



July 5, 2012

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State to let NYC take its juvenile delinquents

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Union suspends \$\$ for pension-cutting pols

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Union suspends campaign contributions

New bonus for Nassau workers to retire

BY SID CASSESE
AND ROBERT BRODSKY
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Nassau County Executive Edward Mangano yesterday announced an incentive of \$1,000 per year of service for Civil Service Employee Association workers who retire by July 20.

"This initiative urges the most highly paid employees to leave the workforce so that we can continue to right-size government and hold the line on property taxes," Mangano said.

The incentive is meant to soften the blow of layoffs the administration announced after the county legislature rejected \$40.8 million in borrowing. Democrats de-



Mangano

clined to provide the three added votes needed by the Republican majority. They say they won't vote for any new borrowing

without a new legislative redistricting plan that is "fairer" than the one Republicans have proposed.

This will be the third round of job cuts over the past year. Since June 2011, there have been about 400 layoffs of CSEA members, and another 300 retired with incentives.

The Nassau Interim Finance Authority, the state board that oversees the county's finances, approved the incentive offered yesterday.

"The Board has indicated its preliminary approval pending staff review of the details and the achievement of the requisite savings," said a statement by NIFA chairman Ron Stack.

CSEA president Jerry Laricchiuta said: "Although we believe the layoffs of any CSEA members to not be feasible, the recurring savings produced by this incentive will be used to offset the county's budget deficit and mitigate any future layoffs."



Union has a diss ability.

3G bonus ploy a greedy snub of Cuomo plan

FREDRIC U.
DICKER

INSIDE
ALBANY

EXCLUSIVE



THE state's largest public-employee union is continuing to hold Gov. Cuomo's justice center for the mentally handicapped hostage to an absurd, \$4 million-plus demand for health-care bonuses for its members, The Post has learned.

The Civil Service Employees Association says it won't negotiate a schedule of penalties to be imposed on state workers who abuse the mentally infirm until the state agrees to give 1,700 of its members bonuses of up to \$3,000 for agreeing to drop out of the state's costly health-insurance plan. The bonus program is designed to reduce state costs and is meant for workers who can be covered by a spouse's insurance policy.

But the 1,700 for whom the CSEA wants bonuses would, upon dropping out, be covered by the health plans of other state workers, so there'll be no cost savings to the state if they leave its health-care plan.

The "CSEA is putting politics ahead of the most vulnerable population in the state," a senior Cuomo

administration official told The Post. "They promised [Cuomo Secretary] Larry Schwartz that they would agree to the table of penalties before the end of the legislative session. Not only didn't they do it, they're refusing to come to the table until we give them the bonuses. There hasn't been a single meeting since the session ended.

"I think it is outrageous and I think the public would think it's outrageous if they heard it," the source continued.

The Justice Center for the Protection of People with Special Needs, a major Cuomo initiative, was passed by the Legislature last month in an effort to crack down on abuses of mentally handicapped and others being cared for in both state-run and privately operated but state-funded facilities.

The law created a new agency with criminal prosecutorial authority, as well as administrative authority to bring disciplinary actions against state workers, including CSEA members. But the legislation left it to the state and the CSEA to develop a schedule of penalties

through collective bargaining.

When The Post first disclosed the CSEA's initial bonus demand in late May, union officials denied that they had linked the payments to Cuomo's Justice Center proposal.

State lawmakers are tentatively eyeing the weeks of Nov. 12, Nov. 26 or Dec. 3 to return to the Capitol for a post-election legislative session to raise their own pay.

The lawmakers, who have not had a pay hike since 1999, are afraid to raise their salaries before the election because they feel such a vote could lead many of them to be defeated at the polls.

"In this economy especially, the pay raise is a third rail," said a senior lawmaker.

Cuomo and Assembly Speaker Sheldon Silver (D-Manhattan) have backed the hike, which is expected to bring the current "base" pay of lawmakers from \$79,500 a year to just over \$100,000.

Senate Majority Leader Dean Skelos (R-Nassau) has ducked questions on a potential raise.

fredric.dicker@nypost.com

The CSEA is putting politics ahead of the most vulnerable population in the state.
— Cuomo administration official



A Challenge for Saunders

Lee Saunders deserves congratulations for his election, by a surprisingly wide margin, as president of the American Federation of State, County and Municipal Employees last week over Civil Service Employees Association President Danny Donohue.

Mr. Saunders in his roles as longtime top assistant to retiring AFSCME President Gerald McEntee and over the past two years as the giant union's secretary-treasurer had become well-grounded in both the operations of its district councils throughout the nation and the political terrain in Washington, D.C. Although Mr. Donohue had tried to pigeonhole him as a "staff guy" rather than someone with rank-and-file roots and leadership experience, Mr. Saunders had done an impressive job in resuscitating DC 37 after its reputation and finances were gutted by a major corruption scandal in the late 1990s.

There are two large "buts" attached to his work there, however: he didn't do enough to change the voting structure of the union to ensure that members rather than delegates chose DC 37's leaders and—in no small measure due to the lack of change in the status quo—what was once the city's largest and most-influential public-employee union has seen its clout and membership diminish over the past decade, even though actual corruption has been relatively small compared to what was unearthed 14 years ago.

Given how much the support of DC 37's leadership helped carry him to victory, it is unrealistic to expect that Mr. Saunders will be pushing for a shakeup that might revitalize the union. But there are two things he could do to change the clubhouse culture that has led to a political machine that is far better at protecting its perquisites than actually serving its members.

One is to examine the union's weakest areas and make suggestions to Executive Director Lillian Roberts about changes that would restore some of the power that was evident when he was running the union as its administrator. The other would have a national impact: make changes at the AFSCME Judicial Panel so that it actually serves its function.

There have been too many cases over the past 15 years in which those who committed serious wrongdoing but were allied with the powers that be either weren't investigated or benefitted from whitewashes or wrist-slaps. By contrast, those who bucked either the leadership of DC 37 or Mr. McEntee himself with their public comments were treated in an unduly harsh manner. It has not mattered that Federal and state judges have often ruled in a completely contrary



manner to the Judicial Panel.

The Judicial Panel chair, John Seferian, has been dubbed Kangaroo John on this page for his unique legal stylings. Comments we have heard from union activists in California, where Mr. Seferian was once a well-regarded union leader, show that his abuse of power did not end in New York. He may have been doing Mr. McEntee's bidding, but in a job that is not supposed to be political, he demeaned the process.

Not long before the election, Mr. Saunders told us that one way in which he expected to be different than his longtime boss was by being more transparent.

That is particularly important at a time when AFSCME and many of its district councils are under siege in states around the country where Governors have targeted public-employee benefits, often for reasons that are ideological rather than financial. It is essential that members believe that the union is fighting the good fight not only in the lobbying arena but in governing itself on the merits rather than with favoritism ruling the process.

One way to demonstrate that would be to send Kangaroo John hopping into retirement, and choosing as his replacement someone with a reputation for fairness. The big task ahead of Mr. Saunders could become a lot easier if AFSCME breaks free of the back-room wheedling that marred Mr. McEntee's tenure.

Includes 3-Year Pay Freeze

NYSCOPBA Accepts 'CSEA' Contract Deal From State

By **MARK TOOR**

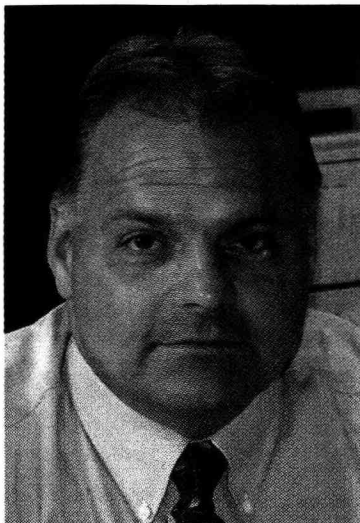
The state and the union representing its Correction Officers announced agreement last week on a tentative contract that largely mirrors the one reached last year with the Civil Service Employees Association.

The pact with the New York State Correctional Officers and Police Benevolent Association would freeze wages for three years, from 2011 through 2013, and then grant a 2-percent pay increase in both 2014 and 2015. Union members would take nine unpaid furlough days. The share of health-care premiums paid by employees would rise to 16 percent for individual coverage and 31 percent for family coverage.

\$1,000 Retention Bonus

The contract proposal contains a \$1,000 retention bonus, of which \$775 will be paid out in 2013 and \$225 in 2014.

The Governor's Office press release on the agreement said it also included "one retroactive payment that is



DONN ROWE: May end contract drought.

scheduled to be paid before the end of the calendar year, only if possible." A spokesman for NYSCOPBA in Albany, Morgan Hook, did not respond to a request to explain it.

"Officers will receive layoff protection identical to that provided to other unions in labor agreements negotiated since last year," according to the Governor's Office press release. However, Governor Cuomo admitted last year that the language—which allows layoffs if facilities are closed or restructured by the state, if government departments are reorganized or if the state's financial circumstances change materially—was really no protection at all.

NYSCOPBA members will be asked to ratify the agreement. Details of the timing of the vote and the counting of the ballots were not released.

'Just Wanted Our Fair Share'

"NYSCOPBA members have some of the most dangerous jobs in New York, and they have never asked for more than their fair share," union president Donn Rowe said in a statement. "On behalf of the hard-working NYSCOPBA membership, I want to thank Governor Cuomo and his staff for the respectful tone of these negotiations, and I want to credit the Governor for acknowledging the difficult job our correction members have. They perform a valuable service to protect all New Yorkers every day."

"NYSCOPBA recognized the need for shared sacrifice in this agreement, and I thank President Rowe for his leadership," Mr. Cuomo said in a statement.

The union said this is the first negotiated agreement between the state and NYSCOPBA since 1999. Members of NYSCOPBA have been working under an expired contract since 2008 and opted out of arbitration for the years 2009 through 2011. No details were provided as to the terms negotiated for that three-year period.



Reyes New Secretary-Treasurer

Saunders Routs Donohue For AFSCME Presidency

By DAVID SIMS

Lee Saunders was elected president of the American Federation of State, County and Municipal Employees June 21 by a stunningly convincing 100,000-vote margin over his rival, Civil Service Employees Association president Danny Donohue, at the international union's convention in Los Angeles.

Mr. Saunders, the AFSCME Secretary-Treasurer, succeeds Gerald W. McEntee, who retired June 22 after 30 years in the job. The election was a rematch between him and Mr. Donohue, whom he beat by only 4,300 votes in the 2010 secretary-treasurer election; the vote totals this time were 683,628 to 582,358.

Mr. Saunders' running mate, UDW Local 3930 President Laura Reyes, who leads a home-care-providers union in California, defeated District Council 36 President Alice Goff by a closer margin, 661,413 votes to 603,624.

Reyes Wins by Smaller Margin

"We had a vigorous and energetic campaign, but now the union will pull together to win victories for working families and our members," Mr. Saunders said in a statement. "We know that Wall Street and their allies are engaged in an all-out assault against our members and the services we provide. They know that AFSCME stands in the way of their efforts to destroy the middle class... we are energized and ready for the battles ahead."

Mr. Donohue pledged to continue advocating for reform. "We concede this union election. But we're not conceding the need to fight for a better union," he said in a statement. "At this convention, Lee Saunders has echoed our goals. AFSCME members are counting on him to live up to those commitments. All of us, together, as one union, we're going to rebuild, renew, unify and fight the enemies of public services and public workers."

Both of the newly-elected officials mark a milestone for AFSCME: Mr. Saunders will be its first African-American president, and Ms. Reyes its first female secretary-treasurer.

The vote came after a campaign that saw both candidates crisscross-

ing the country to secure delegates who had voted for them in the 2010 election while attempting to flip others to their side.

Mr. Donohue argued that Mr. Saunders was a Washington-based insider who lacked rank-and-file experience, pointing to his work as chief of staff

(Continued on Page 7)

for Mr. McEntee. He said that he would concentrate more on local and statewide fights and spend less money in Washington lobbying Federal elected officials. He also promised more budget transparency in the union if elected.

Local Battles 'Critical'

"Our stated goal was to shift the union's focus away from Washington D.C. to the local level where AFSCME members face critical battles to defend their standard of living and the vital public services they provide," Mr. Donohue said.

"We believe more of AFSCME's resources should be devoted to winning the fight on the ground in battlegrounds all across this nation. Our councils and local unions desperately need added support from our national union."

Mr. Saunders countered that he had entered the union as a rank-and-file member in Ohio before rising through the ranks, and said he had gained vital experience and know-how in his role at AFSCME. He pointed to his four-year term as administrator of District Council 37 and its Local 372, where he helped rehabilitate the scandal-scarred union, as one example.

A New Battle of Wisconsin

Reforms in the AFSCME election process (after much contention over alleged electioneering in 2010) allowed delegates to "break the bloc" and vote against their local's endorsement if they wished. Debates for both races were held at the convention, a first-time phenomenon.

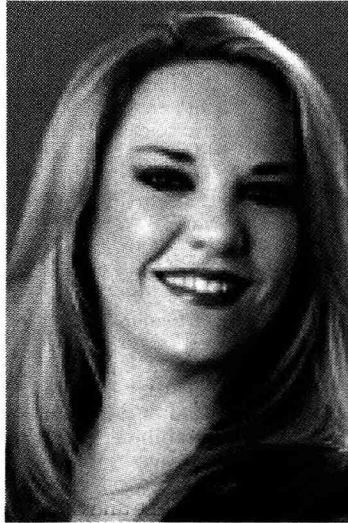
Controversy flared up on several occasions in Los Angeles. A proposal to allow Wisconsin AFSCME members who had lost voting status in the



union because of Governor Scott Walker's removal of dues check-off rights to vote in the election was strongly opposed by Mr. Donohue's campaign, and withdrawn after a floor fight.

The tumult of DC 37 Local 375, which saw then-President Claude Fort overthrown by his executive committee two years ago, was still playing out, with debate over who could serve as delegates as many of its officers were not elected to their positions, but elevated to them after Mr. Fort's removal. Eventually, most delegates were allowed to stand, but Secretary Jon Forster was stripped of his status (he was appointed to the position). Meanwhile, Mr. Fort's final appeals against his removal were dismissed.

Battles continued to rage on even after the election had concluded, with a proposal to name AFSCME's building after Mr. McEntee challenged by Mr. Donohue and his supporters, who wanted to name it jointly after Mr. McEntee and former Secretary-Treasurer William Lucy, who had backed Mr. Donohue.



LAURA REYES: Prevailed by narrower margin.



AFSCME photo

UNITED AFTER FIERCE BATTLE: Lee Saunders (left) and Danny Donohue joined hands in a show of solidarity after a June 20 debate at the American Federation of State, County and Municipal Employees convention in Los Angeles. The following day, Mr. Saunders won the union's first contested presidential election in 30 years over Mr. Donohue, the president of the Civil Service Employees Association.

Nassau Judge Prevents Use of New Law To Cut Budget, Workers

By MARK TOOR

Under pressure from a Federal Judge, Nassau County Executive Edward P. Mangano agreed June 20 to temporarily refrain from putting in force a law that allows him to cut \$40 million from the county budget by any means he chooses, including abrogating contracts with public employees.

