hellwig said Tuesday. The corporation's seven-member board of directors will consist of Wood, Richardson, Northumberland Supervisor William Peck, Stillwater Supervisor Ed Kinowski, Hadley Supervisor Mo Wright, former Malta Supervisor David Meager and Helen Endres, a nurse who served as the county's director of public health. The corporation could issue requests for buyers in March and select a private owner by July.

The county paid \$50,000 to the law firm Harris Beach for recommendations on what to do with the nursing home. Attorneys suggested the county consider divesting itself of Maplewood.

Dorothy Tyler of Northumberland opposes the sale of Maplewood, and on Tuesday, announced the formation of a group called Citizens Advocate for a Sustainable Maplewood Manor. She said the county's decision left many emotionally devastated.

"It is our duty to provide for those who cannot provide for themselves," Tyler said. "It should not be sold to the highest bidder."

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Vanderhoef's budget slammed at hearing

By Laura Incalcaterra
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NEW CITY — Rockland CSEA President P.T. Thomas told county legislators Tuesday to eliminate the County Executive's Office and reduce the size of their own board to save millions in the 2013 budget.

Thomas was one of about a dozen people who spoke during a public hearing on County Executive C. Scott Vanderhoef's proposed 2013 budget, nearly all of them in opposition.

Vanderhoef's \$736.9 million spending plan calls for a \$157 property-tax hike, eliminates at least six programs and cuts 70 jobs — most of them Civil Service Employees Association positions.

The job cuts have infuriated members of three unions, including the CSEA, who signed a new contract that banned layoffs done for budgetary reasons.

Vanderhoef says the job cuts will result from program eliminations and are therefore allowed, something several county legislators have publicly questioned since many of the jobs will be outsourced to cheaper providers.

Robyn Richi, who faces being laid off from her county security post, said she and her co-workers signed the new contract in good faith and should at

least be able to work until that agreement expires at the end of 2013.

Another CSEA worker, David Schwall, said he was bothered by the public perception that union workers were somehow getting a free ride despite their hard work.

"All we ask for is the opportunity to do the job that Rockland County hired us to do," Schwall said. "And to spend the last months and years wracked with anxiety and worry for our friends, our families, our co-workers about what's going to happen, it's just wrong and we deserve better."

Thomas formally requested legislators to change the County Charter and eliminate the position of county executive. He said cutting the office would cut \$7.27 million from the budget.

He also requested the board to decrease their size, from 17 members to six, to save another \$4 million.

Thomas further asked that the tourism function be turned over to Priceline or Travelocity, that the number of department heads be consolidated and that workers without civil service status that had been appointed by Vanderhoef be let go.

Thomas told legislators that county workers are responsible for bringing millions in revenue into county coffers, more than paying for their salaries and benefits while

still providing a net revenue income of \$192 million to the county.

Not everyone was opposed to the budget.

Al Samuels, president and CEO of the Rockland Business Association, was one of three RBA members to address the board, all demanding that legislators act more decisively on the budget.

Samuels quoted a report by a think tank hired by the RBA to review the county's fiscal state and how it came to amass a \$96 million budget deficit and to have a credit rating teetering on the brink of junk status.

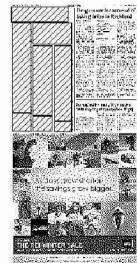
"Now is the time to rise to the occasion," Samuels said. "The business community of Rockland County, which is so vital to the future of Rockland, requests that you do that."

He said the budget presented difficult challenges in terms of the cuts proposed, but that action was needed to right Rockland's fiscal house.

Hector May, also of the RBA, pointed out that years of overestimating revenues and other mistakes had contributed to the crisis.

He also said that it might be more efficient to allow the private sector to perform some services and for the county to halt other services, at least until it corrected its fiscal situation.

"Everyone had a hand



in creating the deficit,”
May said. “Now, every-
one must have a hand in
erasing it.”

The Legislature plans
to adopt a budget Dec. 4.

*“To spend the last months and years
wracked with anxiety and worry for
our friends, our families, our
co-workers about what’s going to
happen, it’s just wrong and we
deserve better.”*

DAVID SCHWALL, Civil Service Employees Association
member

MAPLEWOOD
MANOR

Vote OKs LDC move Decision puts facility on path to privatization

By **CAITLIN MORRIS**
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BALLSTON SPA — A landmark vote by the Saratoga County Board of Supervisors Tuesday approved the creation of a local development corporation to manage the sale of the county-owned nursing home, Maplewood Manor.

Of those on the 23-member Board of Supervisors, six voted against the resolution. Two supervisors, Jean Raymond of Edinburg and Thomas Richardson of Mechanicville, did not attend the board meeting.

The six dissenters were Preston L. Jenkins Jr. of Moreau, Patricia Southworth of Ballston, Richard B. Lucia of Corinth, Dan Lewza of Milton, Mary Ann Johnson of Day and Joanne Dittes Yepsen of Saratoga Springs.

Jenkins requested a separate vote on the issue — typically, the supervisors approve all their monthly resolutions en masse — citing his financial con-

cerns about the procedure. Declining Medicare reimbursements and rising operational costs have led

See LDC, Page 5A

public assets like nursing homes to be frequent targets for privatization in recent years.

Maplewood Manor has a \$27 million annual operating budget. County Administrator Spencer Hellwig estimates the county will spend \$10 million on Maplewood Manor in 2012, and even though that number will likely be reduced by state subsidies, Hellwig said rising expenses are insurmountable. The biggest costs associated with Maplewood Manor are tied to employee salaries and benefits, which make up 85 percent of the nursing home's operating budget — \$21.6 million.

A seven-member board was also named to manage the newly created Maplewood Manor LDC. That board includes five supervisors — Chairman of the Board Thomas Wood, Willard H. Peck of Northumberland, Ed Kinowski of Stillwater, Tom Richardson of Mechanicville and Arthur "Mo" Wright of Hadley. The two other members are Helen Endres, who served for 34 years in the Saratoga County Public Health Nursing Service, and Dave Meager, a former Malta supervisor.

Fourteen people signed up in advance to make a five-minute-or-less comment to the Board of Supervisors prior to the vote. Of the 14 speakers, 12 spoke about Maplewood Manor. Of those, 11 were against privatizing the

facility.

The one person who spoke in support of privatization said he supports the change because the deficit is so large, but he also wonders what other county services are at risk of getting cut if the county keeps experiencing fiscal dilemmas.

"This is a very painful, in a lot of ways, example of loss of local control and local government due to state unfunded mandates," he said.

Peck spoke in support of the LDC creation and said he had an open mind when making a decision over whether or not to privatize the facility. Ultimately, he decided an LDC was the best way to finance Maplewood's Manor ongoing operation until it can be sold to a private company. He also said he knew people were typically scared of change, but they shouldn't be.

"We're not scared, we're pissed," a person in the audience loudly responded.

At 5:30 p.m. Dec. 3, there will be a public hearing on the proposed county budget — which includes \$6 million in equity borrowed against the value of Maplewood Manor when it is sold. At 5:15 p.m. Jan. 9, a public hearing will be held on a second resolution that would authorize the county to transfer Maplewood Manor into the hands of the LDC to manage the sale of it to a private-sector operator.

What they're saying

Fourteen people spoke during the public comment period prior to Tuesday's meeting. Here is a sampling of some of the things they said:



■ “All municipalities are facing tough financial times, but I personally regret Ulster County’s decision to relinquish its ownership and control of such an important county-run service to an independently functioning and self-governing board like a local development corporation.”

— **Robert Parete, Ulster County legislator**

■ “Your vote today to create an LDC is being done without the consideration of other options, without a public hearing and without any respect for the residents and employees of Maplewood Manor who are expected to sit by quietly while you hand over the keys to their home... Voters will remember, and next year when you are up for re-election, **CSEA** will be happy to remind them of your deception and your vote today.”

— **Kathy Garrison, CSEA Capital Region president**

■ “The feeling among citizens is that this corporation you are creating is designed to shield you from personal involvement or culpability... I sense that as more and more county residents hear of this action and begin to appreciate the consequences, you will see a rising tide of local support for this indispensable community asset.”

— **Cliff Ammon, Saratoga Springs**

■ “Providing care for the elderly and disabled should not be run as a business. Providing for those in need is a fundamental obligation of society. We have given to the community for decades and don’t think it’s too much to ask that we receive quality care when we need it.”

— **Letter from Resident Association at Maplewood Manor members Maria McElya and Elizabeth Retell, read aloud during the public comment period**

Sandy's influence at work

Workers upset over losing vacation days for disturbance

By Rick Karlin

ALBANY — Superstorm Sandy has created waves in the state workforce.

A handful of state workers downstate say they have been unfairly docked vacation days because they stayed home during the Oct. 29 storm either because their supervisors told them to or because they were unable to get to their worksites.

While the disagreement appears to be limited to several dozen people in select locations, it's just another example of how Sandy's fallout is likely to linger for some time.

State employee unions as well as state agencies appear to be downplaying the issue.

When asked about complaints regarding vacation time, Jane Briggs of the Public Employee Federation said in an email, "We are continuing to actively advocate with the state on a wide variety of concerns raised by our downstate members about Hurricane Sandy-related issues."

And Civil Service Employees Association spokesman Stephen Madarasz said the complaints were scattered and will be looked at on an individual basis. "It will get resolved case by case,"

he said, adding he doesn't believe there was evidence that state agencies acted unreasonably.

The disputes so far seem to center on the state Office for Mental Health and its Manhattan Psychiatric Center, which is on Wards Island in the East River between Manhattan and Queens.

Also, there are disagreements by Department of Labor personnel assigned to various locations in the city.

Workers at the psychiatric center were for a time unable to get to

work since the bridges to the island were closed.

"There was no viable way for people to get to work," said Joe Sano, executive director at the state Office of Management/Confidential Employees, a group of non-union workers.

Members of OMCE were among those who couldn't get to the psychiatric center and have seen their vacation days taken away in order to make up the difference.

In other cases, workers were told not to come in, but then learned that time would be deducted from their vacation accruals.

Generally, employees are responsible for getting themselves to work and must give up their "leave time" if they can't. But in this case, the entire New York City metro area was paralyzed at the height of the storm.

Sano stressed that residents of the psychiatric center didn't go unattended: Workers at the hospital simply stayed and worked extra shifts until they could be relieved.

Spokespeople from OMH and the Department of Labor didn't return calls for comment about the disagreement.

Madarasz added that many **CSEA** members worked around the clock in the storm's aftermath. The union also represents municipal workers who had to clear streets, drainage facilities and generally get things up and running after the storm.

And unions, including CSEA and PEF, were involved in volunteer and other efforts aimed at flood relief.

The dispute is one of many open questions in the wake of the storm, which continues to reverberate as thousands remain with-

out power.

Another example: CSEA members at the South Beach Psychiatric Center on Staten Island had to evacuate patients and in the interim had their vehicles flooded in the center's parking lot. There will likely be disputes over who will be responsible for the cost: the workers' insurance providers or the state, or both.

Gov. Andrew Cuomo earlier said the storm would likely double the state budget deficit from \$1 billion to \$2 billion, while he is preparing to ask the federal government to pick up more than \$30 billion in storm-related costs.

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SARATOGA COUNTY

Counties priced out of nursing home business

Saratoga latest to eye privatization

BY STEPHEN WILLIAMS
Gazette Reporter

Since George Washington was president, counties in New York state have been responsible for providing for the poor, elderly and infirm.

When Saratoga County was formed in 1791, one of the first things supervisors did was appropriate a few shillings each for care of "paupers."

But the county's founders wouldn't recognize today's system, in which the Maplewood Manor nursing home in Ballston Spa is just one of dozens of county-run nursing homes across the state.

Nor would they easily comprehend the costs of caring for the elderly and infirm.

What was a \$3,650 county expense for the poor in 1816 has evolved into a modern nursing home with a \$26 million annual budget for 2013, a facility that loses \$8 million to \$10 million a year — losses after federal aid, losses that must be covered by county taxpayers.

That kind of drain on local resources — replicated across the state — is prompting leaders in Saratoga and other counties to consider selling their nursing homes, or finding other ways to cut their losses.

It's a move being made, almost always, over the bitter objections of public employees.

"What we see in other counties that have privatized is they dramatically reduced the workforce," CSEA Regional President Kathy

Garrison said at a recent rally.

Saratoga Springs Supervisor Joanne Yepsen said a new group,

Citizens Advocate for a Sustainable Maplewood Manor, is being formed.

"It's really important to keep a quality facility in our county," the Democrat said.

In their 2013 budget, Saratoga County leaders propose creating a local development corporation that would take over management of the 277-bed facility, where roughly 315 county employees now work. The LDC would be able to manage Maplewood Manor's sale over the next couple of years to a private owner, and also borrow against anticipated sale proceeds to cover the infirmary's anticipated losses, county officials said.

RED-INK PROBLEM

Charlton Supervisor Alan R. Grattidge, a Republican who is expected to chair the Board of Supervisors in 2013, said he hopes a private, nonprofit health care company buys the facility.

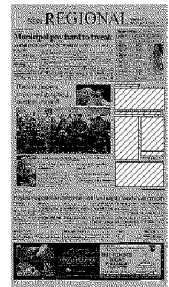
"It's a needed facility, and what we will do will be very important to its continued operation," Grattidge said. "The current situation can't go on because of the enormity of the deficit."

The losses at Maplewood Manor have drained the county's once-healthy surplus, Grattidge said, and without those losses the county likely would not have needed this year's 3.5 percent property tax increase — or next year's proposed 1.5 percent increase.

"The third option is to close it, and I don't think that's something anyone wants," Grattidge said.

In making plans to sell its nursing home, Saratoga County is far from alone — about half of the state's counties that own nursing homes are looking at that. Three homes have been sold this year, including Fulton County's.

There are another 14 counties — including Saratoga and Albany — that are reviewing their options, according to the New York State



Association of Counties. That's out of 33 county-owned nursing facilities in 31 counties.

NYSAC officials said it's a decision counties make reluctantly, only after years of significant losses.

"County administrators, county executives, county legislators don't want to sell nursing homes. This is an exploration of last resort, but these are difficult times," said Mark LaVigne, a spokesman for NYSAC.

COST OF CARE

For years, he said, county taxpayers have subsidized nursing homes across the state that lost money because federal Medicaid reimbursements haven't kept up with the cost of patient care.

In Saratoga County's case, the reimbursement from Medicaid — the federal medical plan for the poor — is only \$157 per patient per day, when county officials say the actual cost of care exceeds \$300 per day. Some 83 percent of Maplewood Manor's residents are on Medicaid.

Saratoga and other counties have also faced hits on county sales tax revenues since 2008, and then last year's imposition by the state of a 2 percent tax cap on local governments changed what was already a difficult equation, making financing nursing home losses more difficult.

That's before even considering the uncertainty for nursing home finances created by Medicare changes in the Affordable Care Act — commonly known as Obamacare — that will go into effect over the next few years; these will both cut Medicaid provider payments and force new efficiencies on health care providers.

"We have not come up with a model that lets counties stay in the nursing home business," LaVigne said.

In the Capital Region, every county that has owned a nursing home has taken some form of action in recent years due to financial losses.

Fulton County sold its nursing

home earlier this year for \$3.5 million — one of three county-owned facilities that have sold statewide since Jan. 1.

Montgomery County sold its nursing home in Amsterdam for \$645,000 in 2006, after a four-year process that started when county officials learned it would need millions of dollars in improvements.

BUCK THE TREND

Schenectady County, meanwhile, is spending an estimated \$44 million to build a new 200-bed Glendale Home in Glenville — one that will be more energy-efficient and modern than the current, antiquated home.

The capital investment will lead to higher Medicaid reimbursement rates for patient care, and federal aid payments will allow the county to break even on construction, said county spokesman Joe McQueen. But the new facility will still lose money, even though two public employee unions have agreed to lower pay for new hires.

"The county Legislature believes it is an important investment," McQueen said. "People say you're losing all this money, but we don't see it that way. We see it as an investment."

People don't criticize the library system for losing money, he noted.

"We want to be able to have our seniors stay in our community when they reach that time in their lives," he said.

The new Glendale Home will be finished by late next year.

In Albany County, officials were well along with a \$71 million plan to build a new, more-modern nursing home when the state Health Department in September rejected the plan, citing the costs and the impact on county finances of the 2 percent tax cap.

In the county's proposed 2013 budget, County Executive Daniel P. McCoy has proposed transferring the existing nursing home to Upstate Services Group of Spring Valley, a private operator that already operates the Hudson Park

nursing home in Albany and has made proposals to buy other publicly operated nursing homes. McCoy says the transfer would save the county \$70 million over the next decade.

To the north, meanwhile, Warren and Washington counties are also exploring whether to sell their longtime infirmaries.

"This is a traditional function of counties in New York state," LaVigne said. The decision to close or selling a nursing home, he said, "is not a decision they want to make."

'LAST RESORT'

Historically, county infirmaries have been the nursing homes of "last resort" for the poor and infirm elderly who couldn't be placed in private nursing homes or other facilities, either because of their physical conditions or financial situations.

Most counties, like Saratoga, have been providing care for the poor, elderly and infirm for 200 years, and sometimes longer.

A state law passed in 1824 declared that care for the poor and infirm would be a county responsibility, and counties should make plans to establish "poor houses."

In Saratoga County's case, it built its first poorhouse on what came to be called the "county farm" property in Milton in 1823.