U.S. District Judge Arthur D. Spatt said that if Nassau did not agree to hold off on any cuts until he makes his decision, he would issue a temporary restraining order requested by the Civil Service Employees Association to block Mr. Mangano from taking action.

Nassau County Attorney John Ciampoli told THE CHIEF-LEADER that he considered the agreement to delay implementation while Judge

Spatt mulled his decision to be "common courtesy."

Decision in Two Months?

The county has until July 5 to file documents presenting its case to the court, and CSEA will have until July 16 to respond. The county will make a final response by July 21, and Judge Spatt will issue a decision. The union expected it to come within a few weeks of the final deadline.

"Today's ruling provides validity to our belief that this law is unconstitutional and a violation of the New York State Taylor Law," said Jerry Laricchiuta, president of the Nassau CSEA. "We strongly believe that this law will ultimately not hold up, and our members' benefits and contractual rights will continue to be protected."

The CSEA and other county unions say the law would allow Mr. Mangano to order furloughs, modify contracts and eliminate employer contributions to health benefits.

Mr. Ciampoli said the union arguments have a quality he described as "the sky is falling, the sky is falling." He noted that previous court decisions have found that revoking an employee's medical benefits is not legal because it constitutes irreparable harm. But, he said, "I'd like someone to show me where the irreparable harm is in taking away a \$250-a-year uniform allowance."

The CSEA went to court to challenge the law the day after it was passed, but Judge Spatt could take no action because Mr. Mangano had not yet signed it. He invited the union to come back once it was signed.

Passage Was Sketchy

The County Legislature passed the law May 21 after Presiding Officer Peter Schmitt said he had questions about the legality of the bill and tabled it, postponing a vote. At that point, dozens of union representatives and other residents who had spoken out against it left the legislative chamber.

However, late that afternoon, Mr. Schmitt said his questions had been answered and called a vote. The bill passed along party lines, with all 10 Republicans voting yes. The nine Democrats left the chamber rather than vote. Mr. Schmitt never explained what his questions were or how they had been answered.

Mr. Ciampoli blamed the Democrats for the need to pass the bill, saying they had blown a \$40-million hole in Mr. Mangano's budget by refusing to approve borrowing. "The Demo-

(Continued on Page 14)



JERRY LARICCHIUTA: Believes law's unconstitutional.



crats blocked all borrowing until they get the [redrawn] district lines they want," he said.

"I'm not looking to have a fight with the unions," he said. "I have to partner with them to some extent" to deal with the county's financial problems.

Layoffs Rather Than Tax Hikes

Mr. Mangano was elected to head the prosperous but financially-troubled county in 2010 on the promise that he would not raise taxes. He has sought to deal with the county's financial problems on the back of its workforce, laying off hundreds of CSEA members and combining police precincts in hope that fewer officers will be needed.

He has been unable to balance the budget to the satisfaction of a state review committee, the Nassau Interim Finance Authority, which has taken over county finances. As part of the takeover, salaries for public employees were frozen.



EDWARD P. MANGANO:
Reined in by Judge.

SENIOR CARE

Union, county play waiting game

Both sides are seeking more information on the next step for the Ontario County Health Facility.

By Mike Murphy
mmurphy@
messengerpostmedia.com

CANANDAIGUA — The union representing workers at the Ontario County Health Facility are seeking more information, but so are county officials in the wake of a recent grant announcement dealing the future of the 98-bed nursing home.

Members of the Civil Service Employees Association union are hoping the news that less state money is coming this way is enough to rethink a recommendation to close the Hopewell facility.

The county expects to lose \$3.8 million this year in keeping it open and further losses are projected down the road. The facility in Hopewell also is in need of costly upgrades.

Thompson Health had applied for a state grant

for the \$20 million to \$25 million to provide services for seniors, in partnership with the county, at an expanded M.M. Ewing Continuing Care Center.

The announcement that \$15 million is coming its way was less than requested and is prompting officials to discuss how best to proceed.

SEE UNION, A5

That decision is expected in the next four to six weeks.

The Board of Supervisors has not made any decision on the matter, and according to board Chairman Ted Fafinski, supervisors, too, are trying to figure out what the latest news means when it comes to providing the best care for seniors.

"We're seeking more information," Fafinski said.

The union has been demonstrating before Board of Supervisors meetings —

as members did last week — and have accused officials of fast-tracking the proposal. They are hopeful the latest news is good for Health Facility workers, said Steve Healy, president of the local group.

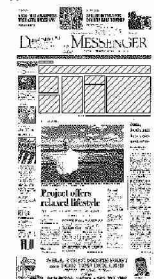
"They didn't get all they were seeking, so maybe it won't happen," Healy said.

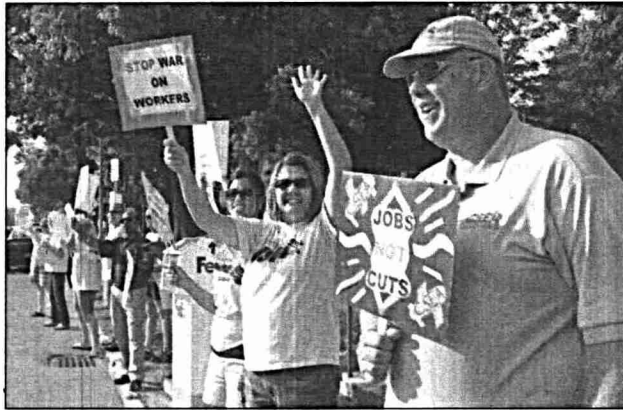
Healy last week urged the Board of Supervisors to schedule a public hearing so all sides of the issue can be heard and questions answered before final decisions are made.

"We can work this out," Healy said.

County Administrator John Garvey said despite claim to the contrary, the county has been as transparent on the issue as any organization.

"There are things we need to find out," Garvey said. "We'll be as open about it as we always are."





Ontario County Civil Services Employee Association President Steve Healy and fellow union members demonstrate before a Board of Supervisors meeting last Thursday night. MIKE MURPHY/MESSENGER POST

A Response to Mr. Diana on Valley View

Mr. Diana, in his recent OCP article titled "Valley View Decisions" stated he wanted to separate fact from fiction because he claims that there is a lot of information swirling around in recent months regarding Valley View. He then proceeds to provide more fiction and few facts.

Mr. Diana stated that he remains committed to ensuring that our residents receive "...quality and compassionate care in a safe and nurturing environment", and that this care will be "...provided in a way that is fiscally responsible." He did not say whether this care will be in Valley View or even Orange County, so the residents could be near their loved ones. The county is required by law to continue paying the cost of caring for their seniors regardless of where they go. When Valley View is sold and the residents who have illnesses that have low reimbursement rates are shipped off to other counties and/or state the taxpayers of Orange County will continue to pay for the cost of that care. This cost has never been identified as part of the business case for this decision.

Mr. Diana claims that 20% of our \$108 million property tax dollars goes toward subsidizing Valley View. In 2010 the county sales tax, Hotel tax, Commissioner of Finance income, County Clerk income, OTB and other unclassified revenues added \$178 million to the county's coffers. How does he know if it was the property taxes or these other revenues that were spent on Valley View? He doesn't, but doesn't it sound worse if he says it is ALL FROM PROPERTY TAXES?

He never address the questions raised by the CGR Consultant Report concerning the excessive cost of the vendor management at Valley View and how they award contracts to businesses that the vendor management has vested interest in.

Mr. Diana then stated that the cost of public sector employees is too high. As Mr. Diana says "Let me make one point perfectly clear", the unions did not get the salaries and benefits by themselves, MR. DIANA negotiated the compensation/benefits and the LEGISLATURE approved them. Yet he and many of the legislators act as if they are surprised. One additional question on this topic, once Valley View is closed what department will be next? After all, the county taxpayers subsidize 85% of the cost of one other organization and their subsidy is 173% of Valley View's. So why start with Valley View? Is it because the seniors and the CSEA employees are easier targets, or is it because of campaign contributions from the nursing care industry, or both?

For me, I truly believe that the right move is to fire the vendor management team (OAS), hire an experienced county employee to manage the facility and negotiate with CSEA to define where improvements and cuts can be made to bring the cost of that facility back to where it was prior to Mr. Diana and the hiring of outside management, a profitable facility.

ROBERT A. FROMAGET
BLOOMING GROVE





North Rockland Board Meeting Turns to Finger-Pointing and Hurt Feelings

BY SARA GILBERT

The public comments portion of the North Rockland Central School District board meeting on Tuesday, June 19 monopolized the evening. CSEA union members were not happy about the lack of communication from administrators and board members.

Roughly 40 NRCSD employees squeezed into a room in the administration building at 65 Chapel Street in Garnerville with emotions ranging from disappointed to blisteringly angry to full-on tears.

Budget cuts have resulted in a tremendous amount of layoffs this year, with more to come. And the school board has not been forthright as to whom will have a job next year, and if so, where.

"None of us know where we're going next year," said one woman who asked to remain anonymous. "Even though we've tried to find out and asked for information, there's just no communication on their part."

According to Union President Jeanne Hughes, there are 450 CSEA members currently in this situation.

Another woman piped up in the meeting, addressing Mary Romano, "You're choosing not to take care of CSEA members, none of us are being told anything."

Romano defended that all the members of the board have been working many hours over-time in order to make sure that the right thing

is done for everyone involved. "The money is gone. There is no more. And these people are here all the time."

President Deborah Gatti replied to the allegations as well, "Unfortunately, teachers came first... and the amount of work that's been going on in order to get our ducks in a row... I understand that you feel forgotten, but it's not true."

Another woman who asked to remain anonymous described how two weeks ago her boss told her she was being transferred but couldn't tell her where. "I still haven't heard anything and school's now over and I don't know what I'm suppose to do. Do I file for unemployment? Do I need to look for a new job? Do I move my boxes, and if so, to where? Will I have a job next year? What if I don't have health insurance coverage for me and my family?" The questions go on, and unanswered.

Another anonymous employee shared how she learned she was being laid-off, at a school board meeting. "No one told me anything. That's how I had to find out. And I've tried to get in touch with someone to talk to them, I've written letters and have heard nothing back."

The daughter of another CSEA member who lost her job, Amanda Puglese, 19, addressed the board, "My mother relied on this job and she lost it. These people rely on their salaries from these jobs. It's not fair to them. Please take this into consideration."

Puglese grew up attending

North Rockland and loved it, she said. But since leaving and starting Iona College she feels things have changed drastically. "Things aren't getting done on time," she complained.

"Now, I would never raise my children here," she declared.

Another soul, Susan Gregg, got up and addressed the board. "I put out my back for this place for over eight years. I emailed and called to try to talk to someone. No one returned my calls. It was like I was a criminal. What did I do wrong? Nothing!" she cried.

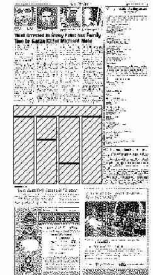
Gregg explained how she has two children, a mother-in-law and grandchild that all rely on her support.

She drew the distinction between her requirement to put in two weeks' notice before leaving the job and their lack of any such courtesy. "I consider you my family, my friends. I wouldn't treat you this way," she said.

The board was mostly quiet throughout these interactions. Gatti finally said, "We clearly hear the concerns and are going to try to do our best to get letters out to everyone with information."

All remaining items on the agenda passed quickly.

The finance reports and tax refunds were approved. The past minutes' meetings were approved. The 2012-2013 calendar was approved. And the board's workshop session to set taxes was scheduled for August 28 from 6-7:30 p.m., before that day's board meeting.



LAYOFF LISTS COMING

Mangano orders trims to staff amid Nassau budget crisis

BY ROBERT BRODSKY

robert.brodsky@newsday.com

Nassau County Executive Edward Mangano yesterday ordered department heads to draw up layoff lists to trim millions of dollars from their current budgets.

County budget director Eric Naughton told officials to prepare lists of positions that must be cut. The lists must be completed by Friday although it's unclear when the layoffs would begin.

In a memo, Naughton called for departments to cut 3.5 percent from their 2012 labor expenses, though he didn't detail the total savings.

This will be the third round of layoffs for county employees in the past year. Nearly 130 employees were laid off last June and more than 260 lost their jobs in December.

Naughton linked the need for layoffs to a legislative vote Monday that denied Mangano, a Republican, the authority to borrow \$41 million to pay tax refunds from 2011. The vote was 10-9 along party lines. Because borrowing requires 13 votes, three Democrats would have had to join the 10-member

GOP majority. Democrats say they won't approve any new borrowing without a legislative redistricting plan that is "fairer" than one that Republicans have proposed.

"This is an internal memo and a work in progress as the administration is in the process of modifying Nassau's fiscal plan," Deputy County Executive Tim Sullivan said yesterday.

The cuts will primarily target members of the Civil Service Employees Association.

"Services are being affected," said Jerry Laricchiuta, president of CSEA Local 830. "Just look at county roads. Weeds are overgrown. Parks do not look as good as they used to. Huge lines at Social Services. I could go on all day."

The Police Department does not expect to lay off officers and will consider other types of labor savings, said First Deputy Commissioner Thomas Krumpert. "There is more than one way to skin a cat," he said. "We are looking for reoccurring savings but they do not necessarily need to come from layoffs."

Department heads must detail how layoffs will impact services, including operating hours and caseloads and more overtime, Naughton said. Once the layoff lists are finalized, Nassau's Civil Service Commission will identify the employees who will be laid off, the memo said.

"We don't want to see further layoffs because all it does is decimate social services," said Legis. Wayne Wink (D-Roslyn). "But, this will be an ongoing year-in, year-out battle every year if [Republicans] control all the cards."

Mangano yesterday discussed ways to manage the county's budget shortfall with staff from the Nassau Interim Finance Authority, a state monitoring board that controls the county's finances.

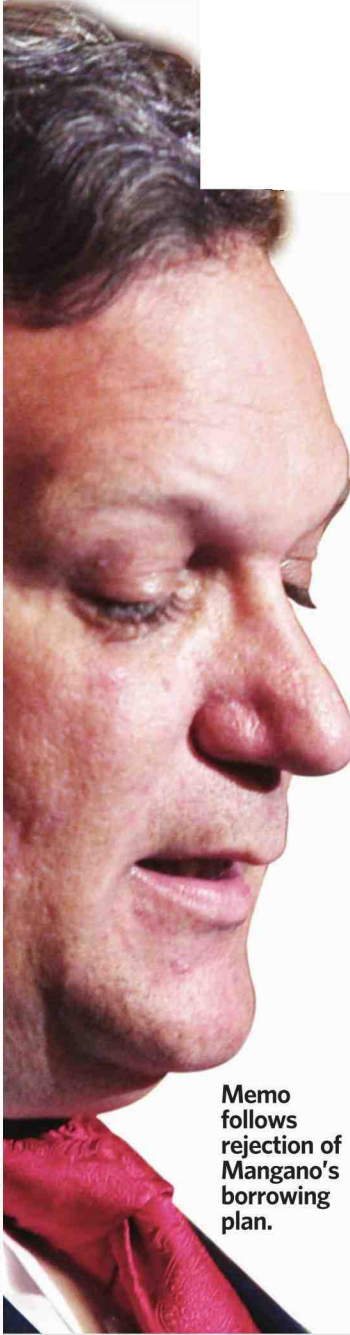
"What is clear is that the county needs far more than merely three votes on the legislature," said NIFA member Chris Wright. "What they need is tens of millions of dollars of savings so they can meet requirements of legislation that they themselves wrote, passed and signed."

NIFA chairman Ron Stack said the board is "solely concerned" with the \$150 million in labor savings that Mangano agreed to make in this year's budget. Other issues, he said, "are the responsibility of the appropriate elected officials."

In a statement, Stack said the board has asked its staff to work with the county "on measures and ideas" to achieve the \$150 million in recurring savings, which were to be found by Feb. 1. Mangano has found at most \$90 million in savings to date, NIFA officials said.

With Celeste Hadrick





FILE PHOTO BY HOWARD SCHNAPP

Memo follows rejection of Mangano's borrowing plan.

Laid off in Nassau

Layoffs ordered yesterday by Nassau County Executive Edward Mangano represented the third round of job cuts in a year. Mangano is attempting to close a multimillion-dollar deficit.

June 30, 2011

128

Members of the Civil Service Employees Association laid off

Dec. 30, 2011

243

CSEA members and 21 appointed, nonunion employees laid off

January 2012

50

CSEA members (approximate) from the Department of Social Services are rehired

SOURCE: CIVIL SERVICE EMPLOYEES ASSOCIATION

Brynien loses PEF re-election effort

Challengers capture leadership posts; Susan Kent elected president

By Rick Karlin

ALBANY — Members of the Public Employees Federation ousted incumbent President Ken Brynien on Tuesday amid lingering anger over the no-raise contract that was approved in November.

Susan Kent's victory over Brynien followed a hard-fought race for leadership of the state workforce's second-largest union, a contest that included dueling YouTube videos, radio ads and even billboards — all set against the backdrop of challenges facing unions across the nation.



KENT

Kent drew 8,739 votes to Brynien's 7,562. With about 16,000 of an eligible 51,329 voters casting ballots, turnout was just over a third of the union's members, a bit higher than the 30 percent that voted in 2006, the last time there

Please see **PEF A7** ► was a contested vote for statewide offices.

Kent's "NY Union Proud" slate prevailed in other races as well. Carlos Garcia, running for secretary-treasurer, narrowly unseated incumbent Joe Fox by a vote of 8,111 to 8,063.

Three new vice presidents were also elected on the Union Proud slate: Barbara Ulmer, Wayne Spence and Wayne Bayer.

The winners will begin their three-year terms on Aug. 1.

The vote, conducted via mailed ballots, came some six months after PEF members approved a four-year labor pact with no contractual raises for three years (longevity increases remain in place, however). The contract also brought higher health care costs that members said might be hard to reverse in future years.

Rank-and-file PEF members at first rejected the offer worked out between Brynien's team and Gov. Andrew Cuomo's negotiators. But facing the possible layoffs of nearly 3,500 members, as an alternative Brynien engineered some changes to the deal and successfully urged members to approve it during a second vote in November.

Ultimately, though, he might have borne the burden of unhappiness that PEF members now have with their current contract, which runs through 2015. That means the next contract could be negotiated by Kent.

Kent, a credentialing specialist at the state Education Department, and her supporters believe PEF's outgoing leaders shouldn't have been so quick to approve the contract. While it may have led to layoffs (which would have been done by reverse seniority), the challengers believe a no vote might have helped the union in the long run.

"I want to make sure that when we negotiate the next contract that it is not a total concessionary contract," Kent said in one of her video ads.

Brynien, a psychologist with the Office for People With Developmental Disabilities, claimed

the contract was the best deal PEF could get from Cuomo. "The new agreement saves the jobs of 3,496 of our co-workers," Brynien said last year while urging approval of the contract.

The vote comes at a time when public sector unions in New York and nationwide face challenges, many of them stemming from the pressure placed on state and local governments by the economic downturn.

Earlier this month, a union-backed effort to recall Wisconsin Gov. Scott Walker failed. The Republican had angered unions by pushing for the end of many of their collective bargaining rights — but voters there appeared to be unperturbed by that move.

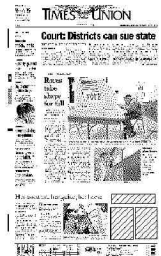
And in two California cities, San Diego and San Jose, residents voted to cut pension benefits for current public sector union members.

Closer to home, Cuomo managed to maintain record-high approval ratings despite his tough bargaining with public sector state unions.

Tuesday's PEF election was the second big union vote of the month: Members of the American Federation of State, County and Municipal Employees chose Lee Saunders over Danny Donohue as their national president.

Donohue heads the 66,000-member Civil Service Employees Association, the largest state workers' union in New York. CSEA approved a contract similar to the one ultimately accepted by PEF last year.

► rkarlin@timesunion.com ■ 518-454-5758 ■ [@RickKarlinTU](https://twitter.com/RickKarlinTU)





PAUL BUCKOWSKI/TIMES UNION ARCHIVE
BRYNIEN SAID the contract was
the best deal PEF could get.

CLARKSTOWN TOWN BOARD

OVERVIEW

Garage consolidation proposal hits roadblock in Clarkstown

By Anne Phyllis Pinzow
STAFF WRITER

What had been nearly unanimously supported last year by Clarkstown residents as a cost savings move, the consolidation of Clarkstown's three garages, has been turned into a controversial issue by those who are questioning what actual cost savings there are as well as a reduction in the authority of an elected official, the Superintendent of the Highway Department.

The project, which has been explored for the past two years, would combine the management and administration of the Mini-Trans Garage which services the mini-buses, the Highway Garage which just services Highway Department vehicles and the Town Garage that services police, recreation department, building department and all other town-owned vehicles under one roof. The term is only figurative, though, because each operation is in a separate structure albeit within 50 feet of one another.

Guy Gervasi, president of the Clarkstown Taxpayers told Our Town "in the case of the planned consolidation of the three town garages, which our group initially pushed, the Town Board has not demonstrated to us or the public that they have carefully analyzed the potential savings or expenses associated with this consolidation."

Gromack had previously spoken of a report which showed that previous savings attained through eliminating staff came to \$351,459. A report commissioned by the Highway Department

Superintendent showed that additional savings of \$338,000 could be attained through further staff reductions, savings on overtime (\$57,000) as well as in purchasing of parts and equipment \$630,000.

An improved maintenance program would yield a savings of \$150,000 coming to a total of \$1,022,459.

The scheduled public hearing on the topic, specifically, "to transfer the function of Highway mechanics and consolidating all Town mechanics under the Town Garage Department," was extended for 30 days due to a 1973 opinion by the New York State Comptroller's office reported by Joan Silvestri, Commissioner of the Rockland County Personnel Department.

She wrote in a letter to Gromack that "a 1973 State Comptroller's opinion ...clearly states that mechanics should be under the authority of the Superintendent of Highways." This relates to Section 140 (4) of the Highway Law for the purpose of the administration of New York State Civil Service Law.

This opinion was referenced in a 1988 letter from James K. Anderson, then Commissioner of the Rockland County Personnel Department, to Sheila Tyler-Harrison, then Field Representative of the CSEA (Civil Service Employees Association).

Though the situation had to do more directly with filling a position, the opinion is that employees who are involved in maintenance and repair of the town's highways and bridges, such as road crews, laborers, machine operators, mechanics and the storekeeper are under the direct authority of the

Superintendent of the Highway Department. However office and administrative personnel are appointed and subject to dismissal by the Town Board.

This interpretation of the law must be adhered to by the County Commissioner of Personnel who must approve the transfers of employees from one appointing authority to another.

Keith Cornell, Deputy Town Attorney said the precedent provided by Silvestri, while not necessarily directly binding, might be influential. "There is some legal complexity with this proposal. The Town Attorney's Office has to do its due diligence in the matter."

County fiscal impact update

Prior to the start of the meeting, Gromack initiated what he said will be a monthly update to residents on how the county's actions will financially affect the Town of Clarkstown.

"It is unacceptable for the county to force the towns to pay for their expenses while they continue to collect all the revenue. Instead of fixing their problems, they shift their problems."

In this first update he noted the following costs being shifted from the county to the Clarkstown:

- Board of elections: \$434,000
- RCC college chargebacks: \$584,000
- Police Intel Unit: \$543,239
- Police Narcotics Task Force \$446,328

Further, he said the county has increased property taxes by 30 percent, has instituted a hotel tax of three per-



cent, reinstated a residential energy tax of four percent and created a cell phone 911 tax of .30 on each bill.

Councilman Frank Borelli, who explained that the town has been able to keep costs low by attrition, questioned Wayne Ballard, Clarkstown Highway Superintendent, on the creation of a part-time position, Constituent Services Assistant.

Ballard said the position will be for about 25 hours a week and will not come with any benefits. The person hired will provide oral assistance and process resident inquiries during emergency and normal working hours by phone, text or email. "There will be no increase in the established budget as there are funds available for this position currently in the Clarkstown Highway Department."

He said that during an emergency the person would be stationed at the police department to coordinate emergency information services about utilities and highway operations to other highway and government departments.

The funds as well as the tasks have been left from eliminations of the dispatcher, deputy positions as well as attrition of the positions of consolidated lighting coordinator, litter control agent and staff reduction of 20 since 2002. Also during weekends and evenings when clerical staff is unavailable to assist, this person would help in dealing with providing information to the public. The person would also be there to gather information from the public about situations that they report as emergencies, such as icy conditions or downed trees. Other duties will be to reach out to the public and pro-

CLARKSTOWN:
Page 8, please

vide information to the different boards. The person will also coordinate volunteer events such as the Adopt-A-Spot program and the Great American Clean-Up.

"The need for this position became apparent after the October 29th snowstorm which devastated this town." He said they get 600 phone calls for a typical snowstorm.

Borelli also asked Ballard to bring to the board a five year resurfacing plan for the town's streets. Ballard had said that the resurfacing to be done this year will be paid for within the budget and no bonding would be needed.

During the public portion Richard Sena alleged that in August of last year the Clarkstown Police did not respond to his call concerning a civil matter and that preferential treatment was given last month to another individual when that person called the police.

Marge Hook spoke of several harassing phone calls made to her falsely accusing her of wrong doing. She alleged

that a Town Board member was behind the harassment and subsequent police investigation and that the Town Board member should apologize and reimburse the costs to the Town for time wasted and resign.

Police Chief Michael R. Sullivan told Hook that she was never the subject of any investigation, and that the investigation into the matter concluded there was no initial wrong doing.

Laurie Seeman invited board members to appear in opposition to United Water's proposed desalination plant at a press conference on June 22 in front of the County Office building. She questioned the Town Board's opinion on the matter and was told unanimously of their objection to the project.

Mary Slattery renewed her request that the town withdraw membership from ICLEI (the International Council for Local Environmental Initiatives). The organization is a 501 3C non-profit organization of US cities, towns and counties working to address climate change, clean energy and local sustainability. However Slattery and Lynn Teger, in commercial real estate from Haverstraw, who also spoke, claimed that "the organization is part of an elitist Utopian plan championed by the United Nations to control the world's bewildered herds."

Specifically, she questioned the origin of the idea for accessory housing which Clarkstown is developing so fire and ambulance volunteers can maintain residences in the town while aiding senior citizens. This plan was proposed by the Clarkstown Housing Committee and was part of the implementation of the town's Comprehensive Plan which was the result in part of the input of hundreds of Clarkstown residents.

Claim guilt by association

Members of the Clarkstown Taxpayers made a claim of guilt by association against Jay Savino, Bronx Republican Party Chairman who is an attorney retained last year by the Town of Clarkstown to represent the town in tax certiorari litigation, replac-

ing Marsha Coopersmith, the former Rockland County chairperson of the Independence Party. According to various news articles presented as exhibits, Savino's voice was caught on one wiretap in connection with the ES&S (Election Systems & Software) multi-million dollar election machine contract corruption case and he was served a federal subpoena.

The Clarkstown Taxpayers also accused the Town Board of a lack of transparency and due process in Savino's appointment as well as the town's vetting process.

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Gromak took office and what it is today.

Personnel:

Rukmani Decolyse, Department of Environmental Control was reclassified from Principal Clerk Typist to Principal Clerk Stenographer

- Denise Pacella resigned from a part-time position as senior account clerk typist from the Building Department.
- Joseph M. Dwyer was appointed by promotion to the permanent position as police sergeant, Police Dept.
- Adam C. Kone was appointed to the permanent position as Police Officer.
- Edward Mistretta was reappointed to the Zoning Board of Appeals
- Thomas J. Isenbek was appointed by promotion to the permanent position of property data collector II, Assessor's Office
- David Gerlach is on sick leave of absence from MEO I, Highway Department.
- Brian D. Wagner was appoint-

ed by promotion to the permanent position of code enforcement officer II, Building Department

Mary C. Kurisko was promoted by permanent appointment to real property appraiser, Assessor's Office.

Public Hearings:

July 24, 2012 at 8:00 pm - Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to Accessory Apartments.

County approves health care changes

Morrison Senior Living to run maintenance, dietary, housekeeping

By Mary Perham
 The Corning Leader

BATH — Some services at the Steuben County Health Care Facility will be run by a private company within a few months, with county legislators endorsing a service proposal from Morrison Senior Living by a 13-4 vote Monday.

The issue drew sharply divided opinions from legislators, who were asked to act on the recommendations of a months-long study by the special legislative Health Services Review Committee on the 105-bed county nursing home.

Legislators favoring the proposal said farming out maintenance, dietary and housekeeping services will save the county nearly \$600,000 during the second year, and give the debt-ridden facility some breathing space. Estimates put the deficit as high as \$3 million annually.

The agreement calls for Morrison to interview the 28 nursing home part- and full-time employees affected by the switch.

Supporters of the plan said a recent independent audit of the facility shows

revenues are now outpaced by salaries and benefits.

The situation will likely grow worse when the state begins reducing its payments to county nursing homes next year, according to county Administrator Mark Alger.

The facility's projected deficit alone equals a 6.4 percent tax hike, well above the state's mandated 2 percent property tax cap.

But other legislators argued outsourcing some services means the facility will be less valuable if it has to be sold within the next few years. They said the quality of service will likely degrade, too, affecting the overall care of residents at the Mt. Washington Street home.

A few legislators said they attended a town hall meeting last week held by the CSEA to highlight what union leaders reportedly said was excessive spending throughout the county departments.

County Attorney Alan Reed told legislators the invitation to the board was a violation of Open Meetings laws, and put current negotiations with the union at risk. Any actions arising from the meeting could be challenged, Reed said.

But Legislator Hilda Lando, D-Corning said county lawmakers needed to be informed of the union's stand. After the meeting, CSEA Local 851 President Sally MacDougal said the added costs at the facility were worth it and warned services will diminish under Morrison.