The first poorhouse was a small, two-story house, supplemented in 1874 — after an investigation of noxious conditions at the old home — by the first hospital-style care facility.

There was a working farm for the able-bodied poor, where they grew crops from oats to rhubarb and sold milk, according to files in the county historian's office.

But the people living there changed over time. A report from 1875 in the Saratogian newspaper noted that about two-thirds of the residents were "gray-haired inmates."

POORHOUSE HISTORY

In the 20th century, as govern-

ment programs were developed to provide a safety net for the working poor and unemployed, those who needed county care were mostly the elderly who were infirm and had nobody else able or willing to care for them.

“There’s a distinction between providing a poorhouse and providing a nursing home,” Grattidge said.

In 1961, the county farm was closed, and its remaining residents moved to what had previously been a county-run tuberculosis sanitarium in Providence.

Its remote location was a disadvantage, and the current Maplewood Manor facility opened in 1972.

Because of the losses, county officials studied the situation in 2004, but declared it a needed service. Since then, however, the county has gone through what was then a \$30 million surplus, and last year, county supervisors decided to study the issue again.

A pair of consultants, the Harris Beach law firm and the Arthur Webb Group, came up with the recommendation to sell the facility through a local development corporation. Ulster County, also advised by Harris Beach, is following a similar path with its nursing home.

In some form, Maplewood Manor “absolutely has a place in the overall picture of how the aging people is taken care of,” Grattidge said.

Reach Gazette reporter Stephen Williams at 885-6705 or swilliams@dailygazette.net.

'County administrators, county executives, county legislators don't want to sell nursing homes. This is an exploration of last resort, but these are difficult times.'

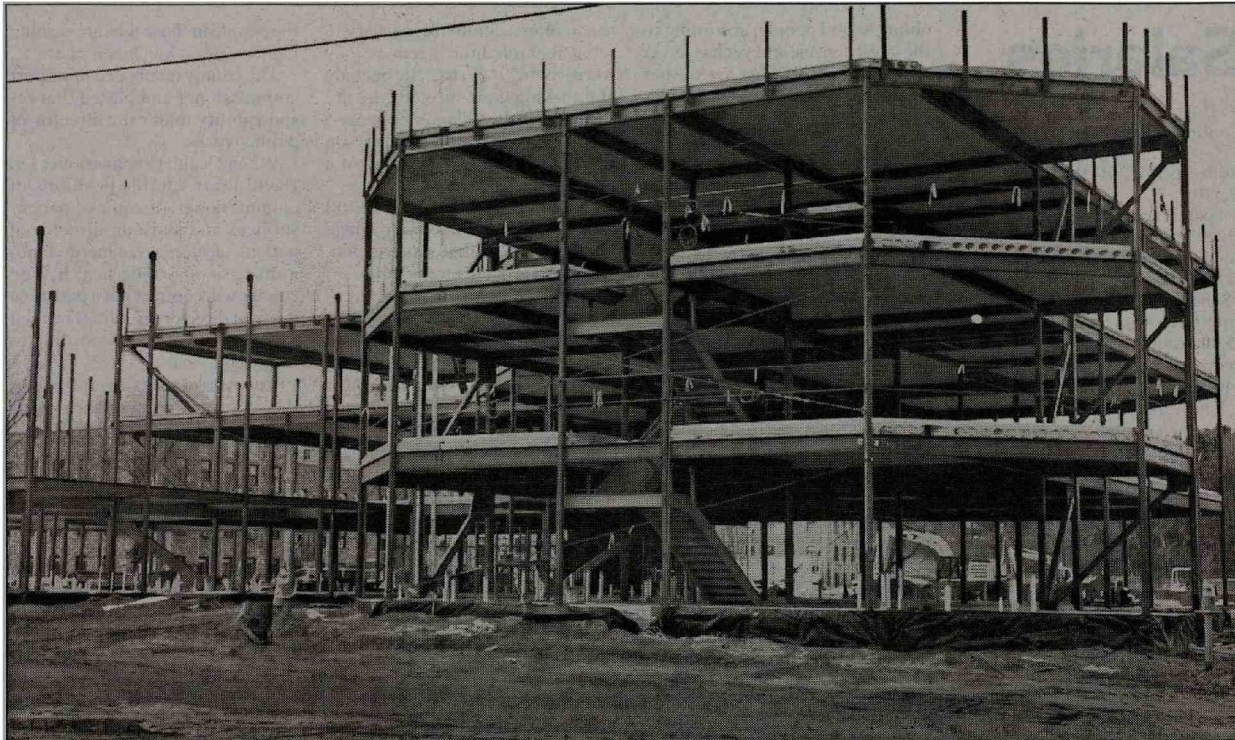
MARK LAVIGNE

New York State
Association of Counties spokesman



The Maplewood Manor in Ballston Spa is seen on Friday.

PETER R. BARBER/
GAZETTE
PHOTOGRAPHER



PETER R. BARBER/GAZETTE PHOTOGRAPHER

Work continues at the Glendale Nursing home on Hetcheltown Road in Glenville on Thursday.

Board warns layoffs ahead

County leaders eye 20 positions for possible cuts

By **DON LEHMAN**
 dlehman@poststar.com

QUEENSBURY ♦ Warren County officials have identified nearly 20 jobs that will be cut by the end of the year if the county cannot get a new labor contract with the union that represents more than 500 county employees.

County Administrator Paul Dusek told county supervisors Friday he has been working with department heads to identify positions to be eliminated.

Dusek would not identify which departments would be targeted, though he said the county Public

Health agency likely would not face any cuts because of the number of positions that department has had to leave vacant because of an ongoing countywide hiring freeze.

Dusek said the cuts will undoubtedly affect services, but the county has no choice because savings are needed.

It was hoped those savings would come from a five-year labor contract that would have increased health insurance contributions by employees and limited raises, but members of the union – Warren County Unit of the Civil Service Employees Association – overwhelmingly rejected the contract proposal last month.

Dusek said the two sides have resumed negotiations, but there was no new agreement, and he was not aware of any plan for a new union vote.

He said he was “encouraged” by recent talks, though.

“We’re hoping we don’t have to employ this list,” he said. “But the problem is the union negotiations control our costs going forward.”

He said the cuts will “undoubtedly affect services” if they have to be made.

“We don’t want to do this, but these are tough financial times,” Dusek said.

Stanley Hornak, a spokesman for **CSEA**, said the union hoped to have an agreement within a few weeks.

“CSEA is interested in

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reaching a contract by the end of the year,” he said.

The number of layoffs will depend on how many positions are not filled in the coming weeks, as a hiring freeze is ongoing.

Seven positions that would have been filled have been left vacant since the hiring freeze was enacted last month, and that attrition will be taken into account as new job cuts are considered, according to Dusek.

The county is in negotiations with three other unions that represent county workers and is at impasse with one of them.

That union is Warren County Sheriff’s Employees Alliance, which represents about 100 county jail correction officers and Sheriff’s Office support staff.

A mediator has become involved in those negotiations, Dusek said.



Orange lawmakers vote to fund nursing home

Mid-Hudson News Network

GOSHEN — The Orange County Legislature has voted to budget \$48.8 million to fund the Valley View nursing home for all of 2013.

County Executive Edward Diana only put money in his 2013 budget for the first two months of the year.

There were a number of funding streams used to craft the full year of funding, including proposed give-backs from the members of the Civil Service Employees Association.

The vote on Wednesday for the full year of funding was 14-5.

Legislature Minority Leader Jeffrey Berkman, who supports the funding, said making it work will depend on a lot of “ifs” — ‘if cost-cutting measures are instituted; if we get cooperation from the employees, the union;

if we get the cooperation of the county executive in providing management and better oversight; if we get a management team that does responsible actions by giving us monthly reports, as they are obligated to do, which didn’t happen in the past.”

Legislator Michael Anagnostakis crafted the arrangement to keep the nursing home open and in county hands.

Diana is likely to veto the spending, and it will take 14 votes among legislators to override it.

Diana called the full-year funding plan “both implausible and irresponsible.”

Late Wednesday, Diana said he had notified the current operator of the nursing home — Orange Administrative Services — that he was terminating its contract at the end of the year.



Valley View reprieve likely, Diana to OAS: You're fired

BY EDIE JOHNSON

GOSHEN — After an especially acrimonious legislative session Wednesday, the county-owned Valley View nursing home was granted a year's reprieve, with new management.

Midway through the session, County Executive Edward Diana entered the room with his accountant, submitted two surprise documents. One was a letter informing the administrator of Orange Administrative Services (OAS), Bill Pascocello, that the county would no longer be needing his services after Dec. 31. The legislative committee tasked to investigate Valley View recently produced a withering review of OAS's management of money and personnel.

The second document was a letter to the facility's union workers asking them to stop negotiating their salaries "through the news media," and to come to the table with a written proposal.

"The door is open," Diana said.

Employees have already offered concessions, including implementing tiered scheduling to reduce overtime and freeze wages for a year. Union leaders also offered to split the nursing home's workers into a bargaining group, separate from the larger CSEA union representing county workers. That means chances are Valley View will stay in county hands, at least for the next year or longer, with closer oversight and a new manager. But Diana said the agreement will hold only if the unions offer acceptable concessions when they meet with him, as they have in private meetings with legislators.

A press release from Diana published after the meeting criticized the plan by unions and other legislators to keep Valley View as "implausible."

"The union has yet to provide any tangible or significant concessions that will have a measurable impact," said Diana.

Legislators agreed to fund Valley View through 2013.

"I felt as though I was looking at a room full of smoke and mirrors, and all of a sudden the smoke

SEE VALLEY VIEW, PAGE 32

lifted," said Democratic Legislator Roxanne Donnelly of Highland Falls, who, with Republican Legislator Mike Anagnostakis were members of the committee investigating Valley view, and who led the fight to keep the home in county hands.

A painful fight

Before Diana's entrance, legislators fought bitterly over whether to include Valley View in the



county budget for next year. Numbers flew back and forth so fast, no one could keep them straight. Legislators also traded insults, taking umbrage at the affronts hurled at them before hurling back insults of their own.

At one point Anagnostakis vigorously shook his head.

"You attack my plan because you think the expectation that the unions will give up 10 percent in wages is too aggressive," he shouted. "And yet you propose requiring them (the unions) to cut 25 percent in salaries and 30 percent in benefits."

Laughter broke out when legislative Chair Michael Pillmeier cut off legislators' comments about the Anagnostakis/Donnery plan, stopped discussion of Donnery's resolution to leave the facility in county hands for two years, and ignored other two legislators still with raised hands — but allowed Republican R.J. Smith of Pine Bush to roll out his plan.

Donnery told Smith that she was "glad to see he had come to see the light...Elections have a funny way of doing that."

Smith's re-election to represent the Walkill/Crawford district is still in question while absentee ballots are counted.

Smith challenged his critics.

"Stop pointing fingers at each other," he said. "Everyone was asleep at the wheel. If we can't save \$30,000 per year, per patient, shame on us." Democrats later relented, saying it was the process they were frustrated with, and not him. They praised Smith for his hard work in coming up with a compromise plan.

Republican Dan Castricone of Tuxedo proposed a set of compromises that worked for all but three of the legislators present. With everyone agreeing that revenue had probably been underestimated, he proposed moving \$3.2 million of the overall county budget from "austerity and/or personnel and contract" into social service funding. This would assure that an intergovernmental transfer could later be moved back to Valley View as contingency funding if labor negotiations turned out to be costlier than expected.

Legislators hope the new manager will cost less than OAS, which was allocated \$550,000 in the budget before Diana's decision to terminate their services.

Because legislators were essentially moving around sums, none of the latest budget changes are expected to affect property taxes.

As the two proposals grew more alike, tempers settled. Legislators took heart knowing their decisions could be modified if they proved unsuccessful.

The two remaining challenges for legislators are

to find a replacement manager by Jan. 1, and to come up with a contingency plan that might involve Elant, a local nursing care group, during the transition if the county's renewed efforts to keep Valley View fail.



PHOTO BY JOSHUA ROSENAU

William Pascocello, the administrator of Valley View, speaks at a hearing in September. The county executive has announced plans to terminate Pascocello from his position.

Marines kick off Toys for Tots drive at Coral House

A kickoff event for the U.S. Marines Toys for Tots drive — which will provide toys for hundreds of local children in need this holiday season—was held recently at the Coral House in Baldwin. Joining the Marines were members of CSEA Nassau Local 830, who said they were proud to participate in the event for the second straight year.

CSEA Nassau Local 830 president, Jerry Laricchiuta, will once again serve as a pro-

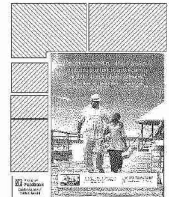
gram co-chair. Laricchiuta has helped provide toys for local community groups every year since taking office in 2005. So far Laricchiuta has worked with groups including the Economic Opportunity Commission of Nassau County, the Coalition for Community Well Being and the Uniondale Early Childhood Center. But he believes teaming up with the Marines will help his group's efforts reach even more children as Toys for Tots is the nation's largest holiday gift program.

"With the economy being what it is, it's become increasingly difficult for families to provide toys for their children the past few holiday seasons. Teaming up with the Marines Toys for Tots program gives us an opportunity to do our part towards creating memorable holiday seasons for local children," Laricchiuta said.

The CSEA contribution will consist of toys collected from union members at their annual Holiday party, to take place Dec. 19 at the Crest Hollow Country Club.



CO-CHAIR of the Toys for Tots program Jerry Laricchiuta addressed the crowd.





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BALDWIN HERALD - November 15, 2012

FROM LEFT TO RIGHT, Gunnery Sergeant Covington, CSEA Local 830 President Jerry Laricchiuta, Toys for Tots Chair Major Chuck Kilbride, Staff Sergeant Stahlecker and Gunnery Sergeant Worster.

County Cuts 32 Health Jobs

By MARTHA ELLEN

CANTON — Amid cries from St. Lawrence County Public Health employees that they had been betrayed, legislators voted 14-1 Tuesday to eliminate 32 jobs by closing the county's Certified Home Health Agency and Long Term Home Health Care Program and transferring the patients to one of its competitors in the private sector.

"You weren't given all the facts," Public Health employee Diana Caswell said. "We know we, the employees, have not had a voice."

Despite the appeals of more than 50 Public Health employees and their supporters who forced the legislative budget review session to the state Supreme Courtroom where there was more room, legislators agreed to negotiate an agreement with Health Services of Northern New York, another certified home health agency.

The closure of the county agency, which was projected to have a net county cost in 2013 of \$648,444, will likely not save the county much money next year because it will not be phased down for some months. Officials planned to spend the next few days determining which employees could move to other positions, how much the county could expect to pay for unemployment, and how much it might save on health insurance. Of the 32 employees, four are home health aides, 11 are clerical and 17 are nurses.

If the transfer is completed by April 1, there will be few changes in the total cost for next year. Some costs that had been reimbursable through the

CHHA would have to be picked up by other Public Health programs.

"This is an estimate based on assumptions," Public Health fiscal manager Debra L. Bridges said.

In March, legislators rejected an offer for \$80,000 from Northern Lights, a nonprofit that is a partnership of Canton-Potsdam Hospital, Claxton-Hepburn Medical Center, Hospice and Palliative Care of St. Lawrence Valley and United Helpers Management Co. for the two agencies. Northern Lights, which was recently approved by the state to operate a CHHA, is no longer interested in the county agencies because it has developed its own business plan, County Administrator Karen M. St. Hilaire said.

Health Services, whose parent company is Hamister Group, Williamsville, previously offered \$2 for the county agencies's two operating certificates.

"More than the money, we're looking for a smooth transition," Ms. St. Hilaire said. "We have not met yet to talk about the particulars. One of the issues we will talk about is

See Jobs A2
employment of our people. That will be a key issue."

After legislators turned down the offer from Northern Lights, they pledged to rebuild the county agency so it could compete.

Amy J. Simmons, president of the county's Civil Service Employees Union, said she questioned the purchase of computer software, money for outside agencies, the hiring of a trails coordinator and a lob-

byist but thought the expenditures acceptable if county workers were not cut.

"Unfortunately, it doesn't appear the CHHA has that same level of support," she said. "Are you willing to put 35 workers on the unemployment line on ifs and maybes?"

Other Public Health employees criticized Director Susan J. Hathaway for not believing the agency could succeed.

The promise of strong management and 100 percent support did not materialize, Public Health employee Mary Grady said.

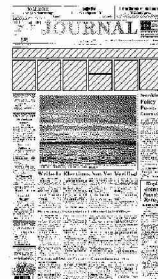
"We do not feel our true needs were brought by management," she said.

Ms. Hathaway said county legislators supported the CHHA by allowing the department to hire nurses, train them and take on patients, but that the financials were not in the county's favor because of state goals to cut Medicaid costs. The county CHHA receives a Medicaid reimbursement rate of \$179 because its costs are higher based on its benefit package, while the rate for a visit by Health Services of Northern New York is \$104.

"We have done our job and done it well," she said. "The bottom line is New York state no longer supports publicly-run CHHAs."

Earlier this year, the state lifted a moratorium on new CHHAs to coincide with a redesign of Medicaid. Health Care of Rochester and Visiting Nurse Service of New York CHOICE have also applied to operate in the county.

Rather than have the county CHHA wither away, Ms. Hathaway said it made more sense for



the county to provide a transition under which its employees could seek jobs with the other incoming agencies so that they could have long-term security.