"The county will find out the hard way, and it will be too late," she said.

MacDougal said the union collected more than 2,000 signatures, showing the public strongly supports the facility remaining under total county control. She said the union will actively campaign against any future sale of the facility.

Deputy County Attorney Shawn Corey said the terms of the agreement, including the length of any contract, have not been worked out. Health care officials have said it could take up to two months for the transition to take place, once the contract is signed.

Voting against the proposal were legislators Larry Crossett, R-Bath; Hilda Lando, D-Corning City; Thomas Ryan, R-Cansted and George Welch, D-Corning City.



School workers in the dark

Employees don't know if they've been laid off

By Akiko Matsuda
amatsuda@lohud.com

STONY POINT — The North Rockland school district's reconfiguration appeared poised for a smooth transition to the 2012-13 school year. But at the last minute, it's creating a lot of anxiety and frustration among district employees, union representatives say.

Jeanne Hughes, president of the Civil Service Employees Association's North Rockland school district unit, said some members who may be losing their jobs still hadn't heard from the district by Friday.

"Nobody told them anything," Hughes said. "Do they pack up their office? Do they take home their personal belongings? Do they have a job?"

North Rockland Superintendent of Schools Ileana Eckert and Assistant Superintendent James McGuire did not return phone messages left Thursday and Friday.

For months, the district has been preparing for its major restructuring plan,

See **LAYOFFS, Page 4A**

which is to close two smaller elementary schools — Gerald Neary

in Haverstraw and North Garnerville in Garnerville — and the alternative high school on Rail Road Avenue in West Haverstraw at the end of this school year. The plan was drawn up to cope with expected revenue reductions in coming years. But district officials said that the change would benefit students because the plan would make education more efficient and effective.

Under the plan, about 15 civil service positions have been slated for elimination, along with about 25 other positions, including one administrator and 18 teachers. Because of civil service rules and union contracts, those people who would be affected are not necessarily working in the buildings that will be closed.

Based on Rockland County civil service rules, the least-senior civil service employees in competitive positions would have to be laid off first.

Rockland County Department of Personnel Commissioner Joan Silvestri said that in March, the district started communicating with the department about the potential abolishment of certain civil service positions, and the department started working on a seniority list.

On April 20, the district sent the department a letter identifying each of the titles that will be abolished for the 2012-13 school year. Silvestri said the department responded with the seniority list for each title on April 24, along with the description of each employee's rights, such as bumping rights, which would allow

a senior employee whose position is being eliminated to replace an employee who holds a junior position.

At its meeting in May, the Board of Education abolished about 15 civil service positions. The district should have informed those employees who would be affected before making the information public, Hughes said. To make matters worse, although the 2011-12 school year is ending in a week, the district still hasn't notified those employees who may be moving to different schools or will be losing their jobs, she said.

Billy Riccaldo, president of the Civil Service Employees Association Region 3, said he sent a letter to the district to express his displeasure with the treatment of union employees.

"CSEA had worked hand in hand with the school district to walk through the tough time," Riccaldo said. "It's unacceptable the way they treated my members by not notifying these people. They didn't have courtesy of telling them."

The frustration is not limited to the civil service union members, Robin Brennan, president of the North Rockland Teachers' Association, said Friday. Some teachers are also frustrated, she said.

"Some people who will be laid off were never notified," Brennan said.

Brennan said the real issue was that the district has proceeded with the reconfiguration plan, even though both she and Hughes alerted district officials that their reconstruction plan would be too ambitious to accom-



plish in the planned time frame.

“We’re seeing that it’s far too much stress on the system, on my members,” Brennan said. “I don’t think that they understood how complex a move like this is going to be, because there’s always trickle-down effects when you are dealing with students, teachers and classrooms. It’s very complex. It’s not an easy thing to do.”

Bill's Failure Threatens Hospital

By MARTHA ELLEN

The state Legislature's refusal to allow Clifton-Fine Hospital to convert to a nonprofit jeopardizes 90 jobs and the future of the hospital.

"It would be a tragic loss," Clifton Supervisor Robert L. Snider said. "Something has to be done about the costs of health insurance and retirement."

The hospital had sought legislative approval to switch from a public benefit corporation to a nonprofit organization so it could leave the state retirement system.

In 2009, the hospital's payment for pensions was \$290,000. Its projected payment for this year is \$735,000. If rates continue to increase at historical averages, the corporate change could mean savings of \$498,000 in 2013 and \$774,000 in 2014.

Bankruptcy is not imminent but a state audit notes the hospital's contributions to the state retirement system could exceed more than \$1 million in two years. Over five years, its contributions represent a 250 percent increase.

"That's just unsustainable for the hospital," Administrator Robert P. Kimmes said.

If allowed to become a nonprofit, the hospital, which is not unionized, would begin a 403b retirement plan with an employer match.

The legislation, which passed the Senate but never made it to the Assembly floor, was blocked by opposition from the Civil Service Employees Association.

Fine Supervisor Mark C. Hall said the bill was held up in an Assembly committee for more

than two years.

"To me, it's just disheartening when politics trumps common sense. It's a poster child for government reform," he said. "This is a local issue. This procedure for local issues is ridiculous. It's the way government gets a bad name. I can't be mad at the Assembly. They never even voted on it."

CSEA Director of Communication Stephen A. Madarasz did not return a call on CSEA's reasoning but others said it is because the union fears a precedent.

"It's the tip of the iceberg," Mr. Snider said. "Communities throughout the state cannot afford New York's retirement system."

CSEA's concern is not Clifton-Fine, but the state's four other public benefit corporations, including a consortium of 11 hospitals in New York City that represent 6,000 beds, Mr. Kimmes said.

"You can't even compare their size to Clifton-Fine," he said. "Each organization is a little different."

Union leaders in the county have supported the hospital's proposal as a way to safeguard its jobs and the healthcare services it offers in an isolated part of the Adirondacks.

"I don't buy the fact that it's going to spread like wildfire. I'm not going to criticize CSEA but I don't think this is right for Clifton-Fine Hospital," retired labor leader Ernest J. LaBaff said. "You have to be concerned about the 90 employees and the hospital."

Mr. LaBaff, a member of the county Industrial Development Agency which passed a resolution in support of the

hospital, said he had to heed the state Comptroller's report that the hospital could go under.

The legislation also had the support of the North Country Regional Economic Development Council and the St. Law-

See Hospital A4

rence County Board of Legislators, where the resolution was introduced by Anthony J. Arquiatt, D-Helena, former president of United Auto Workers Local 465, Massena.

"It's a delicate issue," Mr. Arquiatt said. "I'm sure CSEA believes it has the best interests at heart of state pension workers. It's important everyone be cognizant of the 90 jobs at the hospital and the services they provide."

Assemblyman Kenneth D. Blankenbush, R-Black River, said he wants to meet with CSEA to work out a bill it would find acceptable.

"I believe CSEA doesn't want this hospital shut down," he said.

Mr. Kimmes said the hospital will try to bring state legislators around to its cause if they return to session after the elections and is talking with the state Health Department to see if there is another way to change the hospital's organizational status.

"We're going to keep fighting to get out of the New York State retirement system," Mr. Kimmes said. "We're not bankrupt right now but the financial burden of the retirement system will continue to make it financially difficult for us. In the long term, we won't be able to afford this anymore."



CSEA's Donohue to keep pushing

Despite losing national election, state union leader says he will seek new direction for AFSCME

By Rick Karlin

ALBANY — In his bid to head the 1.6 million-member American Federation of State, County and Municipal Employees, Danny Donohue was taking on the union's secretary-treasurer, Lee Saunders.

Donohue, president of the Civil Service Employees Association in New York, was competing last week with Saunders for the top job at AFSCME, CSEA's parent union, at its convention in Los Angeles.

Donohue lost to Saunders, 683,628 to 582,358. He will continue to lead the approximately 66,000-member CSEA, which is the largest state employees union in New York state.

Donohue's platform called for AFSCME to place less emphasis on trying to influence national politics and to focus more on building membership on the local level.

But one labor expert cautioned against viewing Saunders' win and Donohue's defeat as a referendum on the direction AFSCME should be taking. Instead, the winner may simply have had the advantage of incumbency and more ability to rally support from various factions, including some large locals.

"Mr. Saunders was for the last couple of years in a position to be in touch with everybody nationally," said Lee Adler of Cornell University's School of Industrial and Labor Relations.

Gerald McAntee, who has led AFSCME for 31 years and is retiring, backed Saunders, who had served as his deputy.

Nor was Saunders — AFSCME's first African-American president — a stranger to the ins and outs of new New York unions.

He's credited with helping the New York City-based union DC 37 recover from vote-rigging scandals in the 1990s. DC 37 backed Saunders.

He also drew on the support of other large locals including AFSCME Local 3299, which represents some 20,000 support workers in the University of California system.

Following the vote, Donohue vowed to work with the new leadership, but also said he would continue to push to move AFSCME in a new direction.

"Throughout our campaign, our stated goal was to shift the union's focus away from Washington, D.C., to the local level where AFSCME members face critical battles to defend their standard of living and the vital public services they provide," Donohue said in a statement.

"We believe more of AFSCME's resources should be devoted to winning the fight on the ground in battlegrounds all across this nation."

Please see **UNION A10** ►

"At this convention, Lee Saunders has echoed our goals," Donohue added. "AFSCME members are counting on him to live up to those commitments."

The AFSCME vote comes during a challenging period for public sector unions nationally.

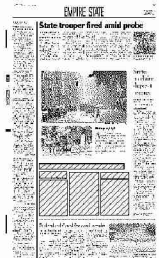
Earlier in the month, Wisconsin's Republican Gov. Scott Walker beat back a recall effort that had been launched largely by public sector union members who were angered when he and a Republican legislature overturned many of their collective bargaining rights.

Then voters in the California cities of San Diego and San Jose voted to cut pension benefits for current municipal employees. While facing a court challenge, the votes served as yet another barometer of how recession-weary voters have diminished sympathy for public employee unions.

Here in New York, state employees are still smarting over



DONOHUE



tough contracts that Gov. Andrew Cuomo offered them.

Saying the alternative would be thousands of layoffs, CSEA and the Public Employees Federation were among the unions that approved agreements that gave them higher health care costs and three years without contractual raises.

That has been an issue in PEF's election, which concludes on Monday; a vote count is set for Tuesday.

In that contest, PEF Presi-

dent Ken Brynien is being challenged by Susan Kent, who has maintained that her opponent shouldn't have supported the current contract.

Brynien says without a deal, the union would have faced 3,500 layoffs.

Just over 51,000 union members are eligible to vote in the contest.

► rkarin@timesunion.com ■ 518-454-5758 ■ [@RickKarinTU](https://twitter.com/RickKarinTU)

New Union Leader Vows Tougher Fight for Rights

By STEVEN GREENHOUSE

LOS ANGELES — For Lee Saunders, the newly elected president of the American Federation of State, County and Municipal Employees, defeat does not mean retreat.

Just the opposite: less than a month after the union lost its fight to recall Wisconsin's anti-labor governor, Mr. Saunders is already planning his next campaign. The union is seeking a referendum to repeal a Michigan law that lets the governor appoint emergency managers to run deficit-plagued cities and void their contracts with public sector unions.

"We hope to do in Michigan what we did in Ohio," Mr. Saunders said in an interview on Friday, referring to his union's success in backing a referendum last fall that overturned an Ohio law that curbed collective bargaining for public employees.

In speech after speech at his union's convention this week, Mr. Saunders repeated, even shouted, the phrase, "We won't back down."

If anything, Mr. Saunders, who was the union's secretary-treasurer until winning the presidency on Thursday, is vowing to increase efforts to battle policies his union detests, including efforts to privatize government services and curb public employees' ability to bargain collectively.

Stung by the many attacks on public employees, Mr. Saunders is eager to address some of the major points of contention between government officials and his union.

In the speech he gave Friday after he was sworn in as Afscome's first new president in 31 years, he said he was forming a task force to study long-term solutions to the pension crisis that has prompted many states and cities, convinced that their plans are woefully underfunded, to push for cuts in pension benefits.

"We've got to really figure out how to deal with the attack on pensions," Mr. Saunders said. "Our members are being hurt all across the country. We don't have all the answers, but we want to help come up with solutions."

In a fiercely fought contest, Mr. Saunders, who is the union's first African-American president, defeated Danny Donohue, the president of the union's largest local, the Civil Service Employees Association in New York. Late Thursday, the union announced that Mr. Saunders had received 683,628 votes (54 percent) to Mr. Donohue's 582,358 (46 percent).

Mr. Saunders pledged to try to reunite his union after the divisive election campaign and to increase organizing efforts. By some estimates, membership has fallen by nearly 100,000, to 1.3 million, over the last year, largely because of government layoffs.

Pointing to the many furloughs and pay freezes his union's members have agreed to, Mr. Saunders insisted it was wrong for critics to say that public sector workers have refused to share in the pain others have suffered during the downturn.

"When we enter into bargaining, our people understand that they don't want to tear apart the community. They're part of the community," he said. "But we don't want things shoved down our throats. We don't want the collective bargaining process ignored."

Mr. Saunders repeatedly praised his predecessor, Gerald McEntee, who transformed Afscome into one of the nation's most politically influential unions. He did not indicate any plans to diverge from Mr. McEntee's political program, which includes spending \$100 million on this year's campaigns. But he emphasized that he would run a more open and transparent union that engaged board members and other leaders more.

Mr. McEntee arguably became the leading political strategist for the labor movement from his position as chairman of the A.F.L.-C.I.O.'s political committee — a perch from which he played a major role in selecting Democratic presidential and Congressional candidates.

"I think Gerry McEntee has been a tremendous leader and he's built a strong foundation," Mr. Saunders said. "I'm not for tearing the foundation apart."

Mr. McEntee said in an interview that he hoped Mr. Saunders would also lead the A.F.L.-C.I.O. committee because of Afscome's major role in the federation — it is the biggest union in the A.F.L.-C.I.O. But other union presidents might also vie to head the political committee.

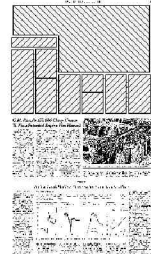
Mr. Saunders said it was vital to re-elect President Obama to help the nation's labor unions and workers. "We're going to work like hell for his campaign," he said.

But he added that his union planned to make life difficult for not just Republicans but also Democrats who seek to roll back pensions or bargaining rights.

"We must hold politicians of all political stripes accountable," Mr. Saunders told the delegates on Friday. "We don't work for any political party. We work for justice and fairness in the workplace. If someone turns on us, it doesn't matter whether you're a Democrat or a Republican, we will take you on and take you out."

Two prominent Democrats have already attracted his union's ire — New York's governor, Andrew M. Cuomo, and the mayor of San Jose, Calif., Chuck Reed — because they both led moves to reduce pensions. He also said Afscome would back several Republican state legislators in Florida because they had helped block Gov. Rick Scott's plan to privatize prisons.

"We have a relationship with several moderate Republicans there," he said. "They supported us, and we will support them."





PHOTOGRAPHS BY MONICA ALMEIDA/THE NEW YORK TIMES

Lee Saunders, center, greeted Afscme members before they voted on Thursday at the Los Angeles Convention Center, top left.

Hospital to cut 250 aide posts

Privatizing will
save WMC up
to \$5M per year

By **Theresa Juva-Brown**
tjuva@lohud.com

VALHALLA — In the latest step to manage its financial problems, Westchester Medical Center is cutting about 250 jobs and has hired a private company to provide nurses' aides, hospital officials announced Friday.

The change will save about \$4 million to \$5 million a year, WMC spokeswoman Kara Bennorth said.

"This is not a reduction or diminishment of service or care," Bennorth said. "This new program enables WMC to introduce an enhanced model of care with more health-care professionals while maintaining critical services and programs."

About 30 of the 250 positions being eliminated are vacant or the employees are on leave, she said.

An estimated 240 to 260 aides will get pink slips by early July, said Peter Piazza, president of the Civil Service Employees Association at the medical center, which represents 1,200 employees there.

"It is counterintuitive to believe these relentless layoffs of our lowest paid employees are implemented solely for fiscal reasons," he said in an email. "Logic dictates that any fiscal problems WCHCC professes to suffer should be called into question given the multi-

ple millions of dollars budgeted for senior management salaries and bonuses."

Hospital officials have said they are taking drastic measures to close a massive \$60 million budget gap projected for this year. To save \$30 million, 250 hospital employees were laid off in December, though some were "bumped" into lower-paying or part-time positions, officials said.

Meanwhile, the MSN partnership comes on the heels of the private takeover of the Behavioral Health Center, where 150 CSEA employees, such as psychiatric social workers and patient aides, were laid off in March when Liberty Healthcare took control.

Piazza noted that "once again, as with BHC, the negatively impacted employees are predominately members of protected minorities. The disparate treatment and disparate impact WCHCC appears to be imposing upon its minority employees is something that I would like to see thoroughly explored."

Bennorth responded in an email that "our experience at BHC is that the demographic composition of the outgoing BHC staff is very similar to the current Liberty team at BHC."



Donohue loses AFSCME ballot for president

LOS ANGELES — Danny Donohue, the CSEA leader who vowed to shake up the nation's largest union of government workers, lost his bid to become its president.

Lee Saunders was elected president of the American Federation of State, County and Municipal Employees. He had been the union's No. 2 official and becomes its first African-American president.

Saunders' victory over rival Donohue with 54 percent of the vote is likely good news for Democrats who hope the union keeps up its massive political program.

Donohue, leader of the Civil Service Employees Association, the union's largest local in New York state, ran as a reform candidate promising to cut back the largesse devoted to national politics and spend more resources on building up local offices.

Saunders takes over from Gerald McEntee, the legendary leader who over 31 years built the union into a political powerhouse that regularly spends more than any other to help Democrats win office.

The election occurred as public employee unions and its members see efforts around the country to weaken labor rights or cut public employee pensions and benefits.

— *Associated Press*





**JUDGE ON MANGANO
BUDGET MOVE**

NOT SO FAST

**\$41M in unilateral cuts put
on hold by federal court**

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FILE PHOTO BY HOWARD SCHNAPP



JUDGE STALLS MANGANO PLAN

Restraining order delays bid for unilateral budget cuts

BY ROBERT BRODSKY

robert.brodsky@newsday.com

A federal court judge yesterday temporarily blocked a controversial bill that would allow Nassau County Executive Edward Mangano to unilaterally cut \$41 million by furloughing employees, reopening labor contracts and reducing county contributions to health benefits.

U.S. District Judge Arthur Spatt said he would make a ruling on the bill's legality in late July or early August.

But in remarks from the bench, Spatt questioned the constitutionality of the measure — particularly language allowing for the modification of union contracts. He called the bill “very unusual” and “potentially unconstitutional.”

Officials from the five county unions that sought a temporary restraining order say the bill would cause irreparable harm to members and put collective bargaining agreements nationwide at risk.

“If the written word of a contract doesn't mean anything in Nassau County, why would it mean anything in the rest of New York State or elsewhere?” asked CSEA Local 830 president Jerry Laricchiuta.

County Attorney John Ciampoli said he was confident Spatt would rule in Nassau's

favor once the case is presented, though he said the delay would “create more financial pressure on the county.”

The ruling comes as Mangano is trying to cobble together a way to pay \$41 million in property tax refunds. The county, which is facing a multimillion-dollar deficit if corrective actions aren't taken, wants to borrow to pay the refunds. Minority Democrats in the county legislature have refused to vote for the bonding until they are guaranteed a redistricting process “fairer” than one proposed by the GOP majority.

Mangano is lobbying the State Legislature to pass a bill to permit him to borrow \$120 million for refunds without first getting approval of the county legislature or the Nassau Interim Finance Authority, a state monitoring board in control of the county's finances. Mangano also has introduced county legislation that would allow him to use \$192 million in bonding previously approved by the legislature.

In the absence of the borrowing authority, the legislature approved a bill last month allowing Mangano to cut \$41 million from the budget by furloughing employees one day per week and changing provisions of union contracts. Mangano signed the bill Monday, prompt-

ing the unions to seek a temporary restraining order yesterday in U.S. District Court in Central Islip.

Police Benevolent Association attorney Seth Greenberg said the bill reduces staffing, “endangering the lives of police officers and the public.” The PBA is separately challenging the bill contending it violated the state's Open Meetings Law and the County Charter and that it was enacted without public notice or quorum because Legis. Dennis Dunne (R-Levittown) voted from an adjoining room out of the public's view. Marc Wenger of the Melville law firm Jackson Lewis, who represented the county in federal court, said the bill could not be enacted without an executive order by Mangano. In the absence of such an order, the union's arguments were “speculative at best,” Wenger said.

Spatt ruled that if the county did not agree to voluntarily delay implementation of the bill, he would issue a temporary restraining order.

Wenger agreed to the voluntary delays and now has until July 5 to submit documents presenting his case. The unions have until July 19 to respond while the county will be able to file a rebuttal by June 26.



FILE PHOTO BY ED BETZ

District Judge **ARTHUR SPATT**



FILE PHOTO BY HOWARD SCHNAPP

County Executive **EDWARD MANGANO**

WHAT'S NEXT

JUNE 26

Nassau County will be able to file a rebuttal by this date.

JULY 5

Marc Wenger, attorney for the county, has to submit documents presenting his case.

JULY 19

Unions have until then to respond.

LATE JULY OR EARLY AUGUST

District Judge Arthur Spatt to make a ruling on the bill's legality.

Unions move to halt Nassau plan

Nassau's five labor unions will be in federal court this morning seeking to block legislation that would allow County Executive Edward Mangano to furlough employees and re-open labor contracts.

Mangano signed the legislation, authorizing him to make \$41 million in cuts to the county budget, on Monday — 28 days after it was passed by the GOP-controlled county legislature. “The actions provided in this law would break CSEA’s contract with Nassau County, which we believe to be a viola-

tion of the United States Constitution,” said Ryan Mulholland, spokesman for Civil Service Employees Association Local 830. “It also strikes at the very purpose of a union and collective bargaining as enacted through New York’s Taylor Law.”

Gary Learned, president of the Nassau Superior Officers Association, said “the bill is illegal and we want to end it before it has a chance to do any damage.”

Mangano’s office did not respond to requests for comment yesterday.

The law gives Mangano uni-

lateral authority to cut the budget through variety of options including furloughing union employees one day a week, modifying county contracts and cutting county contributions to employee benefits.

Mangano on Monday also signed legislation broadening the authority of police Commissioner Thomas Dale to discipline officers. The Police Benevolent Association says it expects to challenge the bill in State Supreme Court in Nassau next week. — ROBERT BRODSKY



HEALTH CARE

Officials rethink nursing home plan

By Julie Sherwood
jsherwood@
messengerpostmedia.com

pital stay; and assisted living accommodations.
Ontario County has not

is what we can do with \$15 million," said Victor Town Supervisor Jack Marren, chairman of the county's Health and Medical Committee.

Mahan said he expects discussions among all those involved — including with the state, county and Thompson — will lead to a decision on how to proceed within the next month to six weeks.

"The state wants to see results," Mahan said. "We do too, and so does the county."

CANANDAIGUA — A plan to significantly expand the facility and services of Thompson Health's M.M. Ewing Continuing Care Center may be revised, since a grant for the project is less than officials had requested.

Thompson Health applied for a state grant for the project of between \$20 million and \$25 million. Following Gov. Andrew Cuomo's announcement Friday that M.M. Ewing Continuing Care Center would receive \$15 million, officials are putting their heads together to see what is doable.

"Our proposal was to significantly expand Continuing Care. Now we need to see how much is possible," said Christopher Mahan, Thompson's senior vice president of support services and development. "While some of it is possible, we won't be able to do everything we asked to do."

Ontario County would partner with Thompson under a proposal to close the county Health Facility, with those beds and services moved to an expanded M.M. Ewing Continuing Care Center. The plan would have Thompson offering additional skilled nursing beds; beds for those in therapy or treatment before returning home following a hos-

SEE CARE, A8
officially signed off on the partnership, though a report released earlier this year recommended such a plan would fit the goal of improving care for the community's elderly residents while eliminating escalating costs for maintaining the county facility. The county is losing some \$3.8 million on the nursing home this year, with losses well exceeding \$5 million projected for 2016 and beyond.

The recommended closure of the county Health Facility has strained relations between county officials and members of the Civil Service Employees Association, or **CSEA**, who accused the county this spring of fast-tracking a scheme to shut down the facility that they say offers a safety net. A county-led task force concluded the county's 98-bed nursing home, built in the 1970s, is not equipped to provide state-of-the-art care to the county's growing population of elderly residents. Basic upgrades alone — such as federally mandated sprinklers and a new boiler system — would run tens of thousands of dollars, the study found, while building a new facility would cost about \$30 million.

"The key question now



CAPITOL

New rules to protect disabled stall

Independence of oversight unit called into question

BY MICHAEL VIRTANEN
The Associated Press

With the Cuomo administration pushing for final passage next week of sweeping legislation to protect New York's disabled, some advocates who endorse the bill's intent say they see critical flaws.

At the same time, administrative efforts are quietly under way to fix a social services system plagued by decades of problems, including patient abuse, neglect and corrective failures. More than \$18 billion in annual services are provided through a combination of state-run programs and nonprofit organizations.

The state Senate quickly passed the measure without debate a month ago, a week after it was introduced. It would establish a new state prosecutor and inspector general, with a central hot line for reporting any abuse of some 1 million disabled people in residences and day programs. It would also establish a single definition of abuse and neglect for six state agencies that deal with the disabled, a code of conduct for caregivers, and a central registry of incidents and documented abusers, who would be banned from providing direct care.

But lawmakers in the Assembly, including Speaker Sheldon Silver, have raised concerns about whether the proposed new enforcers will be able to work independently if they, the caregivers and governor that appointed them are all part of the same executive branch.

"If they screw up, who's going to look over their shoulder?" said Assemblyman Thomas Abinanti, a Westchester Democrat who has an autistic son. After reading the bill, Abinanti, a trial lawyer, said the career prosecutors of abuse cases and new inspector general should not report to the governor, but instead to the attorney general and state

comptroller, respectively.

Both are separately elected from the governor.

NEW OVERSIGHT

The new office would inherit oversight from the state Commission on Quality of Care & Advocacy for Persons with Disabilities, established in 1977 following the Willowbrook scandal. It has been criticized its lack of enforcement powers. Overcrowding, filth and abuse at Willowbrook, a state institution on Staten Island housing more than 6,000 mentally disabled children, led to a class-action federal court settlement and its eventual closure.

Federal officials last year faulted the commission's lack of independence from the state agencies it oversees. The agencies primarily do their own internal investigations of staff abuse and neglect complaints, while the commission's probes and findings of wrongdoing are referred back to the agencies.

As Gov. Andrew Cuomo outlined his bill in May, he told a room overflowing with the disabled and advocates there were more than 10,000 allegations of abuse against disabled New Yorkers in state-funded facilities last year, and they deserve protection.

In April, Commission Chairman Roger Bearden issued a report recommending his agency turn over its federally funded and mandated protection and advocacy programs, which currently include contracting with legal rights groups, to an outside nonprofit to be chosen by the governor. The commission said it has received three proposals from nonprofits to take over.

The commission investigated 429 cases of reported child abuse last year, and said it verified 47. It got 308 reported cases of adult

abuse, and verified 208 findings. Those reports "were given to the appropriate provider agency for action," spokesman Bryan Jackson said.

Albany Law School's Civil Rights and Disability Law Clinic, a legal advocacy contractor for 30 years, said it supports many enforcement provisions of Cuomo's proposal, but called for clarifying the overlap with the new nonprofit, ensuring access to patient records and removing references to future union contracts that could pose complications.

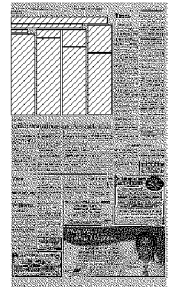
One central issue among critics is the legislation's inability to punish past offenders, who even following formal complaints for hitting patients were allowed to return to work after short suspensions. Under union contracts, punishments are subject to arbitration.

CSEA ISSUES

The Civil Service Employees Association said it does not condone abuse but wants to make sure its members' due process rights are protected and that allegations are substantiated.

The nonprofit Southern Tier Independence Center said while the legislation envisions union negotiations for "a new table of penalties" that would ensure firing abusers, arbitrators can't be compelled to do anything, so there's no guarantee.

The state Office for People With Developmental Disabilities, responsible for the care of about 126,000 disabled, has already sought to fire more than 200 staff since Cuomo appointed Commissioner Courtney Burke in April 2011, nearly quadrupling the number of termination cases in a policy overhaul intended to show intolerance for abuse



“We went back through the last five years and looked at instances where the agency should have sought termination and for whatever reason did not,” spokesman Travis Proulx said. The agency has established its own table of penalties internally, and those employees are on notice that another offense “automatically bumps them up,” he said.

The agency in March 2011 also issued a memo to all its nonprofit providers, requiring they immediately report all physical or sexual abuse to police.

District attorneys say abuse cases are difficult to prosecute when a disabled victim is incapable of testifying, which often means internal administrative proceedings instead, where a whistleblower makes a complaint and the accused worker denies it.

Proulx said having qualified prosecutors handling cases under the governor’s bill would be more effective than having human resources professionals representing the state at arbitration.

Razzle Dazzle

AFSCME Battle: Sins Of Omission vs. Commission



By RICHARD STEIER

A day after the labor movement missed a chance to take back its lunch and knock the bully on his ear in Wisconsin, Lee Saunders stood in front of an audience of union officials on Water St. in lower Manhattan June 6 talking about an e-mail he had received from a worker who declared: "Make no mistake about it—we took a hard punch to the gut last night and we're spitting up blood... But I'm not throwing in the towel."