Legislator Frederick S. Morrill, D-DeKalb Junction, who raised questions about whether the private agencies would serve patients in remote parts of the county, was the sole nay vote.

Public Health was not the only department scrutinized by legislators Tuesday.

At the request of Emergency

Services Director Joseph M. Gilbert, legislators also eliminated the position of his deputy, who was paid approximately \$49,000. Mr. Gilbert had earlier sought a dispatcher manager but said he wanted to assess the department more before possibly returning next year to ask for the position.

Overall, the employee losses approved Tuesday, plus about 10 expected retirees and other personnel cuts made earlier, could bring the number of staff reductions to 50 for next year.

Legislators also approved cuts of \$291,201 from the Department of Social Services proposed by Director Christopher R. Rediehs that do not include further staff reductions.

The tentative budget of \$55,711,312 in county costs initially carried a tax levy increase of 20 percent, but reductions by legislators in recent weeks has cut the levy increase below 15 percent. Last year, legislators approved a tax levy of \$46 million that carried an increase of 5.5 percent.

HELPING STAFF

LI hospitals extend a hand to displaced workers

BY RIDGELY OCHS
ridgely.ochs@newsday.com

Several Long Island hospitals are providing housing, food and even loans to staff left homeless by Sandy, while others are still trying to find out how many employees need help.

No one knows how many of Long Island's more than 47,000 hospital workers remain homeless more than two weeks after the superstorm — even while many continue to go to work.

"It's safe to say it's in the thousands," said Janine Logan, spokeswoman for the Nassau-Suffolk Hospital Council, which has set up the Hurricane Sandy Health Care Employee Relief Fund.

Long Beach Medical Center, which was evacuated before the storm and remains closed, is still trying to reach many of its 1,200 employees, about half of whom lived in the Long Beach area, spokeswoman Sharon Player said. "We still have to quantify the number," she said. "We know we still have staff living in shelters."

She said the hospital hopes to reopen its nursing home in four to six weeks. How soon the more badly damaged hospital can reopen is unclear, she said. Meanwhile, those employees who have continued to work — such as nurses who went with their patients who were evacuated to other hospitals — are getting paid. Player said the hospital is encouraging those not getting a paycheck to apply for disaster-related unemployment benefits.

Paul Giordano, vice president for human resources at

South Nassau Communities Hospital in Oceanside, said about 400 employees have come forward so far looking for help; about half of them have said their homes are uninhabitable, he said.

But the number could be higher: "We're not really sure," he said. Like other officials interviewed, Giordano said many people may be reluctant to come forward. "People don't like asking for help," he said.

The hospital has been distributing water, Meals Ready to Eat, diapers and toilet articles, and offering counseling and disaster information to employees. Luiza Pinto, a recruiter in human resources at South Nassau, said fellow workers have given her clothes, shoes and boots after her Oceanside condo was flooded.

Other hospitals have provided temporary housing for their workers. Nassau University Medical Center in East Meadow has opened up 38 apartments on its campus for employees and their families. CSEA Nassau Local 830 has provided them with cots and linens, and the nonprofit Island Harvest has donated food.

About 100 employees at Winthrop-University Hospital in Mineola are unable to live in their homes, spokesman Ed Keating said. The hospital has found temporary housing for a handful and has worked to help others find housing. Employees have donated food and clothing, he said, and the hospital is providing counseling.

The North Shore-Long Island Jewish Health System, the largest health care provider in the region, has started the most comprehensive relief effort for its employees. The health system raised \$2.3 million from a fundraiser Nov. 5 and from employ-

ees and trustees, three-quarters of which is going to help staff, said spokesman Terry Lynam.

So far, the health system has placed 250 people into temporary housing — either by putting them in houses used by medical residents or in rented apartments, for which the health system has paid the security deposit and first month's rent. North Shore-LIJ is also providing interest-free loans of up to \$7,500 to employees who suffered major storm losses.

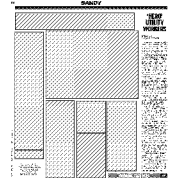
To help non-employees, the health system has given \$250,000 to Newsday's Hurricane Sandy Long Island Disaster Relief and \$250,000 to the Stephen Siller Tunnel to Towers Foundation, which was started after 9/11, to help Sandy victims on Staten Island and in Queens.

For health care workers left homeless, the temporary housing has been a godsend.

"I was desperate. This was the greatest thing," said Shyni Charley, a nurse manager at NUMC. A tree caved in the roof of her Island Park home. The only other option for her, her husband and their two children was to live with another family already putting up two other families, she said.

Mary LaPorta, a part-time employee in admitting at Franklin Hospital in Valley Stream, had been living in "two tiny" unheated rooms with eight other family members at the top of her Broad Channel home after it was flooded. On Saturday they moved into a five-bedroom house near the hospital provided by North Shore-LIJ. The hospital got prescriptions filled for her disabled nephew and brought them food, clothes and linens, she said.

"I don't know how I would have lived through this without their help."





NEWSDAY PHOTO / AUDREY C. TIERNAN

VALLEY STREAM. Mary LaPorta, a Franklin Hospital employee, with her dog Ruby and her son Anthony, 17, in a five-bedroom house provided by North Shore-LIJ after her home was destroyed.

Otsego could cut 10 jobs in 2013

BY JOE MAHONEY
STAFF WRITER

COOPERSTOWN — As the rough parameters of Otsego County's 2013 budget take shape, it appears that about 10 county jobs will be eliminated and some public services will be reduced, county Treasurer Dan Crowell said Tuesday.

Crowell said he still seeks to carve about another \$200,000 in spending from the draft spending blueprint. A final budget for the coming fiscal year is expected to be adopted by the county Board of Representatives by early December.

The treasurer said he expects total expenditures in that plan will come to about \$125 million, up from about \$117.4 million in the current budget.

Because about 20 county jobs have been slashed in recent years because of the national economic downturn, Crowell said, it has becoming increasingly difficult to identify cost savings without scaling back on services provided by the county.

"At this point, when a position is being cut, there is going to be a reduction in service," he said.

Crowell said several of the job



Crowell
DELAWARE HOLDS
hearings on tax hike,
PAGE 2

reductions will come through attrition — by leaving vacant openings created through retirements.

The Board of Representatives, he said, has reached consensus on eliminating one Office on Aging worker involved in dispensing information to senior citizens regarding federal government services.

It also appears that the board will retreat from an initial push to cut two road patrol jobs from the Sheriff's Department after Sheriff Richard Devlin Jr. assembled an array of statistics showing that crime reports, jail admissions and drug investigations have all risen markedly in recent years, Crowell said.

The tentative budget plan calls for an increase in the county subsidy to the 174-bed Otsego Manor nursing home to \$5.5 million. Currently, the county spends about \$3.3 million to keep the nursing home running. County lawmakers seek to line up a private operator to run the home, a process expected to take at least a year to complete.

John Imperato Sr., president of the local unit of the Civil Service Employees Association, said while he has not reviewed the draft budget plan, he has strong concerns about the apparent readiness to cut jobs, including the staffer at the Office for Aging.

"The county is down to the bone" when it comes to staffing, he said. "I feel bad for the department heads."

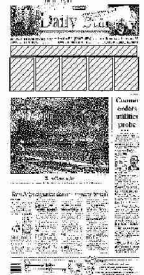
SEE OTSEGO ON PAGE 2

Imperato said an unwillingness by county lawmakers to consider even a modest tax increase will likely contribute to additional deterioration of the county's infrastructure, such as roads. He added that it would behoove the county to put contingency plans in place to fund needed capital projects that could stimulate the region's economy.

"I think the fact they have been so frugal is backfiring now," he said.

At the same time, Imperato, who works in the 911 emergency services call center, said he was pleased that the board is apparently not going to cut jobs at the Sheriff's Department. He suggested that do so would have jeopardized public safety at a time when public demand for law enforcement services is growing.

One lingering issue facing county lawmakers is whether to extend the staff cuts to the office of county Clerk Kathy Sinnott-Gardner. She has indicated that any job cuts would be highly detrimental to the office and hurt its ability to produce revenue for the county. The clerk's office, which has had jobs taken in previous budgets, operates the Department of Motor Vehicles offices in Oneonta and Cooperstown.



Santa Sheriff Donations Accepted Fundraising Goal Is \$10,000

Donations are being accepted for the Cattaraugus County Sheriff's Office's Santa Sheriff program.

Deputy Brian Keis, program coordinator, recently said fundraising efforts are in full swing and donations are still coming in. Keis continues to send out letters to county businesses to help raise more money, as the program has received \$1,000 less than organizers hoped.

Previous fundraisers include monthly basket giveaways and letters to area businesses seeking local support through monetary donations. The donations will help the program purchase gifts for families in the community.

The Santa Sheriff's Program, modeled after a similar initiative in Texas, began in

2004 and has been steadily growing. Partnering agencies and schools raise money and refer less fortunate Cattaraugus County families to the program. Gifts are purchased at area businesses.

Youth and volunteers from area schools and other county agencies wrap the gifts and package them for delivery.

In 2004, the goal had been to serve five families; the program grew to 26 families in 2010 and 2011 providing a total of 117 men, women and children.

The families were provided gifts, as well as a complete Christmas dinner, along with dry goods donated through the efforts of the staff and students at the Salamanca Middle School.

The program hopes to raise the money to provide Christmas to 40 families this year.

As in the past years, the Sheriff's Office has also pledged funding to the pro-

gram through a donation from the Employees' Association and the Supervisor Units, as well as receiving donations from the CSEA Supervisory Unit.

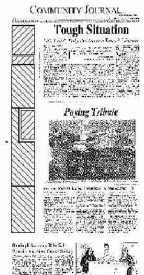
Keis sees the Santa Sheriff's Program as, "a way for us to give back to the community." Fundraising efforts continue to grow each year adding new partners.

This year the program is looking to raise nearly \$10,000 so that the needs of area families can be met.

For more information about donating to the Santa Sheriff Program, call Sheriff Timothy Whitcomb at 938-9191, ext. 2247, or Deputy Brian Keis at 938-9191, ext. 2899.

Contributions can be made payable to the Santa Sheriff's Fund, c/o Cattaraugus County Sheriff's Office, 301 Court St., Little Valley, NY 14755.

*The Santa
Sheriff
Program is "a
way for us to
give back to
the
community."
Deputy
Brian Keis,
program
coordinator*



CSEA offers Valley View terms

Concessions aim to stop privatization

BY CHRIS MCKENNA
Times Herald-Record

GOSHEN – The union representing employees at Orange County’s nursing home offered major concessions on Friday to lower the cost of running the facility and induce lawmakers to keep it in county hands.

William Oliphant, president of the county’s Civil Service Employees Association units, said workers at the Valley View Center for Nursing Care and Rehabilitation had agreed to work four-day weeks, form their own bargaining unit and forgo retroactive pay raises for 2012. The union demands in return that the county replace the facility’s contracted management and put the potential sale of the home on hold for two years.

“We’re prepared to work this out, and we’re prepared to stay at the table as long as it takes, because we’re committed to keeping Valley View as a county function,” he said.

Oliphant and other union leaders announced their proposal outside Valley View at a news conference led by county Legislator Roxanne Donnery, a Democrat who held extended talks with the union to produce the offer.

The proposal came less than a week before a critical budget decision affecting the future of the 360-bed nursing home. Lawmakers are set to meet Wednesday to decide whether to amend County Executive Ed Diana’s 2013 budget proposal, which would fund Valley View only through Feb. 1. Diana has

been pushing the Legislature to sell the facility to a private operator because of its cost.

At Friday’s news conference, Donnery said the union had picked up the gauntlet Diana threw down in his budget speech in October, when he quoted from a report that said only “significant changes” at Valley View would lower its cost to a sustainable level.

“It’s in his court,” Donnery declared. “We’ve got to make him move on it.”

Joining Donnery at the news conference, Republican Legislator Mike Anagnostakis argued that the proposal could shrink the county’s share of Valley View’s cost to nothing, leaving no rationale to sell it.

“With these union concessions, it is now a no-brainer to keep Valley View county-owned,” he said.

Diana issued a statement afterward that said: “Orange County has held at least 10 negotiation sessions with CSEA. They have never brought any concessions regarding Valley View to the table. Instead, they are pursuing negotiations through the media. As County Executive, I have an open door policy and look forward to receiving from the union a printed copy of the concessions they provided to the media.”

The willingness to split Valley View employees away from the rest of the county’s work force marks a major shift for the union, which had resisted such demands until now. Oliphant said the county could save as much as \$4 million a year by negotiating a separate Valley View contract with 10 percent pay cuts and higher health insurance contributions.

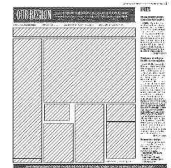
Switching the schedule so that employees work 10 hours each day, four days a week could save more than \$3 million a year, he

said. Forgoing raises for 2012, which are currently under negotiation, would save another \$500,000, based on the assumption of 2 percent raises that were built into the 2012 budget, Oliphant said.

Three of the four businesses that submitted bids in May to buy Valley View and run it have agreed to keep their offers on the table until the end of next week. Lawmakers haven’t discussed the proposals since June, and no meetings have been scheduled to resume those talks before Friday.

“It’s in (Diana’s) court. We’ve got to make him move on it.”

ROXANNE DONNERY
Orange County legislator





CHET GORDON/Times Herald-Record

William Oliphant, left, president of Orange County's CSEA locals, joined Legislators Mike Anagnostakis and Roxanne Donnery as they announced union concessions designed to keep Valley View in county hands.

U.S. Marines Kick Off Annual Toys For Tots Drive

Toys For Tots gives special nod to the late Peter Schmitt

By CHRISTY HINKO
 chinko@antonnews.com

As tragic news of the death of NCPD ESU Officer Arthur Lopez unfolded during the afternoon on Tuesday, Oct. 23, hundreds of civic, business, community and elected officials gathered in Baldwin at the Coral House to support the annual kick-off of the Long Island Toys for Tots Drive. The toy drive is the nation's largest gift program for children during the holidays.

Special presentations in memory of Presiding Officer of the Nassau County Legislature Peter Schmitt, and recently fallen NCPD Officer Joseph Olivieri were made, including special toy presentations to Schmitt's infant grandson, Logan, and Schmitt's wife, Lois, by county officials.

Major Chuck Kilbride gave special recognition to the dozens of people who make Toys For Tots possible locally, such as the U.S. Postal Service workers and local marines, local legislators, and the police and fire departments who work tirelessly to collect toys each year.

The hundreds of guests were treated to special performances by the

continued on page 39

F.R.E.E. Players Jazz Ensemble, and the Bombshells trio. Guests also enjoyed special appearances by Miss Universe Leila Lopes, 26, of Benguela, Angola and from Santa Claus, himself.

Following the Marine Corps Color Guard presentation and the national anthem delivered by Angela Powers of the Stewart Manor-New Hyde Park Republican Club, Rabbi Anchelle Perl gave the invocation.

"Year after year Major Chuck Kilbride and the U.S. Marines bring joy to children who may otherwise not receive a toy for the holidays," said Comptroller George Maragos. "I am honored to support them as an honorary vice chairman."

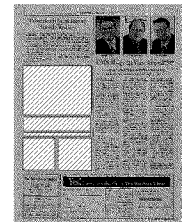
Coral House owner Butch Yamali told Anton Newspapers that it was a pleasure to host such an event; as a parent of three

children, he said, "It's important to give, so that children who don't have, can have." This was the first time the Toys For Tots kick-off event was held at Coral House. During the course of the announcements, Yamali, without hesitation, agreed to allow Kilbride and the Marine Corps to hold the event at Coral House again next year.

"With the economy being what it is, it's become increasingly difficult for families to provide toys for their children the past few holiday seasons," CSEA Nassau Local 830 President and Toys For Tots Co-Chairman Jerry Laricchiuta said. "Teaming up with the Marines Toys for Tots program gives us an opportunity to do our part towards creating a memorable holiday season for local children."

Toys from communities across Nassau and Suffolk counties are collected by individuals and businesses, then distributed by the members of the armed services locally to underprivileged children.

For more information about collection sites and donation information visit: <http://garden-city-ny.toysfortots.org> or contact Staff Sergeant Kyle Stahlecker, Gunnery Sergeant Steven Covington or Staff Sergeant Brian Gomez at (516) 228-3697.





Toys For Tots and local officials presented a special plaque to the late Peter Schmitt's family.

Civil Service Employees Union: City of Olean stopped negotiations

Union hopes for public support

By Christopher Michel
Olean Times Herald

OLEAN — Dissatisfied with an apparent lack of progress in contract negotiations with the city, members of the Civil Service Employees of America (CSEA) announced Friday a new campaign they hope will garner the public's support.

According to union representatives, the city and CSEA reached an impasse in contract negotiations in April.

"Since that time, the city has stopped negotiating," Brad Camp, president of the CSEA's Olean Unit, stated in a press release. "We want city residents to know that we are working hard for them, even though the city apparently does not want to negotiate with us."

Though specifics of what caused the impasse were not detailed, at issue are cost-saving measures in employee benefits — primarily with healthcare coverage.

To bring attention to their cause, the 78 city workers represented by the CSEA are distributing "Contract Now" lawn signs to supporters.

"We work hard every day to provide essential services to city of Olean residents," Mr. Camp said. "We understand these are difficult economic times. We are taxpayers, and we also struggle to raise our families and make ends meet. We don't understand why the city has given up on negotiating a deal that recognizes the importance of the work we do."