"Politicians are using public workers as scapegoats for problems we didn't even cause," the secretary-treasurer of the American Federation of State, County and Municipal Employees told those assembled. "There is already a class war going on in this country—make no mistake about it. And we've got to be engaged in this war... We're not giving up. In fact, we're digging in."

He didn't have time to lick his wounds. Next week his union, which with 1.3 million members is the largest public-employee organization in the country, will be choosing a new president to succeed the retiring Gerry McEntee, the first changing of the guard in 30 years.

Mr. Saunders is the house candidate, having been Mr. McEntee's longtime chief assistant before winning election as secretary-treasurer at the 2010 AFSCME convention. The man he defeated then, Civil Service Employees Association President Danny Donohue, is opposing him again, arguing that a long career as a rank-and-file worker before moving up the ranks to run the largest New York state-employee union has left him more attuned to members' needs than Mr. Saunders can be after spending most of his career in a staff role.

Popular But Not a Prerequisite

It's an argument that sounds better than it is. Victor Gotbaum was a staff guy before heading large AFSCME district councils first in Chicago and then at District Council 37 for 22 years, and he was a far superior union leader to the rank-and-filer who succeeded him. Randi Weingarten began working with the United Federation of Teachers as an outside attorney, and became a Teacher only after Sandy Feldman decided she was the person best suited to succeed her, something that could be done only if she first spent some time as a union member before running for

office. She went on to be widely considered the best labor leader in the city before departing three years ago to run the American Federation of Teachers fulltime.

But underneath Mr. Donohue's appeal is the reminder that much of what Mr. Saunders has done that qualifies him to run the national union is the result of having worked for Mr. McEntee. The departing AFSCME president, while generally respected as a progressive labor leader, has presided over his union's internal operations more like an old-time political boss than a true believer in worker ideals, looking past signs of corruption by his allies until it became too glaring to ignore, retaliating against reformers—particularly those who questioned his ethics—and protecting leaders of district councils and their locals from adverse consequences for either bad judgments or questionable conduct.

All of those elements came together in his reaction to problems that began percolating in DC 37 in the mid-1990s. He disregarded a letter from Charles Ensley, the president of Local 371, asking him to look into the voting process at Local 1549 in which members had supposedly approved a contract that began with a two-year wage freeze by a better-than-5-1 margin, enough to overcome the totals in 55 other DC 37 locals and allow its ratification. The claim that members of that local were so fearful of layoffs that they held their noses and voted yes in the name of job security in such large numbers seemed dubious, particularly since no specifics as to how many jobs were at risk had been offered by Mayor Rudy Giuliani. Last August, after Governor Cuomo had made clear that 4,500 of its members would be laid off immediately if the CSEA rejected a contract carrying a three-year pay freeze, only 59 percent of those who voted opted to ratify.

Worst Materialized, Saunders Stepped In

But Mr. McEntee looked the other way until a couple of years later the corruption that had been brewing throughout DC 37 for years began to boil over, and lo and behold, the unlikely vote total in Local 1549 was the result of a fixing of the ballot-tally. At that point in late November of 1998, Mr. Saunders, who was already in New York running the other giant DC 37 local, 372, after it was



placed under administratorship when its longtime president drove it \$10 million into debt, took charge of the whole show.

For the next 40 months, he and several top assistants provided a clinic in how to turn around a union, getting DC 37's finances in order and reviving its political and public-relations operations so that it was no longer so impotent in the outside world that the union had to be more fearful of incurring the wrath of City Hall than it did of the unhappiness of members about bad contracts and substandard representation.

It was obvious how DC 37 fell to this level and was unable to recover until scandal forced drastic action: a voting system under which the corrupt leaders of its two biggest locals needed just a few allies to control who served as executive director. Reformers within the union argued that the equally obvious solu-

(Continued on Page 6)

tion was to take the voting out of the hands of delegates—who tended to be under the sway of the local presidents—and allow the rank and file to directly elect DC 37's leadership.

As administrator, Mr. Saunders had extraordinary powers; some said he could have simply ordered the change in the election process. He denied that last week, insisting, "It was never my decision." He said he had made the case with the union officials who survived the scandal, as well as the delegates, who liked the existing system just fine because the power it gave them provided accompanying perks, like all-expenses paid trips to the AFSCME convention in places like Hawaii and Los Angeles and stipends of close to \$10,000 for committee assignments.

'Could Have Used Bully Pulpit'

"Could I have used the bully pulpit in a stronger way?" Mr. Saunders mused during an interview following his speech. "Possibly."

Because he didn't, once he left as administrator in early 2002, DC 37 began to settle back into the same kind of uninspired leadership that prevailed for more than a decade prior to the scandal. There were no further instances of vote-fixing, and while there were occasional cases of improper spending, these were neither as rampant nor of the magnitude that plagued the union in the 1990s. It was just that the union seemed powerless to achieve much for its members, whether in its dealings with the Bloomberg administration or through the City Council and the State Legislature. Even worse, budget negotiations in recent years produced last-minute agreements that prevented key services like fire protection and libraries from being cut,

but hundreds of school and social-service jobs represented by DC 37 locals were eliminated.

One of Mr. Saunders' deputy administrators at DC 37, Eliot Seide, is supporting Mr. Donohue in the AFSCME election, but he does not fault him for failing to use his position as administrator to change the voting structure a decade ago. And another veteran union official, who did not want to be identified, said he believed that "direct election was a red herring. It was the size and composition of DC 37 that needed to be looked at. They should have reorganized and restructured," possibly breaking up the two largest locals to limit the power they exert over the union's operations.

"You need an organization that's flexible and responsive, more than a political organization," he said.

'Lee Should Have Stayed'

Mr. Seide said he believed Mr. Saunders could have built on what he had already accomplished in DC 37 had he chosen to run for executive director a decade ago, rather than leaving and creating a situation in which Ms. Roberts emerged as a compromise candidate acceptable to both the reformers and the old-guard leadership within the union.

"We had done a good job, but we were poised to have done much more, and we could have if Lee had decided to stay. He chose to go back and be a staffer," Mr. Seide said.

Asked about that assertion, Mr. Saunders replied, "That was a personal decision I made. My family was in D.C."

The other union official noted that Mr. Saunders's two sons were still in their teens at the time and his wife did not want to uproot the family by moving to New York. He said that from a political standpoint, remaining here would have helped Mr. Saunders, who had already made clear his desire to someday be president of AFSCME.

"It would've given him the kind of firm constituency of votes that are in his area; that would [have given] him a launching pad," he said.

'Danny's Been in the Trenches'

Instead, Mr. Seide contended, it was Mr. Donohue who had an edge from his nearly two decades "running the largest affiliate in the country. I saw Danny take CSEA basically from an association to a union. He put together one of the largest and most-successful union organizing programs in the nation. Danny actually has worked without a net and dealt with workers

in the trenches. I'm sorry—it's just not the same, you fly in and fly out" as a troubleshooter for AFSCME.

Mr. Saunders countered, "I was a state employee" going back to his early days as an AFSCME member in his native Cleveland. His supporters argue that his role at AFSCME has given him a much-broader background of the sort needed to run a national organization, from understanding the legislative process in Washington to dealing with the problems faced by different district councils around the country.

And where Mr. Saunders got high marks for the contract he negotiated on behalf of DC 37 more than a decade ago, that is the area in which Mr. Donohue is most vulnerable to criticism. He absorbed a boatload of it last year after agreeing to a pact that froze wages for the first three years of its five-year duration, sharply increased members' contributions toward their health coverage, and required nine days of furloughs over the deal's first two years, with only four of those reimbursable by the end of the pact. At the time, one union official who was astonished by how much Mr. Donohue agreed to give up in return for a guarantee by Governor Cuomo that he would not go through with any of the 4,500 layoffs he had threatened of CSEA members noted that Mr. Cuomo had already indicated he would make another run at imposing a significantly less-generous pension plan for future state workers. He said that if Mr. Donohue had not gotten private assurances that this wouldn't happen before signing off on the contract concessions, "that's a major faux pas."

Then the Other Shoe Dropped

The answer to his question came six months later, when Mr. Cuomo pushed the Tier 6 pension plan through the Legislature and into law.

Mr. Seide defended the CSEA give-backs, saying, "We're in tough times. This attack on public workers has been going on all over the country and we've gone through the toughest recession since the Great Depression. You don't bargain in a vacuum, you bargain in the economic context."

One of Mr. Donohue's fiercest critics within the state labor movement argues that he was far too passive even given the tough situation he found himself in. "The state could've never survived with the [number] of layoffs they were threatening," said Court Officers Association President Dennis Quirk. "In tough fiscal times you want to work with people to deal with it, but you can't give away your house."

He had locked horns once before

with Mr. Donohue following a tentative CSEA contract deal in 1999, joining other court-union leaders in spending more than \$100,000 on a successful campaign to have it rejected by the union's rank and file. In that case, the deal wasn't laden with give-backs; Mr. Quirk and his colleagues believed Mr. Donohue had failed to capitalize on a resurgent state economy to recoup enough of what had been lost through a two-year wage freeze CSEA agreed to in 1995. The state deals that were subsequently ratified were better than the terms Mr. Donohue originally negotiated.

Engaged in Battle Too Late

And while there is no question CSEA faced real problems last summer when confronted by a popular Governor threatening massive layoffs at a time when a hurting upstate economy would have made it particularly difficult for union members to lose their jobs, there were also indications that Mr. Donohue had failed to adequately prepare for the battle before Mr. Cuomo put him and his rank and file up against the wall.

During a union meeting last July at the lower Manhattan offices of the State Lottery, a member of the CSEA negotiating committee, Abraham Benjamin, acknowledged that they had been in a position where the Governor demanded so much in labor concessions because "we actually allowed a budget to be passed that is detrimental to all of the state because we did not get into legislators' faces" four months earlier. Given that Mr. Cuomo had campaigned on a pledge to cut the state's employee costs and had won in a landslide without much union support, it was hard to imagine why the CSEA leadership had not anticipated his following through on that promise and used its influence with the Legislature to try to soften the blow through the budget process.

At the union's convention two years ago, it was widely believed that Mr. Donohue did as well as he did, falling just 4,000 votes short of upsetting Mr. Saunders for AFSCME's second-highest post, because Mr. McEntee's blatant electioneering had alienated more than a few convention delegates. One of the challenges facing Mr. Saunders, not just on the convention floor but if he gains election, is being able to put some distance between himself and the less-appetizing aspects of Mr. McEntee's regime over the past couple of decades.

The Injudicious Judicial Panel

One area in which that has manifested itself is at the AFSCME Judicial Panel, which has on numerous occasions issued rulings that seemed slanted in favor of McEntee supporters or against his critics or those challenging Ms. Roberts.

On one occasion, the longtime Judicial Panel chairman, John Seferian, actually misquoted the AFSCME constitution to avoid ruling against then-Local 372 President Veronica Montgomery Costa. At least three times in the past decade, findings by the Judicial Panel were at odds with Federal court rulings in the same cases. And in one local that has been a steady customer before the Judicial Panel, Civil Service Technical Guild Local 375 of DC 37, two elected presidents were removed from office on flimsy charges after publicly challenging either Mr. McEntee or Ms. Roberts. The panel's ruling last year that the successor to the second one removed was eligible to stay in the job because three larceny-related criminal convictions against him more than 25 years ago were too ancient to run afoul of the Constitution's barring those convicted of money-related crimes from holding union office was recently overturned by a Manhattan Supreme Court Justice.

Asked whether he thought changes—including Mr. Seferian's retirement—were in order at the Judicial Panel, Mr. Saunders insisted that it was “an independent board” rather than one that was doing Mr. McEntee's political dirty work. “The winners are going to be happy, the losers are going to throw shots,” he said.

One of Mr. Saunders' supporters said, however, that he believed Mr. Seferian would not stay on for an extended period if Mr. Saunders wins the election.

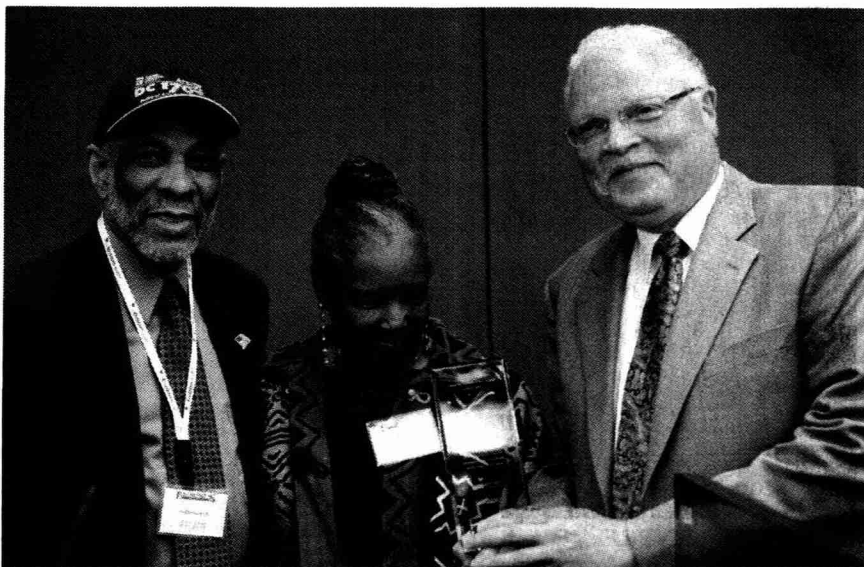
Mr. Donohue has tried to appeal to delegates by pledging that if elected, he will cut the president's salary by \$100,000, to just below \$300,000 a year. Mr. Saunders has not been willing to make a similar commitment.

A Pledge to Be More Open

Asked how he would be different than his longtime boss if he became president, however, his answer suggested he would be more open to a give-and-take on issues within the union. “I know I'll be more transparent,” Mr. Saunders said. “Gerry was a great leader, but these are changing times and we've got to change with the attitudes of our rank and file. We're going to be more aggressive in dealing with our members and listening to them.”

Ultimately, one union veteran said, the issues may matter less to the delegates than the alliances they've formed over the years. Even Wisconsin's outcome, which had it gone the other way would've allowed Mr. Saunders to potentially ride the euphoria of a big national victory into the convention, may not have much impact. Certainly he thought so, saying, “I don't think [it] had anything to do with the internal election.”

But on the merits, the contest presents one union official whose sins are of omission—Mr. Saunders' demonstrated competence shadowed by the unanswered question of why he didn't follow through to make sure DC 37 could sustain the positive changes he had brought to its operations—against one whose missteps at the bargaining table have prompted doubts about whether he has what it takes to lead AFSCME at a period when public employees nationally are feeling increasingly threatened.



The Chief-Leader/Kate Perotti
MUSTERING HIS TROOPS: Lee Saunders (right) is counting on the support of the executive directors of District Council 37 and DC 1707, Lillian Roberts and Raglan George, in his bid to become the next president of the American Federation of State, County and Municipal Employees. One of the main criticisms of him is that while cleaning up DC 37 more than a decade ago, he failed to implement structural changes that would have made the union's leadership more accountable to members.