Friday's announcement comes after the 78 city employees have worked

without a contract for 18 months.

Noting the union is "and always has been ready and willing to negotiate" with the city, Mr. Camp said the union did agree to changes in healthcare coverage that would save money.

Mayor Linda Witte declined to comment on the matter so as not to jeopardize any upcoming talks between the city and union.

The Times Herald was unable to reach Joe Braccio, an attorney from the Buffalo-based labor law firm Hodgson Russ LLC Attorneys who is representing the city in the negotiations, to comment on the matter.

(Contact reporter Christopher Michel at cmichel@olean-timesherald.com. Follow him on Twitter, OTHChris.)



Cancer benefit set

OLEAN – A fundraiser to benefit breast cancer patients will be held at 7 p.m. today at the Olean High School auditorium.

The benefit, dubbed “50s in Synch to Benefit Pink,” is sponsored by the city’s fire, police and **CSEA** local unions and the Olean Theatre Workshop.

Tickets cost \$5 and can be purchased at the Sports Locker, Tops, at the door of the event or by calling 378-5538.



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Toys For Tots gives special nod to the late Peter Schmitt

BY CHRISTY HINKO
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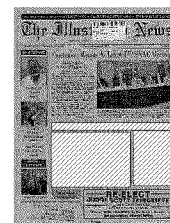
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Year after year

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—Comptroller George Maragos





The performing trio, the Bombshells stop by to deliver a special act to the kick off guests.



Toys For Tots and local officials presented a special plaque to the late Peter Schmitt's family.

IN OUR OPINION

Board must reconsider Manor vote

No real financial choice. That's how Rep. Katherine Stuligross, D-Oneonta, described the Otsego County Board's decision to sell Otsego Manor, the county nursing home.

Not everyone, obviously, accepts this. There are more than 1,000 people who have signed a petition urging the county board to reconsider its decision and believe there must be another solution.

If we take Stuligross and her colleagues on the board who voted to sell the Manor (which all but Rep. Keith McCarty, R-Springfield, did) at their word, then we would have to believe that there is no point to that petition — or to the protest residents planned to stage Friday, or to the lawsuit filed by the Civil Service Employees Association, which alleges that the board's decision violated the state Open Meeting Law.

But we don't accept it. And we urge the members of the county board to open their minds to other possibilities.

Back in June, County Treasurer Dan Crowell warned that reimbursements for Medicaid were scheduled to drop dramatically,

which would leave the county paying millions of dollars of the facility's operating costs.

"It's become increasingly clear that if we are to maintain the high quality care that the facility offers, it would necessitate a 30 percent to 40 percent increase in the property tax bill," Crowell told The Daily Star in June.

Crowell went on to say that the board must consider the spectrum of options available to it, with some urgency.

Well, the "urgency" part of his message certainly got through. Not three months later, the board voted to privatize the facility. Gone was all talk of other options, such as a public-private partnership, or changes to the Manor's model of care that might reduce costs.

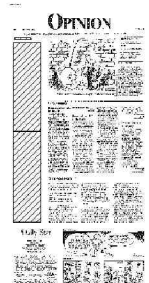
When the vote was taken, McCarty expressed his concerns as follows:

"I think they're kind of jumping the gun a little bit here," he said. "What bothers me is that we're owed money from the state and federal government for this thing, and we're not going after it."

We believe that the members of the Otsego County Board who voted to sell the Manor had their hearts in the right place.

"We view this as a matter of saving quality nursing care in Otsego County," Stuligross said.

But we do not believe — we cannot accept — that this is the only option. We urge the board to listen to constituents and go back to the drawing board to seek alternatives to privatization. It certainly cannot hurt to continue the conversation.



Cuomo Offers Quid Pro Quo *Amid Worker Pay Freeze, Legislators Hope for Hikes*

By MARK TOOR

A three-year pay freeze was good enough for state-employee unions, but state legislators apparently feel they are entitled to a salary increase, perhaps one of more than 25 percent. The unions, not surprisingly, disagree.

There's been a lot of muttering about hiking the base pay of legislators, which since 1999 has been set at \$79,500 for the part-time job. But few have been willing to attach their names to such a proposal. Last week, Governor Cuomo brought it into public consciousness by saying that he might approve an increase if the lawmakers met three conditions.

Minimum Wage, Pot Bill Demands

"I would not consider a legislative pay raise [unless] the people's business was being done in a thorough, responsible way," Mr. Cuomo told reporters Oct. 16. "The concept of the pay raise is—well, the Legislature's really done a good job and they haven't gotten a pay raise in a long time, but the premise is they're performing well... to perform well in my book means, do the people's business."

Mr. Cuomo defined "the people's business" as two proposals he made during this year's legislative session that were not passed. One was a bill raising the state's minimum wage from \$7.25 to \$8.50 per hour. The other was a bill making public display of small amounts of marijuana a violation. It is currently a misdemeanor for which people can be arrested; violations earn only a summons.

Advocacy groups in New York City charge that police officers on stop-and-frisk missions make young people empty their pockets and, if they pull out a small amount of marijuana that is otherwise legal for them to possess, arrest them for bringing it into view.

The vast majority of pot arrests made in the state last year occurred in New York City, which reported more than 50,000. Police Commissioner Raymond W. Kelly ordered a year ago that officers should no longer make such arrests, but drug-policy experts claim that has not appreciably

reduced them.

Open Records to Public?

Later in the week, Mr. Cuomo added another condition: The Legislature must put itself under the Freedom of Information Law, which would give members of the public access to their records. The body is currently exempt from the state's FOIL. The Governor said the request was prompted by Assembly Speaker Sheldon Silver's confidential settlement of a sexual-harassment lawsuit against Assemblyman Vito Lopez.

"The Legislature has no FOIL, so you have no vehicle to get these confidentiality agreements," he said in a radio interview. "That's the real issue on the confidentiality."

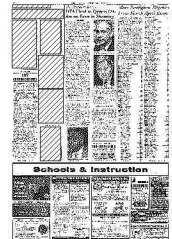
In the months before the 2012 legislative session began, Mr. Cuomo and his minions browbeat the Civil Service Employees Association and the Public Employees Federation into new contracts that contained a three-year pay freeze, nine unpaid furlough days and increases in health-care premiums of up to 60 percent.

The State Legislature had approved a budget submitted by Mr. Cuomo that called for lowering the cost of the state's mostly-unionized workforce by \$450 million. If he couldn't negotiate those savings, the Governor and his aides said repeatedly and emphatically, the state would lay off as many as 9,800 employees.

Cuomo's Odd Strategy

The unions are also unhappy with Mr. Cuomo's Tier 6 pension plan, which makes newly-hired state employees pay more into the system in return for lower benefits when they retire. He gained legislative passage of the measure through a midnight deal with the Republican-controlled State Senate—with the Democratic-led Assembly consenting—in which they agreed to approve it in return for carte blanche in redrawing the lines of legislative districts.

The deal all but guarantees a Republican majority in the Senate for the next 10 years. Ironically, it was the Senate Republicans who killed



the minimum-wage and marijuana-law proposals.

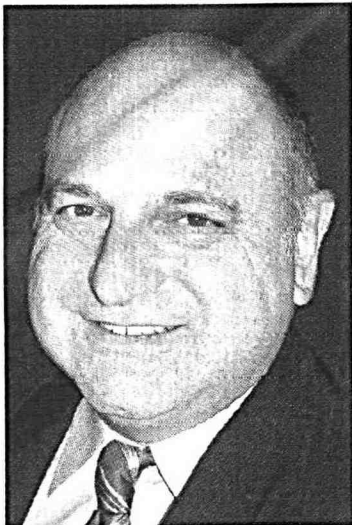
PEF President Susan M. Kent issued a statement saying, "While I am not in favor of denying a group of workers a pay raise for over 13 years, I also cannot advocate for a raise for New York State legislators when many of them insisted on balancing the New York State budget on the backs of PEF members."

"Our members are in no mood to even hear them entertain the idea of raises," said CSEA spokesman Stephen Madarasz. "They're facing contracts with zeroes and furloughs. The tax cap is wreaking havoc on local workers. What has the Legislature done to deserve a pay increase?"

Pay Nation's Third-Highest

New York State Assembly Members and Senators are the third-highest-paid state lawmakers in the country, according to data compiled by the Empire Center for New York State Policy. California pays \$95,291, and Pennsylvania's salary is \$82,026. New York's neighbor New Jersey pays \$49,000 a year and Connecticut pays \$28,000 a year.

Neither of those two states pays per-diems to cover expenses while their legislature is in session. In con-



STEPHEN MADARASZ:
Fears worker 'meltdown.'

trast, New York pays lawmakers who are not from the Albany area \$165 for each full day and \$61 for each half-day they spend in the capital. Travel is also reimbursed. Legislators who drive to Albany get 55 cents per mile, plus tolls, and train and plane fare is also paid for.

Lawmakers also receive stipends of

\$9,000 to \$41,500 for leadership positions.

Legislators have been champing at the bit to increase their salaries for years, but have been worried about polls that show the public does not approve of the way the Legislature does its business in general and opposes a raise in particular.

There's a feeling that under Mr. Cuomo the Legislature has at least partially cleaned up its act, passing the last two budgets by the April 1 deadline and generally giving the popular Governor what he wanted. Lawmakers hope this will mollify a disgruntled public. No one has come out in favor of a specific raise, but the figure of \$100,000 is often whispered.

The legislators are not expected to vote on a raise until after Election Day, possibly in a Special Session toward the end of the year.



GOVERNOR CUOMO: Dangling another carrot.



**SUSAN M. KENT: Hypocrisy
in the air.**

Rockland CSEA feels betrayed on labor deal



David McKay Wilson

THE TAX WATCHDOG

It hurts to get stabbed in the back. Rockland County's Civil Service Employees Association felt the pain on Tuesday after County Executive Scott Vanderhoef ended a spell of workplace comity in what the union says is a violation of a labor pact that called for no CSEA layoffs for "budgetary reasons."

The workers had made the deal in exchange for a long litany of give-backs, so prized by government leaders these days – a salary freeze over three years, elimination of step-raises valued at \$1.2 million for 2013, deferred pay for 10 days worked in 2012 and 2013, and an increase in health-premium payments for all new CSEA members.

It's an uneasy time for public employee unions. Pushed to the wall by the state tax cap and calls for austerity, the unions walk a delicate line as they fight to hold onto wages and benefits they've negotiated in the past while preserving their government jobs into the future. Westchester County Executive Rob Astorino kicked off his 2013 budget campaign with calls for the Westchester CSEA unit to begin paying part of the premium on their health insurance costs.

He said up to 800 union jobs were on the chopping block if his calls for give-backs go unheeded.

The labor accord was a tough sell for Rockland CSEA leaders. But they convinced their rank-and-file — who approved the pact by more than 2-to-1 in early September — that it was the best they could do to save their county jobs, while helping out a public employer mired in a deficit of \$95 million and the lowest bond rating among New York's

62 counties, just one step above junk-bond status.

"We sold them on the agreement by telling them we were protecting their jobs, protecting their benefits, and helping out the collective good," says Rockland CSEA President P.T. Thomas. "They agreed."

Seven weeks later, Vanderhoef unveiled his \$737 million budget for 2013. To CSEA's astonishment, it called for about 55 CSEA layoffs in a proposal that hiked the property tax by 18 percent to bring in additional revenue of \$15 million, and included \$14 million from the first full year of the county's residential energy levy.

Most of the layoffs were targeted for the food service at Rockland's Summit Hill nursing home and in the security detail that guards county buildings. These public workers would be replaced by lower-paid employees working for private companies.

"It was a leap of faith on the part of our members to ratify that contract," said Jessica Ladlee of CSEA's southern regional office, which has threatened to sue to enforce the pact. "The ink is barely dry on the document. And now they've been betrayed. Morale couldn't be worse."

Vanderhoef, who in January will begin the final year of his fifth-term, trumpeted the fact that the outsourcing deals would provide a bonanza of savings for the cash-strapped county, and his troubled budget. Privatizing the security detail would save \$1 million. The private food-service workers would come \$350,000 cheaper than their public counterparts.

I called the county executive's office, hoping to ascertain how Vanderhoef's layoffs to save more than \$1.3 million would not be considered "for budgetary reasons" when the private workers were replacing the public employees doing the same work. Vanderhoef spokesman Ron Levine told me that the administration was viewing the changes as "programmatic," but he declined to say how that differed from "budgetary."

"We aren't about to give you our thought process on how we came to this," Levine said. "The county executive has checked with our counsel."

Rockland has company addressing mounting pension and health care costs, and pressures to keep taxes low in the state's tax cap era. Westchester



has its troubles too, and CSEA give-backs are part of County Executive Astorino's strategy.

Karen Pecora, Westchester CSEA president, says her 3,200-member unit is looking for a no-layoff provision, along the lines of the accord that her Rockland compatriots wrested from the Vanderhoef administration.

"Rockland has no money and they were able to get it," she said in an interview before Vanderhoef's layoff announcement. "Our issue is that we have to save jobs. That's the bottom line."

Catt. Co. Santa Sheriff's program seeks donations

Jolly Old St. Nick made an early visit to the Cattaraugus County Sheriff's Office to meet with the Santa Sheriff's Program Director Deputy Brian Keis to discuss the growing need for area families this year.

Partnering agencies and schools raise funds for, and then refer less fortunate Cattaraugus County families to, the Santa Sheriff's Program. Gifts are then purchased at area businesses, and youths and volunteers from area schools and other county agencies wrap the gifts and package them for delivery.

In 2004, the goal was

to serve five families; the program grew to 26 families in 2010, and in 2011 served a total of 117 men, women and children. The program goal is to raise \$10,000 this year, so Santa Sheriff's can make a nice Christmas for 40 families. The Sheriff's Office has also pledged funding through a donation by the Employee's Association, the Supervisor Units and the CSEA.

Individuals interested in donating to this project may contact Sheriff Timothy Whitcomb at 716-938-9191 ext. 2247 or Deputy Brian Keis at 716-938-9191 ext. 2899. Contributions can be made payable to the CCSO Santa Sheriff's Fund, c/o Deputy Brian Keis, Cattaraugus County Sheriff's Office, 301 Court Street, Little Valley, New York 14755.



Nursing home vote rankles

Amid protests, panel advances private takeover of Maplewood Manor, citing deep deficits

By Dennis Yusko

BALLSTON SPA — Saratoga County would transfer ownership of its public nursing home to a limited development corporation run by county leaders early next year, and that entity would then try to sell it to a private operator by December 2014, under a plan approved by a committee on Wednesday.

The county's Public Health Committee voted 4-2 to endorse turning the 277-bed Maplewood Manor over to private hands. The vote took place in the county office complex over protests of about 40 nursing home employees, some of whom held signs saying "Keep our Nursing Home public" and "Help Save Maplewood Manor."

The initiative now requires passage by the county's Law and Finance Committee and entire Board of Supervisors.

County leaders said exploding annual deficits at the facility, caused mostly by declining Medicaid reimbursements from the

Please see **MANOR D11** ▶

state, made the status quo unsustainable. The county has covered nearly \$45 million in deficits at the nursing home since 2004, budgeted for a nearly \$10 million shortfall this year, and does not have the financial reserves to fund it beyond that, county officials said.

"This county is almost bankrupt," committee Chairman Arthur Wright said to boos and hissing from the crowd. "This facility has caused us to cut back on our capital projects, and we're no longer fill-

ing jobs at the sheriff's."

Under the plan, the county would lease Maplewood Manor to the limited development corporation, which would then lease it back to the county. The corporation, unlike the county, could leverage money from the from the facility's equity — its value is placed at \$13 million to \$15 million — to pay for its operations while it negotiates the nursing home's sale.

County supervisors and officials would serve as corporation's board members. The facility would remain open and employees would continue to work for the county until it is sold to a private entity.

Supervisors Patricia Southworth of Ballston and Joanne Yepsen of Saratoga Springs voted against the change. Southworth said she had concerns about limited development corporations and if the quality of care would decline under private ownership.

Levels of care weighed heavily on the mind of Don Boucher, 80, of Burnt Hills, who attended a rally with nursing home employees before the meeting. His wife, Becky, suffers from Alzheimer's disease, and is totally dependant on the staff at Maplewood Manor. "I would hate to see it privatized," Don Boucher said. "The care she gets is just amazing."

Maplewood Manor runs on an annual budget of \$28 million. About 83 percent of its beds are paid for through Medicaid, which does not cover about \$157 a day per recipient. The county would have to increase taxes by at least 20 percent or lay off 120 employees — 35 percent of its workforce — to maintain the nursing home's public status, Wright said. Critics called that a false choice, and the vote was about priorities.

The vote Wednesday came through recommendations by the law firm Harris Beach, which the county paid \$50,000 for a report on the nursing home's future.

Workers and Civil Service

Employees Union leaders urged county officials to delay the vote and keep the nursing home public. CSEA represents most of the facility's 315 full-time employees. Kathy Moran, president of the CSEA Saratoga County Chapter, said she was disappointed by what she called a "closed process."

If a newly formed corporation sells the nursing home, its new owners may or may not hire back existing employees, and salaries could be lower, Moran said. A privately owned nursing home would provide drastically reduced services, and could "cherry-pick" patients who can afford to pay for beds in order to turn a profit, union leaders said.

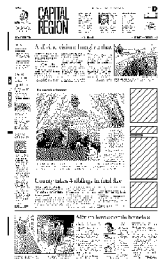
State Comptroller Thomas DiNapoli last year called for legislation that would limit local governments' use of limited development corporations and increase state oversight of them.

Wednesday's vote came a day after Albany County Nursing Home workers pleaded with legislators to not lease that site to the private firm Upstate Services Group for 10 years. Albany County leaders say that move would save taxpayers \$70 million over the 10 years.

Harris Beach completed a similar study for Ulster County that led its leaders last December to form a limited development corporation for its 280-bed nursing home. In July, six companies bid at least \$10.5 million for the Golden Hill Health Care Center, reports said.

The Saratoga County Law and Finance Committee could vote on the measure next month, and a public hearing will be in December or January. The corporation would issue requests for buyers in March, select a private owner in July and complete the sale by December 2014, according to the timetable.

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JOHN CARL D'ANNIBALE/TIMES UNION

CONSULTANT JUSTIN MILLER of Harris Beach, at left, addresses Wednesday's Maplewood Manor meeting. The privatization proposal now moves to another county committee, then to a public hearing.



JOHN CARL D'ANNIBALE/TIMES UNION

KATHY GARRISON of the **CSEA** speaks about Maplewood Manor's privatization. Opponents say services could suffer.

Maplewood idea rapped

Nursing home vote, rally planned on possible Saratoga County transfer

By Dennis Yusko

BALLSTON SPA — A Saratoga County plan to privatize its nursing home drew fire Tuesday from the state's largest public employee union and a local supervisor, who referenced the concerns of leading state officials.

The county's Public Health Committee will hold a special meeting at 3 p.m. Wednesday to discuss, and possibly vote, on transferring the 277-bed Maplewood Manor to a limited development corporation, a type of ownership the state comptroller and attorney general have criticized.

Nursing home employees, residents and their family members will join Civil Service Employees Union officials at the county complex before the meeting to protest "the county's rush to privatize Maplewood Manor." CSEA represents most of the 315 full-time employees at the home.

"Our immediate concerns have to do with lack of transparency in this process," CSEA spokeswoman

Therese Assalian said. "Everything we learn about LDCs points to a huge potential for malfeasance."

County leaders say they can no longer afford to subsidize Maplewood Manor's losses, due mostly to declining Medicaid reimbursements from the state. The facility has needed nearly \$44 million from the county since 2004 to make up annual deficits, according to County Administrator Spencer Hellwig. The county budgeted \$9.7 million in losses for the nursing home this year, and starting next year, will no longer have enough reserve funds to cover the losses, he said.

"It's basically bankrupted the general fund," Hellwig said.

County supervisors paid \$50,000 to the Harris Beach law firm and Arthur Webb Group for a report examining options for the nursing home's future. They presented the study to county leaders in August. It identified a need for 1,004 total nursing home beds in the county, or 215 more than what it has, and recommended the county consider moving Maplewood Manor to a local development corporation.

Supervisor Joanne Yepsen, D-Saratoga Springs, criticized county leaders for evaluating the Harris

Beach report behind closed doors. "There are hundreds of jobs and families that will be affected with a change, and an LDC is not the answer toward more transparency and accountability," she said.

Hellwig defended the process and said any change would also require approval from the county's Law and Finance Committee and entire Board of Supervisors. "I think one of the most appealing benefits of an LDC is they have the ability to borrow against the equity in Maplewood Manor," Hellwig said. The facility is valued at \$13 million to \$15 million. The county could borrow some of all of that to fund short-term operations while an LDC seeks a private buyer, he said.

State Comptroller Thomas DiNapoli has called for legislation that would limit local governments' use of LDCs. LDCs were intended to spur economic development and employment opportunities, but, in some cases, have been used as a shadow entity to circumvent state laws and oversight, and ended up driving up costs for taxpayers, according to DiNapoli's office.

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Diana has lost credibility; legislators must save Valley View

BY WILLIAM OLIPHANT

Can he do the job and has he earned my trust? These are the two key questions most voters weigh before choosing a candidate and casting a ballot.



Oftentimes conclusions come more from opinion than fact, but with County

Executive Ed Diana we have evidence our county executive has lost his credibility entirely.

This was obvious during the county budget unveiling, which turned into an angry rant where Diana openly taunted his political opponents, and when he met with the Times Herald-Record Editorial Board. If Diana is allowed to continue down this destructive and vindictive path, the people of this county lose.

Let's address credibility. In the past year, we've been subjected to withholding of information on the Government Center. We learned from investigatory committees that the irreparable damage Diana claimed existed at the Government Center was actually fixable and stemmed largely from years of negligent maintenance, not a hurricane.

Diana was called on his assertions and legislators sent his plans for a new building down the tubes, leaving unanswered questions about his credibility lingering.

Almost simultaneously, Diana announced his plan to defund Valley View, knowing it would take an "act of God" for the Department of Health to approve his plans to close or sell Valley View in his fast-tracked time frame. Diana proceeded, causing traumatic upheaval and anxiety for the residents and fear and mayhem for the workers.

To date, he still hasn't met

with either as a group to explain his plans. We are grateful a majority of legislators saw through the half-truths and misinformation (including an anti-Valley View propaganda mailer for which taxpayers footed the bill) and funded the facility for 2012.

Currently, we're in the same place we were last year. Talking to the Record, Diana claimed his refusal to testify under oath before the investigatory committee was because of certain members' biases. Would Diana have testified under oath if the committee were made up exclusively of Legislature members who vote in lockstep with him? I doubt it, because he's had a serious problem when it comes to raising his hand to tell the truth.

This is where continued questions of fitness for office come in. Diana admitted to the Record that the \$20 million in surplus funds needed for Valley View in 2013 was actually \$12.5 million. This is a serious discrepancy that should make any person question where else his numbers are off.

Legislator Mike Anagnostakis has repeatedly proven Diana's financial projections are wildly inflated, showing that even that \$12.5 million figure is high. Between Diana and his financial team, it's tough to believe this was a mistake of basic arithmetic.

Diana's downward spiral has gone so far that he's now throwing out any number to suit his needs. He got creative when discussing CSEA contract negotiations, neglecting to tell those attending his speech that he canceled negotiations with CSEA two days prior, making for three cancellations so far, and that his negotiations team refuses to discuss counteroffers regarding Valley View.

Don't buy his hype: CSEA is ready to sit and negotiate as long

as it takes to get a deal done that is fair for all.

CSEA members are together in this fight. We know Diana's threat of layoffs across departments is not based on facts, but is simply an effort to divide the workforce. We ask that all legislators have the courage to do the right and moral thing, which means implementing efficiency measures that will save millions at Valley View while continuing this service that has endured during good times and bad.

William Oliphant is president of CSEA Local-Unit 7900/02.



Union takes one for the team

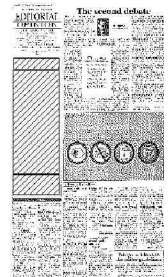
The unionized employees of Franklin County have signed a contract – finalized by county officials on Thursday – that not only gives them raises that are unlikely to exceed the current rate of inflation, but could result in their having to spend more money for health care. In short, this was not a great deal for the members of the United Public Service Employees Union (UPSEU), but in light of threats of layoffs and exorbitant tax rates for property owners without a deal in place, it was a contract that the rank and file were more than gracious in accepting.

From the county's standpoint, County Manager Tom Leitz should be applauded for his efforts, which some might call strong-arm tactics, to bring the protracted negotiations with the union to a conclusion. On behalf of the county, Leitz unilaterally declared an impasse with the union a few weeks ago, effectively leaving the union in the dust – and with no contract. It appears the move was a good one, at least for the county, because shortly thereafter the union brass cleared the contract for a full vote by the membership.

The new contract give county employees no raises for 2012 and 2 percent raises in 2013 and 2014. With the rate of inflation – roughly speaking, the rise in costs for goods and services – hovering around 2 percent, the raises will barely keep up with the inevitable increase in the cost of living. And while many people working in the private sector would welcome even a 2 percent raise, the fact remains that the raise is a meager one.

Regarding health insurance benefits, employees will be getting a break on the monthly amount they will be paying into the system, which is a good thing. On the other hand, costs for anyone using the system (including co-pays, lab tests, etc.) will be rising, so, again, not a great deal for the union. For the county's part, Leitz said the new health benefits package will save the county about \$5,000 per employee, which is good news for property owners anxious to find out how much extra they'll be paying on their tax bills this year.

While the power of unions may be waning in the



past few decades, the fact is that unions are still able to bring companies – or municipalities – to their knees through relentless negotiations and strikes. We are relieved that things did not degrade to that level in this case. And it has been duly noted, with appreciation, that in difficult financial times such as these, the UPSEU has relented and signed a contract that benefits the county far more than it benefits the union members themselves.

City unions leery of health care change

2013 budget proposal relies on \$1 million saving from joining health care consortium

By NEIL BENJAMIN JR.
Staff Reporter

nbenjamin@cortlandstandardnews.net

After a lengthy discussion, Mayor Brian Tobin's 2013 tentative city budget was received Tuesday by an 8-0 vote of the city Common Council.

The proposal includes no layoffs or major tax increases over the next three years.

Much of the budget discussion at the meeting focused on the council's decision to join the Tompkins County Health Care Consortium, which would reduce city health care costs by about \$1 million next year.

At least one union, the Civil Service Employees Association, was not in favor of joining the consortium, Tobin said.

Director of Administration and Finance Mack Cook outlined what would happen over the next three years if the city does not join the consortium due to union objections.

In the first year, the city would either have to raise the tax rate from \$15.02 per \$1,000 of assessed property value to \$17.34 to make up for the increase in health care costs. That, or 12 city employees would have to be laid off.

The following year, the city would see another 13 percent increase in health care costs. To make up for that, another 8.3 percent increase in taxes would be made, or another six jobs would be cut. In the third year, Cook sees another 13 percent health care cost increase, requiring an 8.7 percent tax increase.

None of those numbers factor in other cost increases the city will face over those years.

"This seems pretty clear cut to me," said Alderman Katy Silliman (D-2nd Ward). "If there is opposition to this, I'd really like to hear from those people."

The issue surrounds prescription copays. Currently, with Excellus, city employees pay nothing for generic drugs and \$10 for preferred drugs. With the move to the consortium, that would raise copay rates to \$10 for generic, \$25 for non-preferred and \$40 for preferred.

Tobin would not specify which unions oppose joining the consortium. He said the ongoing negotiations with the unions are the last thing holding up joining.

"We're looking for support from the bargaining units," he said.

The city is working on negotiations with all city unions on new contracts. If a move to the consortium is made, the city is offering a 1 percent salary raise to city employees. If the city stays with Excellus, the city will not offer any raise.

Tobin sent out a memo to all city employees that explained the move to the consortium on Oct. 14. It said that remaining with Excellus will force a 17 percent increase in cost to the city and city employees in health care premiums. With the consortium move, the city would save nearly \$1 million as opposed to staying with its current provider. The city pays 86 percent of health care premiums, while the employees pay 14 percent.

There were not any union representatives in attendance.

The \$18.9 million spending plan would raise the tax rate 2.3 percent to \$15.53 from \$15.02 per \$1,000 of assessed property value. The tax levy would increase to \$8,132,731, which is \$159,465 more than 2012's levy.

In other council news:

The council voted 7-1 to reassign the duties of the public safety electrician to other city employees. In turn, this will lead to the dissolution of the city's Public Safety Department. Alderman Carlos Ferrer (D-6th Ward) voted against the move.

The employee, Tom Tobin (no relation to Brian Tobin), will be reassigned to the position of public safety electrician under the Code Enforcement Division. The duties to be reassigned include painting and striping city streets, crosswalks and parking lots, maintaining city owned street lights and traffic control devices and maintaining seasonal decorations.

Mayor Tobin said the next step is to change the City Charter to eliminate the department. He also said this was a few years in the making.

"The individual is not losing his or her job," Tobin said. "We've been working on this for a few years, and now it's coming to fruition."

The memorandum of agreement between the city and the Cortland Professional Firefighters Association states the city will provide adequate training to firefighters, including those already trained in code enforcement.



Union upset by city's health care proposal

CSEA doesn't want Cortland to join the Tompkins County Health Care Consortium.

— Page 3



Union workers reject contract

Nearly 90 percent voted down deal with Warren County

By **DON LEHMAN**

dlehman@poststar.com

QUEENSBURY ♦ Union workers in Warren County overwhelmingly voted down a proposed labor contract Thursday night, leaving county officials trying to figure out how to close a budget gap that stems in part from increased benefits costs for employees.

The Warren County unit of the Civil Service Employees Association voted down a five-year contract that would have given workers no raise this year but boosted their pay the next four years, and would have increased worker contributions to health insurance costs.

Nearly 90 percent of the 300 or so union members who voted cast ballots against the contract.

County leaders had been counting on health insurance concessions in the contract as

they work to put a 2013 county budget in place that does not exceed the state tax cap.

Warrensburg Supervisor Kevin Geraghty, the county's budget officer, said Friday it was too early to speculate on what cuts will be needed and whether layoffs will be discussed.

County leaders recently learned health insurance costs are expected to increase nearly 10 percent next year instead of the 5 percent they had expected, Geraghty said. That rise, coupled with a \$1.1 million increase in state pension contributions, would put the county budget well over the tax cap without cuts.

"I have real concerns about meeting the cap," he said.

The county Board of Supervisors scheduled a special Personnel Committee meeting Tuesday to discuss the status of contract negotiations. Geraghty said the county's

See **CSEA** Back Page

negotiating team needs details on what aspects of the contract were most troublesome to union members.

"I thought we had an agreement and the union thought we had an agreement," Geraghty said.

Queensbury Supervisor Dan Stec, chairman of the county Board of Supervisor, would not discuss the county's options for cuts.

"We'll have to get back to the table and hear what they have to say and keep working toward a solution," he said.

The union's contract ran out at the end of 2011. The

proposal would have given county workers no raises this year, flat \$500 bonuses next year and raises of 2 percent in 2014, 2 percent in 2015 and 0.52 percent in 2016.

Health insurance contributions would rise from 8 percent now to 10 percent in December, 11 percent in December 2013, 12 percent in December 2014 and 13 percent in December 2015.

Anyone hired after the contract was ratified would start at a 20 percent health insurance contribution, and reimbursement of co-pays would also be eliminated.

The CSEA represents about 500 county workers.

Gene Rounds, president of the CSEA Warren County Unit, could not be reached for comment Friday.

David Duell, the local president for CSEA in War-

ren County, which oversees the county worker unit, said the concern is supervisors will turn to layoffs to make cuts if they can't get savings through contract negotiations.

The union is dealing with municipal budget troubles across the state, he said.

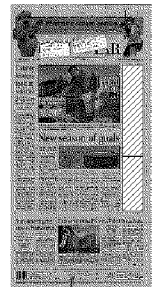
"You turn a deal down and they'll look at layoffs," he said. "They'll try to get it (savings) one way or another."

Therese Assalian, a spokeswoman for CSEA, said "members of the negotiating team are getting feedback from members and will use that information to determine a next step."

"You turn a deal down and they'll look at layoffs."

DAVID DUELL

local president for CSEA in Warren County, on the rejected deal by county workers



CAROL KIEHN KIRKEY

OTHER VOICES

For Kirkeys, Otsego Manor Has Been A Blessing

Editor's Note: Carol Kiehn Kirkey of Oneonta read this statement during the public comment section of the county Board meeting Wednesday, Oct. 3.

My husband, Terry, has been a resident at Otsego Manor for the last four and a half years. He suffers from young onset Alzheimer's disease and was diagnosed at age 52. As you are all aware, the numbers of younger people afflicted with this degenerative and fatal disease in this county and across the nation is rapidly growing.

Before moving to The Manor, Terry spent two months at Countryside Care Center in Delhi. He received competent, loving care there, but we were delighted when our wait for a bed at The Manor ended. Not only did it mean an easier ride for my daily visits, but The Manor was/is a state-of-the-art facility whose mission promised to nurture and care for Terry both physically and emotionally. Staff have succeeded in carrying out that mission and Terry and I are blessed and proud to be part of that family.

Terry was denied admittance to every skilled nursing facility (all privately operated) close to our home in Oneonta. He was young, strong, ambulatory and his decline would most likely bring difficult behaviors they chose not to handle.

The Manor accepted Terry and staff have worked diligently to manage his care – no simple task given the complexities of his disease. True to the mission set forth almost 200 years ago in the days of the county poorhouse, The Manor has cared for Terry and me – we have a quality of life I never thought possible.

And now it is for sale. It's hard to understand why it can't be saved

from privatization. I have been in touch with all of you and thank you for your thoughtful responses. I have taken your advice and have spent time becoming better informed about the issues surrounding profitable operation of this remarkable facility. I don't pretend to know enough to "save the day." But I have learned that there are possibilities yet to be explored.

If we are committed to keeping The Manor in county ownership, there is a daunting task before us. It will take strong, rational, conciliatory leadership from the county Board of Representatives, CSEA, and Manor administration to make difficult choices and to craft creative solutions to achieve this goal.

It troubles me to hear from Manor officials that CSEA won't budge, to hear firsthand that an administrator at The Manor is "done with this" and to learn that the county Board of Representatives passed a resolution to sell The Manor, a resolution that was not on the agenda for that meeting.