Youth Division Assault Leads CSEA to Urge Improved Safety Steps

By MARK TOOR

In the wake of an assault by four residents on a worker at a youth detention center in Columbia County, the Civil Service Employees Association is amping up its call for better safety measures to protect staff at facilities run by the state Office of Children and Family Services.

Youth Division Aide Luis Camacho was attacked from behind June 1 at the Brookwood Secure Center, knocked to the ground and beaten with chairs, a trash can and a telephone, State Police reported. He was treated at a hospital for a broken arm and a possible broken eye socket, and given stitches to his face.

'It's a War Zone'

Four residents aged 17 and 18 were charged with felony assault and sent to the Columbia County Jail. CSEA said they had threatened further violence against staff members. "This is further evidence that the state's current policy for dealing with juvenile offenders not only isn't working, it's putting staff at risk," said CSEA President Danny Donohue. "The state is sending people into a war zone every day, unprotected, and the casualties are mounting."

"Violent attacks on staff by youths in their care have increased at an

(Continued on Page 3)

alarming rate under current OCFS policies," CSEA said in a statement.

The U.S. Justice Department has criticized OCFS for brutality toward youthful residents and for poor care, and Commissioner Gladys Carrión has been moving the agency away from an adult-prison model to a more therapeutic environment. But the union says understaffing and restrictions on the use of physical force have tipped the balance of power to give residents more power and staff less, raising injury rates for employees.

1 Facility, 19 Injuries

Earlier this year, CSEA filed a complaint with the state Department of Labor after discovering that 19 staff members at the Taberg Residential Center in Oneida County, including the facility director, were on leave because they had sustained severe in-

juries in attacks by residents. Their injuries included two broken collarbones, a concussion, a broken ankle and a dislocated shoulder, CSEA said.

"Taberg and Brookwood are symptomatic of a larger problem," the union said. According to a report issued by the state Department of Civil Service on state employees' Workers' Compensation claims, YDAs like Mr. Camacho have the second-highest on-the-job injury rate of all state job titles.

"The state is moving to shift juvenile offenders from upstate facilities into nonexistent New York City-based programs," CSEA said. "Existing providers are ill-equipped to deal with this population. State officials have yet to provide details as to how they intend to provide appropriate security, supervision, resources and support."



DANNY DONOHUE:
'Putting staff at risk.'



Wisconsin Vote a Blow to Labor

Money Matters As Walker Survives a Recall Election

By MARK TOOR

Floating on a river of cash—most of it from wealthy supporters—Wisconsin Gov. Scott Walker last week beat back an attempt to remove him from office spearheaded by public-sector unions whose collective-bargaining rights he trashed last year.

Mr. Walker, a Republican, outspent his Democratic challenger, Milwaukee Mayor Tom Barrett, by nearly 8 to 1. The recall election June 5 was a rerun of the 2010 race that put Mr. Walker in office. In 2010, he beat Mr. Barrett by 6 points; this time he won by 7.

New Democratic Majority

The sole bright spot for labor: recall advocates succeeded in defeating one of the four Republican State Senators who were targeted. That means the majority in the narrowly-divided Senate has switched from Republican to Democrat. The State Assembly, however, is heavily Republican.

"It's a very sad commentary on the state of politics where money seems to undermine democracy," said Stephen Madarasz, a spokesman for the Civil Service Employees Association. The union had a couple of dozen people in and out of Wisconsin in the month before the vote, helping the recall effort on their own time, he said.

Conservative commentators pounced on the election results, declaring they signaled the decline of public-sector unions and good news for Republican presidential candidate Mitt Romney. Neither Mr. Romney nor President Obama visited the state to campaign, although the President sent a supportive Tweet message to recall supporters.

Mr. Madarasz cautioned against reading too much into the result of the vote. He quoted Tip O'Neill, Speaker of the U.S. House of Representatives in the 1970s and '80s, who said, "All politics are local."

2 Gave \$500,000 Each

Mr. Walker raised more than \$30 million, about two-thirds of it from out-of-state. Mr. Barrett raised roughly \$4 million, just a quarter of it from out-of-state. There are no limits on the size of donations in a recall election, and two individuals gave Mr. Walker

\$500,000 each: Bob Perry of Texas, who contributed heavily to the Swift Boat attacks on presidential nominee John Kerry in 2004, and Diane

(Continued on Page 7)

Hendricks of Wisconsin, an opponent of unions and an associate of David and Charles Koch, billionaire industrialist brothers who are conservative activists and major backers of Governor Walker.

Support from Tea Party

Outside groups that supported Mr. Walker included the Republican Governors Association, which received \$1 million from David Koch; Americans for Prosperity, another group linked to the Koch brothers; the anti-labor Center for Union Facts; the National Rifle Association; and the Tea Party Express.

Mr. Barrett received significant outside support from the Democratic Party and the American Federation of State, County and Municipal Employees, the primary public-employee union in the state that in 1959 became the first to grant government workers collective-bargaining rights.

The recall was prompted by passage of a law introduced by Mr. Walker early last year that stripped unions of their bargaining rights on every issue except wages; limited pay increases to the inflation rate; limited the length of contracts to a year; eliminated the dues checkoff; required unions to be recertified every year by a vote of their members; and raised health-care and pension contributions by workers. Public-safety unions, which had supported Mr. Walker in the 2010 election, were exempted.

What Was the Motive?

Mr. Walker said the restrictions were necessary to balance the state's budget. Opponents said he was trying to weaken the labor movement as part of a concerted national campaign and deprive Democratic candidates of union contributions.

Tens of thousands of public employees stormed the state capitol building back then to protest the bill. Democrats in the Senate minority fled the state to deprive the Senate of a quo-



rum and prevent the bill from passing. But the Republicans used a parliamentary maneuver to pass it anyway. The law is now tied up in litigation. The most recent decision, by a Federal District Court in March, struck down the recertification requirement and the elimination of the dues checkoff.

In addition to the public-union issue, many voters expressed concern over the state's economy. Mr. Walker had promised to add 250,000 jobs his first term. So far, the most optimistic estimates show a mere 32,000, according to the Associated Press.

The unions staged a massive door-to-door effort to turn out the vote. They succeeded to some degree: turnout was estimated at 60 to 65 percent. But exit polls showed that a significant number of voters felt a recall election was not the right way to resolve what they saw as a political dispute.

Unions Disappointed

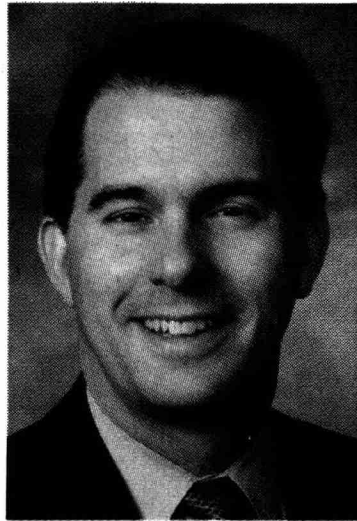
"While the outcome of the effort to recall Governor Walker is a disappointment, it doesn't diminish the extraordinary efforts by teachers, nurses, firefighters and the working people of Wisconsin to have Governor Walker answer for his actions," said Randi Weingarten, president of the American Federation of Teachers. "...Wisconsin's working families, while hugely outspent, should be proud of their efforts."

She said the results of the recall underscored the negative effect of the U.S. Supreme Court's decision in the Citizens United case, which prohibits restrictions on independent political expenditures by corporations and unions. "Corporations and anti-worker special interests were able to funnel more than \$50 million into Wis-

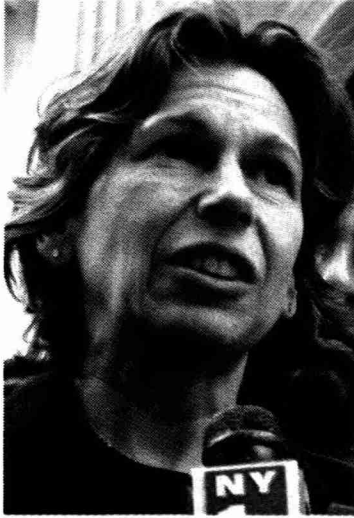
consin to drown out the voices of working people," she said.

"The Walker recall was an uphill battle from the very start," AFSCME President Gerald McEntee and Secretary-Treasurer Lee Saunders said in a joint statement. "This is only the third such recall election in our country's history, and our odds were made even more difficult by the vast amount of funding that Scott Walker's cronies flooded Wisconsin with. Combined with his race in 2010, that's twice now that the Koch brothers and Wall Street have bought Scott Walker the Governor's Office."

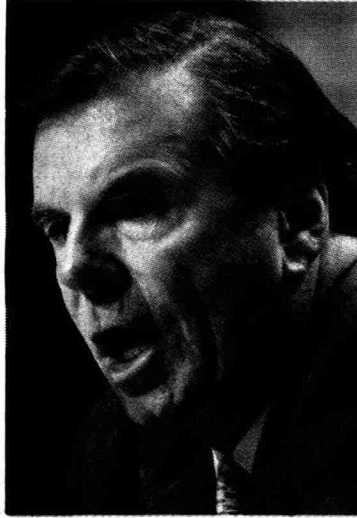
Mr. Walker said after the recall that he wanted to mend fences with Democrats in the Legislature. He said he would invite members of both parties to a cookout of bratwurst, burgers and beer to "break the ice and figure out how we can get past this thing."



SCOTT WALKER: Another thumb in labor's eye.



RANDI WEINGARTEN: 'Our voices were drowned out.'



GERALD McENTEE: 'Twice Walker backers bought office.'

Lifeguard, 74, getting \$65G in age-bias suit

BY GARY DYMSKI
gary.dymski@newsday.com

Nassau County will pay \$65,000 to settle an age-discrimination suit with a lifeguard who was first suspended and then discharged in 2009 when he was 71 years old, a federal agency said yesterday.

Jay Lieberfarb, now 74, of Valley Stream, had 50 years' experience as a lifeguard when he failed a county swimming test and was suspended, the U.S. Equal Employment Opportunity Commission said.

Lieberfarb failed two swimming tests — at distances of 50 meters and 200 meters — on June 23, 2009, but was given a second chance, the suit says. He passed the 50-meter test

one week later, but injured himself before he could take the second swim test and was told to return with a doctor's note, the suit says.

Lieberfarb was fired before he could provide the note, the suit alleges.

Younger lifeguards who failed the same test were neither suspended nor discharged, but were permitted to continue working until they passed the test, the agency said.

The actions by the county violated the Age Discrimination in Employment Act, according to a news release from the agency. The suit was filed in September 2010 after the agency and the county could not reach a settlement.

Lieberfarb, working yesterday as a lifeguard at Hofstra

University, said his initial reaction was, "I'm happy."

He said the settlement restricted him from talking about the suit, but he praised his union, Nassau County CSEA Local 830, which represents most county employees, and the federal EEOC. "Without them, this wouldn't have happened," he said.

County attorney John Ciampoli said the county did not have to rehire Lieberfarb as a lifeguard.

In addition to \$65,000 in back pay for Lieberfarb, the three-year consent decree in U.S. District Court in Brooklyn prohibits the county from age discrimination or retaliation for taking part in an EEOC investigation, and mandates monitoring and policy reviews.





NEWSDAY PHOTO / ALEJANDRA VILLA

Jay Lieberfarb, a Hofstra pool lifeguard, won his lawsuit against Nassau County.

KP CSEA contract means busing will stay in district hands

BY KELLY CAMPBELL

With a newly-ratified Civil Service Employees Association contract, Kings Park Central School District will not contract with a third party to provide busing for at least three years.

The Kings Park Board of Education Tuesday unanimously ratified a three-year contract that had been previously approved by CSEA members.

The first year employees will receive a 1.25 percent salary increase with no step increase. The second year they will get a 1.75 percent salary increase with no step increase; and in the third year a 2 percent salary increase with a step increase of 1.2 percent.

“One of the main benefits that came out of this is that we’re not going to be talking about putting our busing system out to contract again for the next three years at least,” Superintendent Susan Agruso said Tuesday.

She praised union President Rebecca Sobotkin.

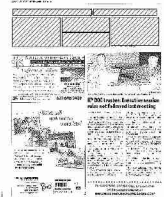
“This is a fair contract that benefits both sides and recognizes the financial situation the district is in but also allows the district to recognize the staff and the hard work they put in,” Agruso said.

One mechanic position and one maintenance position previously slated for elimination were also restored because of the agreement.

Board Trustee Tom Locascio praised Sobotkin for her leadership, as well, and agreed the Memorandum of Agreement is balanced.

“If not for Rebecca’s determination, we would not be where we are today,” Locascio said. “The contract represents a fair and balanced contract. It protects our employees. It saves jobs. I think people realize the tough economic times we’re living in are not over.”

Board President Bill Motherway called it a “great contract” for the district and the union members.



Thirty-eight union jobs saved

CSEA agrees to concessions in order to avoid more layoffs

By ANTHONY RIFILATO

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The Civil Service Employees Association reached an agreement with the city on June 8, after union members overwhelmingly agreed to a number of concessions that will avert the layoffs of 38 full-time workers.

CSEA President John Mooney said that 195 union members voted in favor of concessions that include a wage freeze for the coming fiscal year; no uniform allowance for the next two years; a two-year lag payroll, and the conversion of overtime to compensatory time. In exchange, the city has agreed not to lay off any workers during the next two fiscal years. Twenty-two members opposed the deal, Mooney said.

"The membership felt it was a fair deal, and felt that it was our time to help the city in a fiscal crisis, just as we did during the hurricane last year," he said.

The agreement means that more than three dozen employees will keep their jobs despite being notified last week that they would be dismissed on July 1. The notice came after the city moved forward with a "first round" of layoffs of 67 employees last month — including 20 full-time CSEA workers and five firefighters — as officials contend with a projected \$10.25 million deficit and attempt to craft a balanced budget for fiscal 2012-13 by June 30.

City Manager Jack Schnirman said that the concessions are expected to save the city nearly \$2.5 million this year, with additional savings next year. "It means that the city, with the hard work of our labor partners, meets our savings target and we have a bal-

anced budget going forward," Schnirman said. "This completes the budget process — we now know with certainty what our budget looks like as of July 1, and it is a much improved financial picture of the city going forward, and we're now officially on the road to financial recovery. We're happy that 38 workers will be coming back to work ..."

The city also cut 42 part-time employees and removed 69 "inactive" part-time workers from the payroll. The layoffs affected a number of departments, including Public Works, Sanitation and Beach Maintenance.

Schnirman said that the first round of layoffs, which saved the city approximately \$2 million, were "unavoidable" because the previous administration did not budget for those positions. After the layoffs, Schnirman said the city needed to come up with an additional \$4.5 million in savings, and he hoped that union leaders would agree to concessions that included wage freezes, furlough days and a requirement that employees pay a percentage of their health care premiums.

The layoffs angered Mooney and union members, who said that the CSEA was bearing the brunt of the job cuts. The union had reached a tentative agreement with the city on May 21, but members rejected it.

Mooney, backed by hundreds of CSEA workers, criticized Schnirman and the City Council at two council meetings in May, saying that the union was not given enough time

See CITY, page 16



to review the agreement and that the concessions were not being shared by the police and fire departments.