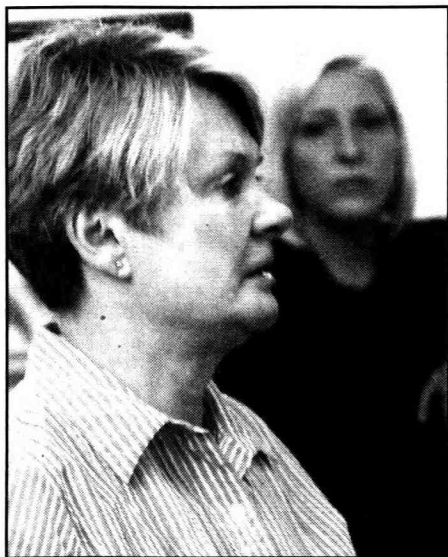
Taxpayers in this county deserve better and many are willing to help. As you deal with this issue, please be mindful of the needs and wishes of county residents including those who currently reside at The Manor. I have already communicated my concerns about the future of the dementia unit, Serenity Place, which is the only unit of its kind in Otsego County.

Communication is key as we proceed. Manor residents especially deserve the courtesy of regular updates in the days and months ahead – the insecurity of not knowing what will become of their home is a heavy burden to bear.

Thank you for your attention.

Perspectives





Cooperstown's Rena Lull, whose mother, also Rena, is 92 and lives in The Manor, issues a plea for the facility's preservation. Behind her is Tanya Shalor, Opportunities for Otsego Head Start coordinator.



Oneonta's Carol Kirkey tells the county Board at its Oct. 3 meeting how Otsego Manor has helped her husband Terry. Listening county reps, from left, are Rich Murphy, John Kosmer (partially hidden), Kay Stulgross, Beth Rosenthal, Don Lindberg, Linda Rowinski (partially hidden), Ed Frazier and Keith McCarty.

Jim Kevlin/The Freeman's Journal

City workers may pay to park

New Rochelle
mayor says fee
part of GreeNR

By Ken Valenti
kivalent@lohud.com

NEW ROCHELLE — Mayor Noam Bramson wants the City Council to consider the idea of charging city and school district employees to park in the City Hall lot.

“I can envision that there may be very serious objections, which I respect,” Bramson said Tuesday. He wants to explore the idea, “but I’m not necessarily sold on it.”

He has placed the idea of setting a “modest fee” on the agenda for tonight’s 7:30 City Council meeting to begin the discussion.

It was one idea raised in the GreeNR report, adopted last year, on how to ease the city’s impact on the environment. The aim is to reduce pollution and free parking spaces for visitors by encouraging employees to carpool, walk or bicycle to the building.

Taking the bus may not be a practical alternative because the Bee-Line system charges \$104 for a 30-day pass.

The city would not gain any money from the fee, which would be set by the council. The funds collected from employees who drive to work would be distributed among those who don’t as a “credit” and incentive to encourage them to find other ways to get to work.

Currently, 340 of 422 daytime employees obtain free permits to park in the lot, according to a memorandum from the mayor. If the same number were to buy permits at \$120 per year — a hypothetical fee calculated in the memo — the city would collect \$40,800. That would be converted into a credit of about \$500 for each of the 82 employees who did not park in the lot.

Bramson, whose job often requires him to attend meetings away from City Hall, would buy a permit, he said.

Union leaders said they had not had a chance to explore the idea, but expressed concerns about it.

“It doesn’t seem fair,” said Martin Daly, president of the New Rochelle Federation of United School Employees. “Who’s going to walk to work in the winter? What happens if your car pool ride calls in sick that day? Are you going to have to run out to the meter every two hours?”

John Caldararo, president of the city’s Civil Service Employees Association unit, said a few city employees have told him they don’t like the idea of paying more out of pocket. Many of the union members are clerical employees with children in school, he said.

“It would be pretty hard for them to carpool taking kids back and forth to school,” he said.

But he said the idea was still new, and that he would discuss it further with the membership if it moves forward. He noted that some members may make money on the idea if they find other ways to get to work.



Manor patients sign letter contesting sale

BY JOE MAHONEY
STAFF WRITER

COOPERSTOWN — Otsego Manor patients upset with the recent decision by county lawmakers to privatize the nursing home have found a new advocate to make their case: themselves.

A total of 76 patients at the facility have signed letters to Gov. Andrew Cuomo; Sen. James Seward, R-Milford; and Assemblymen Pete Lopez, R-Schoharie; Bill Magee, D-Nelson; and Marc Butler, R-Johnstown, imploring them to go to bat for the 174-bed nursing home, said Maureen Culbert of Springfield, who worked with the patients in drafting the letter.

She said patients at the Manor's Alzheimer's wing were not asked to show their support for the letter.

"We are frightened that Manor will be sold out from under us," the one-page letter states. "If privatized to a for-profit group, we are concerned that the care will be negatively affected."

The letter continues: "We are concerned that this decision was done behind closed doors by the county and without input from the county residents. ... We are outraged that this could be started without input from the people who are most in need."

Culbert said the Manor residents are upset that they had no chance to voice their concerns before the Board of Representatives opted to sell the facility to the highest "responsible" bidder.

"One woman there was crying she was so upset," she said. "She felt

that she wasn't being heard, and that they (county representatives) don't get it that this is their home. Most of these people have given up their homes. They have no homes to go back to now."

The patients, she said, have also begun to circulate a petition decrying the decision to privatize the Manor. That can be signed by anyone who stops at the nursing home, she noted.

Members of the county board who last month voted to privatize the Manor said keeping the facility as a county-owner property would be financially unsustainable. The annual taxpayer subsidy to the nursing home — partly as a result of a reduced Medicaid reimbursement rate and costs spiraling — has been projected to grow from \$3.2 million to \$6 million in 2014, they said. Only one county lawmaker voted against the privatization plan: Rep. Keith McCarty, R-Springfield.

Culbert said she will read the letter approved by the patients to the county board's Otsego Manor Committee, chaired by Rep. Katherine Stuligross, D-Oneonta, at the panel's meeting at 9:30 a.m. Oct. 16 on the nursing home's second floor.

Last week, the Civil Service Employees Association, representing more than 250 Manor workers, initiated a lawsuit against the county board, contending board members deviated from state Open Meeting Law prohibitions against secret deliberations on public policy decisions when they discussed the Manor's fate.



Union ire at Albany pay hikes



KENNETH LOVETT
ALBANY INSIDER

ALBANY — After agreeing to freeze their own salaries for several years, state government-worker unions are livid over talk of a possible pay raise for lawmakers and agency commissioners.

Gov. Cuomo and legislative leaders are said to be considering a special session after the November elections that would include the first pay hike for state lawmakers and commissioners since 1999.

“Should they do that, their credibility would be significantly undermined,” said Stephen Madarasz, spokesman for the 66,000-member Civil Service Employees Association.

“To tell our members basically they’d have to eat it for the term of this contract and then go out and give themselves a raise, I think our people would meltdown over that,” Madarasz added.

To help close sizable deficits, Cuomo demanded the unions sacrifice. He not only negotiated multiyear contracts with no raises, but also pushed the Legislature to reduce pension benefits for future employees.

Madarasz argued raises would also be a kick in the shin at a time when Cuomo told his state agencies to expect another year of zero growth in their 2013 budgets.

Pay raise supporters argue the unions received big hikes in the 13 years lawmakers and commissioners have gone without. Cuomo said higher salaries would make it easier to recruit top talent. Some commissioners actually make less than their deputies.

The unions aren’t buying it, and polls show the public overwhelmingly on their side.

“You can rationalize anything you want to rationalize,” Madarasz said.

Susan Kent, president of the 56,000-member Public Employees Federation, said that “while I am not in favor of denying a group of workers a pay raise for over 13 years, I also cannot advocate for a raise for New York State legislators when many of them insisted on balancing the New York State budget on the backs of my members.”

Attorney General Eric Schneiderman has seen a mass exodus from his office in recent months, particularly in his communications shop.

The latest set to leave is press officer Michelle Duffy, who is going to work for Cuomo. She follows press shop alumni Danny

Kanner and Dani Lever, who both left to join the Obama campaign, Jennifer Givner, who went to work for the Cuomo administration, and Lauren Passalacqua, who joined lame-duck Mayor Bloomberg’s press shop.

In addition, Blake Zeff, a former Hillary Clinton aide, quietly left recently to write about the presidential race, and several lawyers have also departed or are

in the process of doing so, insiders said. Several sources cited low morale in the office stemming from Schneiderman’s hard-charging chief of staff Neal Kwatra as at least a factor in some departures. But others said most who left went on to better or higher-paying jobs.

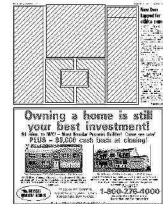
•••
Cuomo has quietly transferred his appointments unit — long seen as the patronage arm of governors — from his second-floor Capitol office suite to the 19th floor of a nearby building that houses the Office of General Services.

Some sources say by offloading the 10 employees to OGS, Cuomo wants to make it appear like he’s reducing his own executive office budget by hundreds of thousands of dollars when asking other agencies to absorb budget freezes again this coming year.

But Secretary to the Governor Larry Schwartz insists Cuomo is seeking to end the days when the appointments office was a “political patronage dispensing machine” turning it into a “professional recruitment and executive search firm operation for state government.”

Appointments Secretary Judge Leslie Leach quietly left in August for a gig at City University. As part of the restructuring, “top professional recruiting staff” will be hired, Schwartz said.

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All but 3 county officials to defer pay

Legislator: Plan wouldn't help

By Laura Incalcaterra
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NEW CITY — All but three Rockland County officials have voluntarily agreed to participate in a deferred-salary payment program that applies to nearly every rank-and-file county government worker.

County Legislators Joe Meyers, D-Airmont, and Nancy Low-Hogan, D-South Nyack, and county Medical Examiner Dr. Michael Taff did not submit a voluntary participation form to the county Personnel Department to defer their pay, according to information obtained by The Journal News under the Freedom of Information Act.

That means that while every other county elected official, department head and commissioner has volunteered to defer pay, Meyers, Low-Hogan and Taff will still get full paychecks.

New contracts between the county and three of its unions, including the two largest, the Civil Service Employees Association and the Rockland Association of Management, require union members to work five days each in 2012 and 2013 without pay, for which they would be reimbursed in 2014.

County Executive C. Scott Vanderhoef said the deferments will help improve the county's cash flow for 2012 and that improved revenues next year might mean no defer-

ments in 2013.

Legislature Chairwoman Harriet Cornell, D-West Nyack, on Sept. 17 asked her 16 colleagues on the board to join her in voluntarily deferring their paychecks.

Two days later, the board voted 14-2 to approve the union contracts and also voted 14-2 to require nonunion nonmanagement employees to work under the same terms as the union contracts.

The Legislature, by the same margin, also voted to have the terms apply to nonunion management workers, including Taff, on a voluntary basis.

Meyers and Low-Hogan voted "no" on each of the resolutions. They said the contracts offered no real cost savings and could hinder the county's ability to address its operations, in part because they contain "no-layoff" clauses running through the end of 2013.

Low-Hogan and Taff did not return calls seeking comment on the deferred-paycheck program.

Rockland County Health Commissioner Dr. Joan Facelle said she "reached out" to Taff, whose office is part of the county Health Department.

"He said to me that he has not done the paperwork but he intends to defer," Facelle said.

Meyers said that he and Low-Hogan declined to participate for good reasons.

"It's smoke and mirrors," Meyers said. "We wanted actual salary savings. The county still has to pay all those people and there's no plan to do that."

He said deferring payments would not solve problems.

"They're just giving themselves a balloon payment while trying to make the budget look better in 2013," Meyers said.

The county has laid off 74 workers this year and is grappling with a budget deficit of more than \$96 million as well as the lowest credit ranking of all counties in the state, just one grade above junk status.

P.T. Thomas, president of Rockland CSEA, said all of the officials should have participated in light of the union sacrifices.

"Nancy Low-Hogan and Joe Meyers should be ashamed of themselves because they talk the talk but they don't walk the walk," Thomas said. "They were the ones fighting against any employee benefits. It's a shame that they didn't contribute anything."

Meyers said only he and Low-Hogan voted in support of his proposal this year for a 10 percent pay cut for all elected officials, county legislators included.

He said actually cutting expenses in the county budget — versus merely delaying paychecks — was a meaningful way of addressing the county's fiscal situation.

All other county elect-



ed officials volunteered to defer, including Vanderhoef, Sheriff Louis Falco, County Clerk Paul Pipera to and District Attorney Thomas Zugibe.

Vanderhoef also took a voluntary 5 percent pay cut earlier this year.

Workers in the seven other county government worker unions are not required to participate in the program, and haven't volunteered to do so.

Contracts with those smaller unions are in the process of being negotiat-

ed or soon will be, county Personnel Director Joan Silvestri said.

Friday marked the first pay period in which county employees in the deferred-pay program worked but were not paid.

“Isn’t quality care what you would want for yourself
or your loved one in a time of need?”

Facility must be ‘people’s home’

By DAVID FAGERSTROM

In a recent commentary in The Post-Journal, a writer claims “there is utterly no justifiable humanitarian, economic, patient care or public benefit rationale” for not selling the Chautauqua County Home. His statement could not be more false, misguided or closed-minded.

Does that writer not care at all about the county’s frail elderly? We think most county residents would agree that quality care from an experienced, educated, loving and consistent staff is humanitarian reason enough to stop the sale of the County Home. Isn’t quality care what you would want for yourself or your loved one in a time of need?

In his misguided opinion piece, the writer also claims CSEA is trying to stop the sale simply to keep county jobs and union members. This is also false.

The writer may not realize that CSEA also represents private-sector workers. That means our fight to keep the County Home from being sold is not about numbers. It is about ensuring the best care for all Chautauqua County residents today and in the future. As the writer repeatedly pointed out, there are 219 County Home residents. These men and women should have the best care available from the best staff. Without the public County Home, this care may not be available.

According to a recent Monday Morning Memo from County Executive Greg Edwards, 78 percent of County Home residents are on Medicaid. Private nursing homes are only required to admit a handful of Medicaid patients, while the County Home accepts residents regardless of ability to pay or the complexity of care needed.

For the majority of people living in Chautauqua County — for anyone who has not amassed great personal wealth —

the County Home may be the only available option when long-term care is needed. If the home is sold and the number of Medicaid beds is reduced, where will people go?

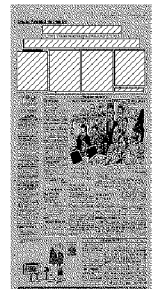
Private homes have also been known to send people on Medicaid and residents with difficult-to-treat conditions to hospitals and then give away that person’s nursing home bed. Then, that person must find somewhere else to live. Sudden and dramatic change is absolutely not healthy for frail elderly.

In Delaware County N.Y. legislators sold the public nursing home to a private enterprise and now that business has failed. The home will close and those living there will have to be shuttled to another facility. This will result in Relocation Stress Syndrome for some of the residents and they will die.

We believe most people will agree that the frail elderly deserve the best medical care in a stable home with loving caregivers. That is why we fight this fight to stop the sale of the County Home. The men and women who live in the County Home have lived their lives in Chautauqua County. They worked hard in factories and offices throughout the county. They lived modest lives and made sacrifices to make sure their families’ needs were met. They relied on pensions that have been taken away.

They are not wealthy, but that does not make them any less deserving of high quality care and loving caregivers. The Chautauqua County Home needs to remain the people’s home not only for residents today, but for the future residents of tomorrow.

David Fagerstrom is CSEA Unit 6300 president.



COLUMBIA COUNTY

County agrees to pay worker for lost salary

Editor's note: This story originally appeared in the online edition Sunday.

By Nathan Mayberg
Hudson-Catskill Newspapers

Last year, John Lyons — a psychiatric social worker assistant in the Department of Human Services — took a pay cut from \$67,490 to \$61,212.

The grant which funded his job expired. Rather than lay off Lyons or a worker in his department, the county found a vacancy in the department for Lyons with an almost identical title but at the lower salary grade, beginning Sept. 1, 2011.

Department of Human Services Director Michael Cole said there was “not an issue of performance” in regard to the long-standing employee.

Lyons and his union — the United Public Service Employees Union (UPSEU) — filed a grievance seeking that his pay be returned to the prior level.

More than a year later, an agreement to give Lyons his old salary back, plus the difference in salary retroactive to Jan. 1, was reached between the union, the county's labor attorneys, Board of Supervisors Chairman Patrick Grattan and Human Resources Department Director John Rutkey.

On Thursday, for the second time, Supervisor Ray Staats, D-Clermont, voted against the agreement. Staats

said he objected to the rewarding of the retroactive pay, maintaining that the county did not violate its agreement with the union.

Grattan referred comment to Kathy Wright, the UPSEU regional coordinator, due to what he described as issues regarding the confidentiality of the agreement. Wright said the grant funded not only Lyons' job, but other positions. That couldn't be confirmed as of press time.

She said the case initially went to arbitration but was settled thereafter between the parties. Wright said that Lyons was entitled to “certain rights,” under the union's collective bargaining agreement with the county. She said the county didn't have to cut his pay.

At that time, Staats was the lone vote against a resolution in the Health and Medical Services Committee to reinstate Lyons at his previous pay grade.

“The retroactive pay was my biggest concern,” said Staats. “I didn't agree with the way the contract was written.”

Rutkey said the county was able to prevail on returning the retroactive pay back to January. The union had sought to grant Lyons retroactive pay back to September 2011. He said the agreement followed several months of discussions with the county's labor firm.

Cole said the return of

Lyons to his old position would allow for more work to be done in the department. Rutkey said it would allow the county to be reimbursed more through outside government funding.

On Thursday, Staats was joined by Supervisor Roy Brown in opposition, during the Salary and Budget Committee. That vote followed an executive session on the matter.

Previous to the executive session, town of Claverack Supervisor Robin Andrews had voted with Staats against the union agreement. Following the executive session, she said she would change her vote “for the good of the county.” Supervisor Rick Scalera, D-Hudson5, who had initially abstained from voting due to a lack of information on the contract, voted to support it.

Also voting for the agreement with the union were Grattan, Supervisor Lawrence Andrews, R-Ghent, Supervisor Art Bassin, D-Ancram and Supervisor Matt Murrell, R-Stockport.

Lyons did not return a message left at his office.

The contract will still require a sign-off from the full board.

To reach reporter Nathan Mayberg, call 518-828-1616, ext. 2513, or e-mail nmayberg@registerstar.com.



Union set to sue over Manor's sale

BY JOE MAHONEY
STAFF WRITER

COOPERSTOWN — The largest union for Otsego County's government employees has informed the Board of Representatives that it has prepared a lawsuit that seeks to nullify the panel's recent decision to privatize the Otsego Manor nursing home based on alleged violations of the state Open Meeting Law.

Board members were scolded this week by Karen Carpenter, a representative for the Civil Service Employees Association — the union that represents more than 250 workers at the 174-bed nursing home — for allegedly attempting to shut the public out of its deliberations regarding the plan to sell the Manor to the highest "responsible" bidder.

A CSEA spokesman confirmed Thursday that the lawsuit has been prepared by the union's in-house lawyers and will be filed as early as today in state Supreme Court in Cooperstown.

"The resolution to sell the Manor clearly came out of thin air after they came out of executive session," spokesman Mark Kotzin said.

The plaintiffs in the lawsuit are local CSEA President John Imperato Sr. and Vice President Crystal Davidson-Miller, he

said.

In a statement provided to The Daily Star, Imperato said: "This was a back-room deal, done behind closed doors, with the purpose of trying to fly under the radar of public review and not to allow public comment. The actions of the Otsego County board go completely against the principles of transparency and representative government. We will demand that the courts strike down this resolution and force them to open this shady deal to the light of public scrutiny."

Rep. Kathleen Clark, R-Otego, the chairwoman of the board, defended her board, saying members held "an open discussion" in public on the resolution before voting on it. She also said that it is not uncommon for late resolutions to emerge in the course of board meetings. Additionally, Clark said that the board had earlier public discussions about the Manor, including one in August, when it voted to authorize her to seek a consultant to advise the county on its options regarding the nursing home.

As for the lawsuit, however, Clark said that she could not comment on it because she has not seen it.

"Nothing surreptitious happened there," she said in response to the CSEA allegations. She called the union "a little confused."

Board members have said they reluctantly decided to seek a private buyer for the Manor only because the facility has become financially unsustainable to operate. County officials have said the current annual taxpayer subsidy to the Manor will grow from \$3.2 million to an estimated \$6 million by 2014.

This week, at the board's regular monthly meeting, several county residents implored the representatives to reverse their decision and keep the facility with the county. They cited the scheduled Oct. 12 closure of where the quality of care reportedly deteriorated after it went from being a publicly operated nursing home to a private facility in 2006.

"It's hard to understand why (the Manor) can't be saved from privatization," said Carol Kirkey of Oneonta, whose husband is an Alzheimer's patient at the Manor.

Kotzin said, "We want to prevent what happened in Delaware County from happening in Otsego County."



Lack of guards leaves some crossings unmanned

By AARON AXELSON

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Parents who let their children walk to school may want to take extra precautions this year: Nassau County has left some crossing guard posts unmanned.

As a result of a hiring freeze and work force reduction through retirement incentive plans, the number of crossing guards in the county has dropped by nearly a third in the past three years.

Parents in Island Park voiced concerns when they realized that on Sept. 5, the first day of school, the crossing guard was missing from the corner of Austin Boulevard and Trafalgar Boulevard, a busy intersection near the Lincoln Orens Middle School. When Nassau County Legislator Denise Ford, a Republican from Long Beach, found out that the post was unmanned, she called Deputy County Executive Rob Walker, who told her that because a number of guards retired last year and had not yet been replaced, some posts were temporarily unmanned.

According to Ryan Mulholland, director of communications for the Nassau County Civil Service Employees Association Local 830 — the union for the civilian county work force — there were 424 full-time crossing guards in 2009, but this year there are only 301 full and part-time guards.

While full-time guards are required to remain in the vicinity of their crossing for an entire eight-hour shift, part-timers are allowed to leave between shifts, union President Jerry Laricchiuta explained.

According to Inspector Kenneth Lack of the Nassau County Police Department, some of the unmanned posts are being filled by police officers — a common practice when crossing guards are sick.

Mulholland said that each day there are 15 to 20 officers manning posts that are without crossing guards, but he added that he was not sure whether every post was occupied.

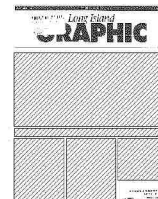
“This happens all the time,” said Lack. “If a crossing guard gets sick, an officer will fill in. It ebbs and flows, but they’re called in when posts need to be filled. The children are a priority.”

Mulholland said that the CSEA was told that 48 new part-time crossing guards would be hired for the first day of the school year, but as far as he was aware, none actually were.

Some school districts in the county have received letters in recent weeks from the NCPD concerning potential cuts in crossing guard posts.

A countywide survey of crossing guards is done every five years, Lack said, to gauge efficiency and necessity. Lack added that over time, the number of children using a crossing varies.

According to Laricchiuta, the union was told that the NCPD would switch this year to the “ABC” system, used in New York City, in which crossings are designated as A, very



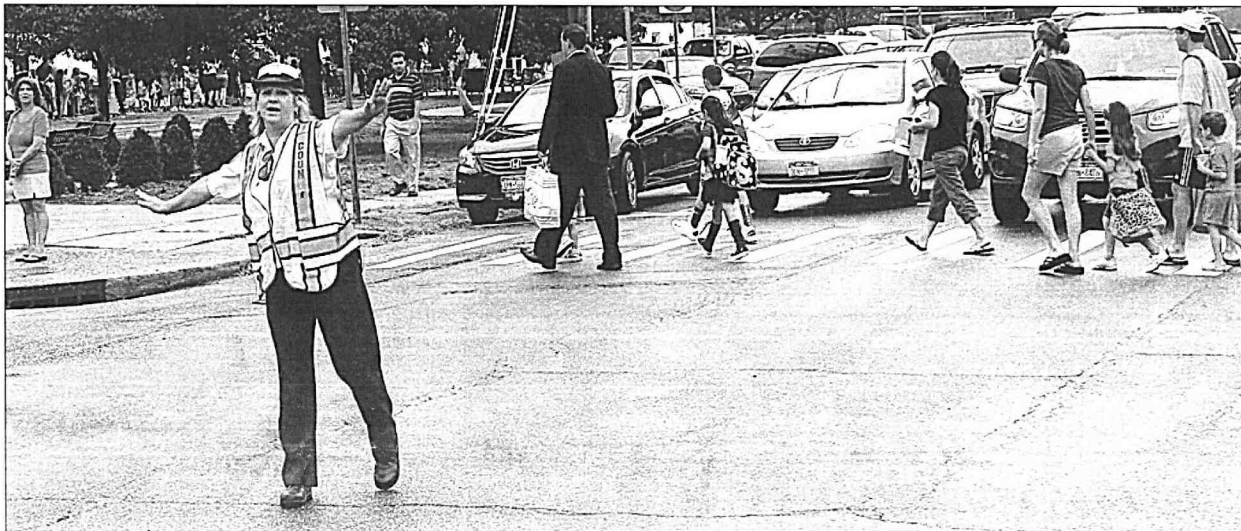
essential; B, somewhat essential; or C, not essential.

"The Police Department has decided that there are some posts that will not be held if there is not proper staffing," Larichiuta said. "Who's going to determine that a kid is not essential?"

The East Meadow School District did not return calls seeking comment before the Herald went to press.

While some schools have said they believe the cuts in crossing guard posts have been finalized, Lack said that the county had not yet done so. "Nothing has been decided yet," he said. "We're not making any decisions about cuts until the survey is complete. The letters we sent were only meant to show our preliminary survey findings to the school districts and receive feedback."

"Now that many crossing guards are being hired in part-time positions, they can cost as little as \$15,000, but the services they provide are immeasurable," Ford said. "In this day and age, we need to increase the school crossing guards, not reduce them."



Ron Manfredi/Herald

CROSSING GUARD Debra Bernhardt held back traffic as children and their parents crossed Merrick Avenue on the way to Camp Avenue School in Merrick. Many crossings were manned by police officers on the first day of school, while some were left unguarded.



Controversy at Rockland County Legislature Meeting

Legislators vote confirm award transit contract to

Brega Transportation Corp. and CSEA Contract moves one step closer

By Michael Riconda

Tensions flared last Wednesday evening as county legislators voted to award the Brega Transportation Corp. a county bus transit contract, drawing lawsuit threats from competitor, MV Transportation Corp.

"I believe that we are under an obligation to award the contract to the lowest responsible bidder," said Legislator Ilan Schoenberger.

According to Schoenberger, the legislature conducted a thorough review and decided on Brega because of their ability to complete the project and their bid amount.

During the public participation portion of the meeting, MV Transportation lawyer Mathew Dawes accused Brega of oppositional, counterproductive behavior. Dawes said that there was no choice but to sue Brega and the legislature for exhibiting local preference. Several unnamed, individual legislators could also face lawsuits from the firm according to Dawes.

In a scathing rebuttal, Legislator Wolfe called the firm's approach offensive and unnecessary. Wolfe explained that favoritism had no role in the decision. "This tactic doesn't work in Rockland County," said Wolfe. "Maybe it works in New York City, but it doesn't work here."

Two of the legislators present did not vote on the resolution. Legislator Nancy Low Hogan, who said that all of the bidding submissions were flawed and should not have been accepted, cast the sole dissenting vote.

Legislator John Murphy abstained because his position as chairman at Camp Venture is directly affected by Brega's transportation services and could present a conflict of interest.

Another item of discussion was the Civil Service Employees Association (CSEA) contract. All members of the legislature ratified the contract save for Legislator Christopher Carey, who was absent, and Legislators Joseph Meyers, and Low-Hogan who voted against it.

The CSEA and county executive recently released a memorandum of understand-

ing, a tentative agreement that requires approval by both parties before ratification by the legislature. With the endorsement of both the union and the legislature, the memorandum survived a major hurdle and is one step closer to becoming a legally binding contract.

The new contract would contain no new expenses and build in a temporary cash flow boost through a 10-day pay deferral, which would be reimbursed in 2014. However, despite the apparent agreement of negotiators concerning, there was still the issue that the contract would not provide enough real savings for the county, and could become a liability.

Low-Hogan, who voted against the measure with Meyers, said that without the 2013 budget, it was too risky to ratify.

The majority of legislators though have shown support for the bill. As part of a resolution approved that night, Legislature Chairwoman Harriet Cornell promised that as a county employee, she would voluntarily accept the deferral. She said she expects several other legislators to voluntarily subject themselves to the deferral as well.

"We're really joining because we want to show resolve with employees of the county government," **continued on p2**

Cornell stated.

According to Legislator Ed Day, the contract is a fair deal where the county benefits from a pause in salary increases, and a pay deferral without having to resort to layoffs. Day said it was consistent with similar settlements during times of financial strain.

"In some ways, the contract is even tougher than these settlements," said Day.

Two reports concerning the Summit Park Medical Facility were also submitted for receipt by the legislature. One being an evaluation by audit firm KPMG and the other, the Comprehensive Annual Financial Report.

The latter report, presented by Bennett, Kielson, Storch, and DeSantis accounting partner Nicholas DeSantis, broke down several of the expenditures and deficiencies in the 2011 budget.

Both reports painted a grim picture of the financial situation at Summit Park. DeSantis said that in order to stabilize the facility's finances, the county would have to pay off outstanding bonds, and any current liabilities.

The county would also need to offset the balance of the proceeds in an investment account to pay retiree health insurance, which requires \$7 million in cash each year.

Murphy said that the numbers "spell the death knell of this hospital," presenting a difficult situation for a facility that is rapidly becoming a financial black hole. This is also coupled with an impossibly small timetable for solving the problem and no immediate options available.

"There's nothing that we can do in the next year's operating budget to stem this hemorrhaging," Murphy said.

Summit Park, which has been frequently characterized as a facility of last resort, has been a significant budgetary issue due to its significant \$13 million deficit and an overall loan debt of \$32 million.

Suggestions have been made to privatize the hospital's services, sell the facility, or transfer the population whilst shutting down operations completely, raising the question of what will happen to the facility's residents.



Village Responds To Grievance From Employees Union

Mineola: 'We will abide by the contract'

BY RICH FORESTANO

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The Mineola Village Board responded to a grievance made by the Mineola union reps from the United Public Service Employees Union (UPSEU). The union held that village employees wanted vacation time awarded in a calendar year (Jan. 1) rather than on each employee's anniversary work date.

Mineola is currently in contract talks with village employees. The previous contract stipulations are still in effect, aligning with the Triborough Amendment in the Taylor Law. The law prohibits a public employer from changing any part of an expired labor agreement until a new one is reached.

According to village officials, the contract currently states that employees are supposed to attain vacation time awarded on their anniversary date, not Jan. 1. Therefore, officials said, the board is approving to abide by the details of the union contract.

Village Attorney John Spellman stated the union felt Mineola was in violation of the collective bargaining agreement,

continued on page 17

by "unilaterally changing vacation accrual, and the union demands that the Village of Mineola cease and desist this action and further demands that all affected members be made whole for all benefits lost as a result of this violation."

The contract, according to Spellman, indicates the village cannot award vaca-

tion time based on an apparent "accounting practice error" that occurred, giving employees their vacation authorization on Jan. 1.

Mineola performed an audit and found the discrepancy and notified the UPSEU, a Ronkonkoma-based organization. The union did not return calls for comment.

The UPSEU could bring the issue to New York State's Public Employment Relations Board (PERB) to attempt to force the village's hand. Mineola officials have not received notice if the union will pursue the PERB option.

"We cannot award vacation before it is earned," Spellman stated. "As a result, we are going to correct the situation and follow the terms of the contract, which provide that vacation is awarded on anniversary dates."

The village's decision rested on following what was agreed upon when the current union contract was ratified. Village officials told the union that any employee who feels wronged, should notify Mineola.

"For example, if a person booked a cruise, counting on that much accumulated time, we could move some sick time over temporarily until the vacation time is earned," said Spellman.

The union in turn, filed the grievance and Mineola officials needed to decide if the charge had any merit. Village counsel recommended that they follow what's been set in the agreement between the employees and Mineola.

"By awarding vacation time on an anniversary date, we would be abiding by the contract that is in agreement with the union," Mineola Mayor Strauss stated.

Trustee Larry Werther revealed that to his knowledge, there are a number of fac-



tors that come into play. According to Werther, this error occurred before any current bookkeeping employees were working for Mineola. Furthermore, Werther said, "if a village entity gives vacation time before they're entitled to it, it is a gift of taxpayer money that is not permitted.

"The unfortunate part is, if we find out there is something going on that is costing

taxpayer money, if we don't work to correct, then the board becomes personally liable for those monies," Werther continued. "So by enforcing the rules of the contract, we're doing what's fair. A reasonable effort has and is being made to take care of any employees...if they were prejudiced in any way."



Mineola Mayor Scott Strauss

Oyster Bay could cut as many as 200 jobs

BY BILL BLEYER

bill.bleyer@newsday.com

The Town of Oyster Bay, which threatened to lay off 150 employees amid a \$13 million budget shortfall and rising health and retirement costs, is now proposing to cut as many as 200 workers next year.

Under its 2013 preliminary budget scheduled to be adopted today by the town board, Oyster Bay will increase its spending by about 1 percent to \$265,190,651 from this year's \$262,464,593, said Town Comptroller Robert McEvoy. The proposed layoffs would be on top of the 89 workers who took buyouts this year.

"The employees are very afraid," said Civil Service Employees Association Local 881 president Robert Rauff Jr. The union represents about 90 percent of the town's workforce of about 1,260.

Despite the possible lay-

offs, McEvoy said, current services for residents would not be reduced. But Rauff insisted the town cannot continue to provide the current level of services under the proposed layoffs.

"It will be devastating to the residents," he said.

Last year, the town's budget increased by 7.6 percent. This year, the town saw its bond rating downgraded by Standard & Poor's.

The town tax rate will rise about 3.8 percent after no increase last year. But McEvoy said the town would not exceed the 2 percent state cap on tax increases because of credit allowed for not exceeding the cap last year and exclusions such as increased pension contributions.

The budget includes a reduction of \$10 million in salary and benefit costs from anticipated layoffs in addition to the \$10 million savings from the buyouts this year. To

reach the layoff savings, 150 to 200 employees would be eliminated, depending on their salaries, McEvoy said.

McEvoy said the town is facing a large increase in retirement costs, while health insurance costs increased \$2.3 million.

The comptroller said there would be no increase in cash reserves next year but the personnel reduction would allow the cash reserves to increase in future years to try to satisfy the concern of bond rating agencies.

A drop in cash reserves from \$20.3 million in 2005 to less than \$1 million last year was one reason Standard & Poor's Ratings Services lowered the town's bond rating in June by three steps to A.

Local 881's Rauff said union officials would continue to talk to town officials. "The union is doing everything in its power to come up with a solution to avoid layoffs," he said.



Huntington mulls layoffs

BY DEBORAH S. MORRIS
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The Town of Huntington's 2013 spending plan calls for possible layoffs and hikes in bus fares, parking and refuse fees to help plug a projected \$8 million loss in revenue.

Town Supervisor Frank Petrone unveiled his preliminary \$181.7 million operating budget and \$8.6 million capital budget at a special town board meeting yesterday. The budget represents a 0.83 percent increase in the town's total tax, about \$19 a year for the average homeowner.

Petrone blamed projected increases in pension contributions and health insurance and

reduced mortgage tax receipts for the gap.

He said a \$4 million, one-shot revenue boost for the 2012 budget from debt service reserves related to the Covanta resource recovery facility has also been lost.

"We're dealing with a budget hole over last year . . ." Petrone said.

Petrone said he is working with the Civil Service Employees Association union to avoid 15 possible layoffs.

Rich Popkin, union chapter president, did not return calls seeking comment.

While taxes would rise only slightly under Petrone's budget plan, several town fees would become sharply higher.

At the 1,900-space Huntington Station garages, the permit fee will go from \$50 a year to \$600 a year, but the permit will be for a guaranteed spot. Fees for the town's parking lots will increase from \$50 to \$75 a year.

Fares for a single adult ride on the Huntington Area Rapid Transit system will go from \$1.25 to \$2; rides for the elderly will go from 50 cents to 75 cents, and student fares from 75 cents to \$1.25.

The town is also increasing the tipping fee for residential and commercial waste disposal at the resource recovery facility from \$75 to \$80 a ton.

There will be public hearings on the budget and its related proposals on Oct. 16.



CSEA Waits For Supervisor Venditto's Answer

Oyster Bay layoffs in limbo as supervisor and union president wait it out

BY DAGMAR FORS KARPPI
 dkarppi@antonnews.com

Robert Rauff, Jr., CSEA Local 881 president is hoping to find out what the definition is of hope, as in Supervisor John Venditto saying, "When there is time there is hope." Mr. Rauff said, "When I call him, he does get back to me, but when he calls is another story."

He said, "I'm ready to go forward with what they requested but with a two-year extension and a no layoff clause." He added that beyond that he is still willing to negotiate. He said, "John Venditto is coming up with a lot of ideas that I won't even entertain."

How the Town of Oyster Bay has ended up in debt is difficult to explain. Over the recent economic times, Supervisor John Venditto has stated that Oyster Bay, unlike Nassau County, had a good grasp on its finances. Previously, they didn't have to lay people off and they could raise taxes as needed because as the supervisor said, the Town of Oyster Bay residents were more interested in their quality of life. Therefore, while other municipalities were in trouble, the town was still giving raises but they were also using up their reserves. This year the town's financial news changed as their bond rating fell as a result.

Faced with rising debt costs, the town is looking to find money by reducing staff, first by offering a retirement incentive and then by layoffs. Mr. Rauff said as to the incentive offer, 94 workers were considering the retirement offer. Of them the first 89 did so and retired on Aug. 30. Currently two more people accepted the retirement as of Dec. 31: the retirement incentive is age-related: they must have worked for the town for five years and be 55 years of age. All those who were eligible for retirement were identified by the town before the offer was originally made.

CSEA President Rauff said, "The very people that serve the residents are being laid off and that isn't the way to go." Mr. Rauff said he has been trying to meet with the supervisor as early as April and

May of 2012, and as early as December of last year. "It had nothing to do with the financial picture. We had already signed the contract for six years. They have been in a hole for a long time. When they signed the contract last year they were already in debt."

The Contract

The current CSEA Local 881 six-year contract was negotiated from Feb. 2009 to May 2010. In June 2010 the members voted on it and it went into effect on July 1, 2010. Mr. Rauff said, "But we were covered by the Taylor Law so we didn't lose our benefits during that negotiation time. There was an overwhelming response from our local members. There are over 1,200 CSEA union members and 83 percent voted for the contract." Mr. Rauff said it was a good contract.

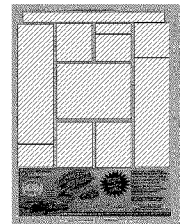
He continued, "I've always been very supportive of John Venditto. I'm an optimist and I believe the supervisor will continue to take care of his employees — my members. Although he has threatened layoffs, he has not done so.

"Still, if they get rid of every employee, that will not pay off the situation for five years because of their \$754.2 million in bond debt. It's unfortunate but it's a nationwide problem — the economy."

Mr. Rauff said he has been working with the town for 36 years. He started as a part-time laborer in sanitation, picking up garbage as a temp in August 1977. His father worked his way up through the years from 1959 to the rank of deputy commissioner of sanitation in the early 1990s. His two brothers work in recycling and parks. "When I started with the town I made \$2.93 an hour," he said. [As supervisor Venditto has said of the town, they are family, with many family members working for the town.]

"We've always stood up for the supervisor. We offered the town over \$40 million in savings with a pay lag, if it had taken place in the second pay period in August, as the best direction we could go."

Mr. Venditto, in his Sept. 13 letter to the town employees said he had suggested a pay lag but Mr. Rauff said it had been a union offer. Mr. Venditto's letter said, "The Administration's request was for an immediate payroll lag, no pay increases in



either 2013 or 2014, with a return to the contractual increase in 2015 (4 percent pay increase plus a step). The offer also included a no-layoff clause, with no change to your health benefits.”

Mr. Rauff said, “When the union offered the pay lag it was the best direction we could go in. Mr. Venditto said he never agreed to it.”

Mr. Rauff said. “He’s called us a workforce second to none. At his fundraiser last year and at a town board meeting he said before he lays off one of his employees he will resign himself.

“I don’t want to see him resign or any of his workers, my people, lose jobs. It’s very politically oriented. It’s terrible on the members of the union. It is almost union busting.”

Mr. Rauff said the town has been understaffed for years. He said of his members, “They are not crying about it because they are paid well. Some union member town employees do two and three jobs.” That is true for the executive staff as well. The Deputy Supervisor Len Genova is also the town attorney.

The union leader said. in the aftermath of the Sept. 18 storm he had five workers out pulling trees and making the roads safe.

Mr. Rauff said the supervisor’s request of no raises in 2013 or 2014 wasn’t possible since they had already signed an agreement for those years and that the 4 percent raise suggested for 2015 was already in the agreement.

Union Policies

Mr. Rauff went on to say, “We were ready to go forward with the lag and zero raises in 2013 and 2014 and the raise for 2015 but according to union policies we need an extension to the contract. I am not the sole decision maker. We too have to follow the rules. We are in the midst of a contract, now to follow the union rules, we would have to reconstruct a contract. That calls for a two-year extension with an equitable raise of 1 or 2 percent a year. Their chief of staff, at the beginning of ne-

gotiations, was positive on the idea of a 2 percent raise then at the next meeting they offered us nothing. We will never make up what we are losing, but with those give-backs we could have saved the town the \$40 million.

“A lot of other union representatives think I am being too soft, but I feel the supervisor wants to make it look good in the eyes of residents. The town tax is only 11 cents on a dollar is when he says what talking to residents. I’m a resident and I pay it. it.

“It’s about the debt from things like the forced mortgage tax, loss of sales tax. all those taxes. The money/revenue the town brought in has decreased. For me. I took a vacation once a year, now it is just in days. I cut back.”

He said the town has frozen all overtime. “The town has made moves.” But he said the people who retired have not been replaced and. “Wait until tax collection time; the lines will be out the door. They don’t have people to cover the jobs.”

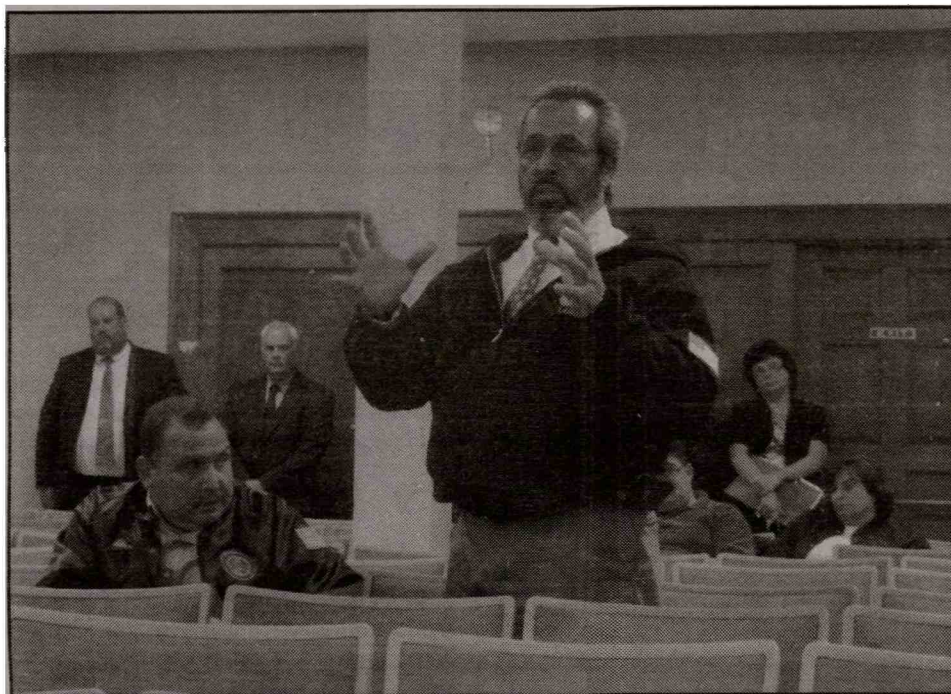
The town’s financial woes are still mounting, he said. “In February 2013 the town has to pay off borrowing of \$13 million to pay the salaries for 2012.”

A Good Job, A Hard Job

Mr. Rauff said the union work is overseen by the town attorneys. “We have penalties for not being on time. It’s a tough system but it should be. They are very good jobs, until they fire the first person. Now, they are all walking on eggs.”

Mr. Rauff said. “We built up a good relationship and trust. I don’t know if it is that way any more. It’s sad.”

As we go to press, things are still up in the air, although Mr. Rauff said the supervisor called him over the weekend. He hadn’t gotten back to him as we spoke on Monday morning. The town does have another option. On May 15 they tabled Resolution 471 that would have allowed them to exceed the state budget cap of 2 percent. If they want to, they can put the resolution back on the table at any upcoming meeting and solve their problems with a tax increase. The town board has a lot to think about.



Robert Rauff, Jr. CSEA Local 881 at the October 2011 budget hearing.

MADISON COUNTY

Employee recognition set

Every year Madison County recognizes its long-term employees for their years of dedicated service to its citizens.

A reception will take place at 1:30 p.m. Tuesday, Oct. 9, in the Supervisors' Chambers, honoring long term employees from Management, the Teamster Local 182, the Madison County Deputy Sheriff's Police Benevolent Association, the **CSEA** Blue and CSEA White Collar Units.

Those being honored include:

- 35 Years: Virginia Brooks, Mark McLean.

- 30 Years: Bonnie Curtis, Kevin Loveless, Joseph Stevens, Diana Wilson.

- 25 Years: Susan Brown, S. John Campanie, Joseph DeFrancisco, Melissa Maine, Jay Pokorny.

- 20 Years: LeeAnn Andrac, Kathleen Hiller, Lynne Jones, Kirk E. Palmer.

- 15 Years: Teresa Butler, Charles Gibson, Carol Harvey, Pamela Heintz, Linda Jackson, Chrystal Johnson, Linda Khan, Lyle Malbouf Jr., Kevin Parker, Sharon Salisbury, Catherine Seeber, William Wilcox, Laurie Winters.

- 10 Years: Eric Ali, Jayne Black, Eric DeGroat, Elizabeth Holmes, Eileen Hubbard, Tracy Lagoy, Aaron Lazzara, William Looft, Loretta Lyrek, Denise Molinari, Jon Otts Jr., Jeffrey Sawyer, Janine

Spinelli, Camille Vinci,
Jeffrey Watkins, Virginia
Zombek.



To the Editor:

Now that the CSEA county contract has been ratified by the Rockland County Legislature, I have to commend all parties involved who worked together to formalize the agreement.

Our members are making some serious sacrifices in order to help the county through these tough times, which shows their dedication to the citizens they serve. While we've had differences of opinion at times, the way in which CSEA was able to work with legislators and the county executive show a mutual dedication to helping the county move forward and regain fiscal stability. I have to commend the legislators who agreed to make similar sacrifices in pay; this show of solidarity with the CSEA workforce is a welcome gesture of goodwill and shows these legislators don't just talk the talk.

It took a lot of guts for our CSEA membership to approve this contract. However, the job security included is critical for them and even more important for the people of the county, all of whom benefit from the services provided. I commend my members on approving this contract by such a large margin. It was the right thing for Rockland.

Billy Riccaldo
CSEA Southern Region President
West Haverstraw



Residents ask to spare social service programs

BY ELANA GLOWATZ

Residents implored the Brookhaven Town Board to save various social services in the 2013 budget during public comment at the Thursday night board meeting.

Mickie Tinkler, supervisor of the town's adult day care program, said unlike on the Titanic, where women and children were put into lifeboats first, the town is operating under the policy of "first overboard for our most vulnerable residents, to their great shame."

Former Supervisor Mark Lesko's budget proposal includes cuts to noncore services. The adult day care centers in Mount Sinai and Yaphank would be eliminated from the budget, as would the Brief Respite program, which gives older residents a break in caring for a relative 60 years or older. The Office of Women's Services, which includes support groups for domestic violence and employment assistance, would also be eliminated. The town's Youth Bureau would be cut to eliminate duplicative services.

The \$247 million budget, which is a decrease of almost \$14 million from the 2012 budget, also proposes closing the Holtsville complex, which includes the ecology center, a pool, greenhouse and Safety Town, which teaches kids about road safety.

Other programs facing cuts include those in the Division of Veterans Services and the Office of Mobility Services.

Where possible, clients would be referred to other organizations that offer similar services.

Lesko said at his budget presentation on Sept. 13 that the town is facing a tough economic situation.

At the meeting on Sept. 20, Theresa Leuffen, director of women's services, said this "is a time when our services are needed the most."

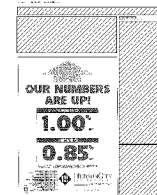
The Office of Women's Services offers assistance to women who are looking for employment, including through job coaching and helping women dress for interviews.

Leuffen asked the Town Board to cut responsibly instead of eliminating the entire program. "Defunding a program of this caliber ... would be a tragedy."

Nancy Ellis, chair of the Women's Services Advisory Board, echoed Leuffen's sentiments, saying that "women are disproportionately affected by the economy" and to cut the services from the 2013 budget would be "just plain short-sighted."

Most speakers who called for the Town Board to save the noncore programs received applause from the other residents in the packed meeting room. After speaking on behalf of the adult day care program, Tinkler received a standing ovation.

She questioned why that program would be eliminated from the budget when other programs, such as



those provided by the Department of Parks and Recreation, would be “surviving relatively untouched.”

Tinkler asked, “Does the administration view our programs as weak and easy targets [for cuts] because they are for old people, women, children, veterans and the handicapped?”

One woman, a single mother of two, spoke in defense of the Youth Bureau. She sounded like she was choking up as she described how it was a refuge for her family.

“My son has expressed to me that this is the only place where he can feel safe to open up completely,” she said.

Though she talked about restoring funding to many areas of the budget, Meg Shutka, the president of the white-collar portion of the Civil Service Employees Association, singled out the Youth Bureau as an area needing continued funding. “Are our youth any better or healthier than they were in the ’70s? No.”

Shutka said Lesko’s proposal was not a responsible budget.

Tinkler said those who use these noncore services slated to be cut or eliminated are not easy targets. “You will hear more from us, I promise.”



Photo by Elana Glowatz

The crowd applauds in support of one of the many speakers who defended the town’s social services.

Cattaraugus Co. faces labor charge

By Rick Miller
Olean Times Herald

LITTLE VALLEY – The Cattaraugus County Civil Service Employees Association (CSEA) has filed improper labor practices charges against Cattaraugus County over the way the Community Services mental health clinics were transferred to Cattaraugus Community Action and Jamestown Psychiatric.

The Human Services Committee was informed of the action the union took with the state Public Employee Relations Board (PERB) during an executive session Wednesday, when county attorney Thomas Brady outlined the charges.

Rose Teachman, president of CSEA Local 805, told the Times Herald on Friday the charges would be heard by a PERB administrative law judge next month.

The county's remaining mental health clinic employees will either be laid off or transferred to the Community Action payroll Oct. 1. In the 2012 bud-

get, the county legislature only funded the department through Oct. 1, when Community Action will employ the therapists and support staff.

Jamestown Psychiatric will supply a medical direc-

Please see **Lawsuit**, page A-2
tor. The clinics will continue to be held in the County Office Building in Olean, as well as other locations.

"We advised the county we planned to do this," Mrs. Teachman said.

She did not specify what the charges were other than to say it involved "retaliation for protected union activities." She also said the PERB action "would not hold anything up" with regard to the transfer of mental health therapy for about 1,400 individuals to Community Action, which has a 15-month contract to provide the services.

Mr. Brady said he did not believe the filing of improper labor practices with PERB would delay the Community Services changeover.

(Contact reporter Rick Miller at rmiller@oleantimesherald.com)