The Police Benevolent Association's contract expired three years ago, and the city and the PBA are currently in binding arbitration, Schnirman said. With 71 police officers, the department's staffing levels are at "historic lows," he said, adding that a number of officers have been reassigned and some positions have not been filled, which has reduced costs. While Schnirman acknowledged that the police are among the city's top earners, he also said that the city is looking to cap exorbitant payouts to retirees.

"That reduction in force, as well as the reassignment of officers, as well as reducing the part-time force, has saved us over \$1.5 million in the Police Department," he said. "We are reducing the costs that are under management control."

He added, "After the first [CSEA] vote failed, we came back to the table and worked together on a package that made sense for everybody. The CSEA worked with us and really played a critical part in helping the city through the financial crisis, and we are grateful."

Mooney said he was happy that an agreement was reached, and thanked council members John McLaughlin and Mike Fagen for their input.

"The communication with the union leadership was really critical ...," Fagen said. "This union is comprised of our neighbors, our friends and relatives, and they have a vested interest in the city. They put the needs of the city ahead of their personal needs to protect the city and their co-workers, and for that we should be grateful."

Fagen said that he hopes the city considers cutting exempt employee salaries in an effort to stave off a proposed bus fare and water rate increase, which the council will discuss at a public hearing on June 19.

But the concessions won't bring back those who have already been let go. Dan O'Brien, a 33-year city employee and head mechanic in the Sanitation Department, said that his son, Scott, 28, a Marine who served three tours in

Iraq, where he repaired helicopters, had just started working for the city alongside him as a mechanic, but was recently let go.

"The trucks are going to keep running, but it's going to make my job harder," said O'Brien, who is now the only mechanic in Sanitation. "I think really, you can't let go of your skilled workers. When [Scott] learned that he was being laid off, he was dumbfounded — 'For all the work I just did here, that's the thanks I get?'"

'After the first vote failed, we came back to the table and worked together on a package that made sense for everybody.'

JACK SCHNIRMAN
City manager

'The membership felt it was a fair deal, and felt that it was our time to help the city in a fiscal crisis.'

JOHN MOONEY
CSEA president



Arthur Findlay/Herald

AT THE MAY 15 City Council meeting, **CSEA** President John Mooney called on city officials to be fair, saying that low-paid union employees were being singled out.

SPINCYCLE

GUIDE TO POLITICS AND POLITICIANS

Familiars toss hats into AFCSME ring



Dan Janison

dan.janison@newsday.com

In the wake of what some call organized labor's "Wisconsin Waterloo," delegates of the 1.6 million-member American Federation of State, County and Municipal Employees gather next week in Los Angeles to elect their first new president in 31 years.

The national rivalry to succeed veteran incumbent **Gerald McEntee** — who announced his coming retirement in November — has more than a bit of New York flavor. **Danny Donohue**, former Long Islander and head of the state's Civil Service Employees Association, opposes AFSCME secretary-treasurer **Lee Saunders**, who for four years administered New York City's sprawling municipal labor group, District Council 37, to end a period of scandal in the late 1990s.

Saunders edged Donohue for that secretary-treasurer slot at the union's convention nearly two years ago.

It remains to be seen whether fallout from the failed effort to recall Republican Gov. **Scott Walker** will have any bearing on the outcome. From New York, Donohue counts on a sweeping **CSEA** constituency; D.C. 37's executive director **Lillian Roberts** backs Saunders, although within



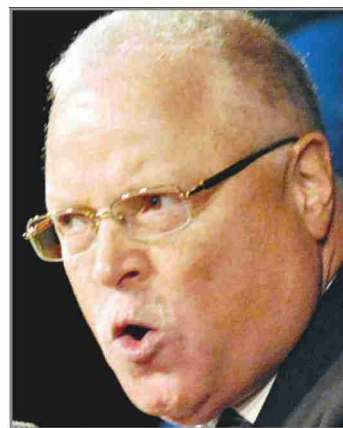
Danny Donohue, head of the state's Civil Service Employees Association, is opposing AFSCME's Lee Saunders, right.

her organization, **Santos Crespo Jr.**, president of Local 372, supports Donohue.

BORDER BUDDIES: Rep. **Joseph Crowley** (D-Woodside), the Queens Democratic chairman, last week helped drum up donors for Nassau District Attorney **Kathleen Rice's** fundraiser tonight at the Seawane Country Club in Hewlett Harbor.

In an emailed missive Crowley states: "Queens and Nassau share more than a border. We share many common challenges and we are bonded by many shared values and family stories. I've grown to know Kathleen as someone of exceptional integrity, independence, and fairness."

"Friends of Kathleen Rice" offers a "Tournament Sponsor"

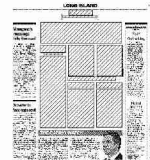


AP FILE PHOTOS

title for \$25,000 at the top of the contribution scale. It's \$250 for just cocktails and dinner.

REEFER RIFFS: State Senate Majority Leader **Dean Skelos** (R-Rockville Centre) earned mention on Comedy Central's "Daily Show" Thursday after he said of Gov. **Andrew M. Cuomo's** pot-possession proposal: "Being able to just walk around with 10 joints in each ear and it only being a violation, I think that's wrong."

A Cuomo spokesman quipped that this "would require some set of ears." **Jon Stewart** took the Skelos statement an absurd step further — displaying a doctored high-school photo of President **Barack Obama** with small bundles of marijuana cigarettes behind both prominent ears.



Commentary

What qualifies as 'abuse?'

This is going to be the first of two articles, as there's no way to address this adequately otherwise. What I'm addressing is the article in the OBSERVER on May 10 concerning New York state's efforts to combat abuse in its system for the care of the disabled.

The article is addressing the state's response to an article last year in The New York Times about abuse in the system, and how people are getting away with it and how management isn't addressing it, and implying it's a rampant and common event in the system as a whole.

This is, quite frankly, a complete and total fabrication, and an attempt to duplicate the attention of the scandal at Willow Brook Developmental Center years ago. Papers will do that when their sales are dropping so precipitously. Anyway, I read that New York Times article, and saw exactly one horrific case mentioned, that quite frankly shocked me, but again, just one case. Some of the other cases mentioned, I was directly involved with some years ago.

The one case and the employee mentioned by name to imply the state wasn't addressing abuse cases is totally misleading. That case went to arbitration and the employee was exonerated. Why? Quite simply, the state's case was bogus from day one, and the employee wasn't guilty.

How do I know that? I was the **CSEA** grievance representative who got all of that "evidence" thrown out, and along with it the state's entire case. Does he still work for the state? No, he does not.

What is abuse? I mean the legal definition, what is it? Do you know? I do, and let me explain some incidents of abuse as mentioned in this article. If you work with a client who deliberately spits in your face numerous times a day, I almost assure you

that at least once you just might let loose with a profanity. It's sort of a reflex when things like that happen often enough. And when you do, you have just committed "verbal abuse." One of the cases mentioned was of that sort of "abuse".

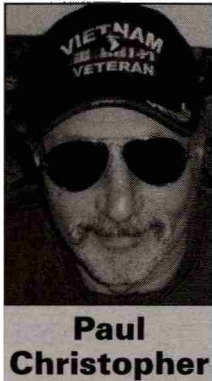
One time many years ago, I walked into a bathroom to see a large female client bending over a toilet. When I asked her what she was doing, she whirled around and stabbed at my face with a fork. I blocked it, and she stabbed me so hard that the fork was literally sticking out of my arm while I wrestled her to the floor.

In such tight quarters, I assure you my methods of restraining her were probably not legal. I also admit to letting loose at least a few profanities. A good stabbing will do that to you. I was later sent to an emergency room where I was given a shot of Gamma Globulin to prevent Hepatitis, a Tetanus shot and placed on a very strong antibiotic.

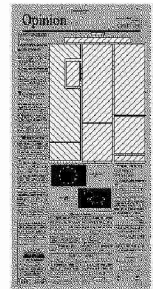
The next day my arm was as big around as my calf, and I couldn't close my hand for a week. Naturally, I missed a week of work as well, and I was also guilty of abuse. The state doesn't allow for bad profanity, even when you're being stabbed. They also don't allow for any variance of legal "holds" when disarming a client who might be trying to kill you.

I was passing medications one other time, and another staff was bringing clients to the half door of the office to receive them. While she was leaning over the door, another large client ran out of a bedroom across the way with a 3-foot piece of 2 by 4 raised over her head aiming for this staff person's head. I leaped halfway over the door, shoved the female staff out of the way, and simultaneously blocked the swinging 2 by 4 and managed to grab a fistful of the client's hair to pull her over the door at the same time. If she'd hit that staff she'd have caved her skull in, probably killing her. But, technically, once again, I was guilty of abuse.

In a day room on another "living unit" or ward, the sound of glass breaking filled the air. As I ran down the hall, I could see two other staff rushing clients to one side



Paul Christopher



of the "day room." As I entered the day room, I saw a client holding a pointed piece of glass about 2 feet long running toward the other clients and staff. I jumped in between and when the client aimed for me, was able to kick the piece of glass out of her hand, and then place her in a legal "wrap up". Kicking the glass out of her hand was legally "abuse".

In the article in the OBSERVER, the headline tells of the state seeking to fire more than 200 employees. I'd bet at least some of them ought to be. I'd also bet lots of others were good people placed in bad situations with little or no time to plan for any kind of response. I'd also like to point out that 200 people is quite a bit less than 1 percent of the employees in that agency. So, because a very, very few cases seem to have been mishandled, at least according to the New York Times article that started all of this, we're going to spend \$50,000,000 on a whole new state agency, with a whole new set of employees with an absolute need to justify their existence and their jobs, armed with an apparently new one-size-fits-all definition of abuse?

Let me make a prediction; they'll find work for themselves. That work will become so extensive, that agency will grow. No politician will dare to interfere or to argue its existence for fear of being accused of not caring for the disabled", or for "being favor of abuse" or for catering to the unions.

Unfortunately, nobody will dare to make those same accusations, or similar accusations relative to politicians bowing to the power, votes and negative publicity generated by the industry associated with the care of the disabled. Part of that is to deny clients like those I mentioned above even exist.

They do, lots of them. And, I hate to say this, but it's getting worse as the staffing is going down. I am speaking of course about the staffing of the group homes and such by the people who actually work with clients firsthand, not the over abundance of pencil pushers which all state agencies are burdened with.

Just last year, just in the Western New York DDSO, there were almost 450 employees injured. Over 250 of them were off work for various lengths of time, totally over 5,000 workdays. All clients are not the smiling kindly folks one sees on television. The people who work with the other

kinds are in constant danger of assault, and even sexual abuse.

One well-documented case involved a client from a West Seneca group home stabbing a neighbor in the forehead after he left his home and started rummaging through cars. There are also court documents to support a client almost raping a staff some years back. Where are those clients now?

The Developmental Center is closed, so I guess they might be living next door to you. But, back to the staff and dealing with individuals like this, if any staff were to do one thing wrong, use one hold not perfectly applied, or even raised their voice during an attack, they would be guilty of abuse; that is not conjecture, it's fact.

More to follow.

*Paul Christopher is a Dunkirk resident.
Send comments to editorial@observertoday.com*

State saving plan delayed

Five-year blueprint for cutting jobs and costs, due on June 1, is still being fine-tuned

By James M. Odatto

ALBANY — A state commission looking to cut costs of government envisions lopping 760 positions and saving \$178 million in the next five years.

But how this will be done is in a state report that has been delayed by fine-tuning.

The Spending and Government Efficiency Commission, known as SAGE, charged by Gov. Andrew Cuomo with making state government more accountable and efficient, was expected to release its report by June 1, when SAGE was set to expire.

Unions in particular had been concerned about the impact of the commission's recommendations, but because of the delay any substantial changes that would require legislative action are likely to be easy on unions this election year.

"We have not heard a peep about it," said Sherry Holbrook, a spokeswoman for the Public Employees Federation. "It's possible the governor got everything that he wanted in the budget, but we of-

ten don't hear about anything until the last minute."

In private briefings with union representatives, including from PEF, Cuomo's aides said that some streamlining plans already approved by lawmakers are still months from being finished. The plans are heavy on combining information technology and human resources operations that will save money and, also, jobs.

However, when the final report will be released is unclear, and those who were briefed were told to expect another up-

Please see **SAGE A8** ▶

date later this month.

The commission got an extension from the governor to keep working, according to one member, Sen. Liz Krueger, D-Manhattan. The thinking of the Cuomo administration, she said, is: "Why not give the commission a few more weeks? It's not like there is any . . . bill that has to move ASAP." She said she does not anticipate recommendations that would require legislation before the end of this session, which is set to conclude June 21.

SAGE panelists, now led by Lt. Gov. Robert Duffy, have met about 20 times. Some momentum was lost when former Chairman Paul Francis, the governor's director of agency redesign and efficiency, became ill. Spokesmen for the governor said they could not say when the report will be made public.

In a report on Dec. 15, SAGE called for merging the Thruway and Bridge authorities and combining the Department of Transportation's leadership with those authorities, a matter still under review.

It also called for strategic sourcing, real estate restructuring, tightening business services, energy efficiencies and sharing resources, such as computer servers.

The report envisioned eliminating 760 jobs — none this year, 309 next year, 207 in 2014, 139 in 2015 and 105 in 2016 — mostly through retirements and attrition. The cuts are estimated to save \$31 million

This story is available only in print.



in 2013, \$34 million in 2014, \$50 million in 2015 and \$63 million in 2016, a total of \$178 million.

Some initiatives called for in December by SAGE are under way, such as creating a human resources services unit at the Office of General Services to handle personnel matters for multiple agencies.

Others are still in the planning stage, such as setting up the Department of Taxation and Finance to handle debt collection for the Higher Education Service Corp.

Details from the final report are important, said Ken Brynien, PEF's president. One reason is that the state's current public employee contracts allow for layoffs based on SAGE consolidation initiatives.

"There's always apprehension," said Joseph Sano, executive director of the Organization of NYS Management/Confidential Employees, which advocates for its members before government agencies, the Legislature and the courts. He said his group has met with SAGE representatives several times.

Steve Madarasz, a spokesman for the Civil Service Employees Association, said CSEA doesn't anticipate any big changes in 2012 but "whenever you have a SAGE commission looking at consolidations and mergers we're going to have concerns."

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For Labor, a Fight to Lead Heats Up

Afscme Race Pits Candidates With Different Styles.

For the Winner, the Challenges Will Be the Same.

By STEVEN GREENHOUSE

The nation's largest union of state and local government workers — the American Federation of State, County and Municipal Employees — faces another important election this month, beyond last Tuesday's recall vote on Wisconsin's governor, Scott Walker, who retained his job despite the union's all-out effort to oust him.

Afscme's long-term future will also be profoundly shaped by the fierce fight to succeed Gerald W. McEntee, the union's colorful and influential president, who is retiring after 31 years. Union delegates will vote on June 21 to decide who will take the helm of the organization, which is the largest union of the A.F.L.-C.I.O. and one of the most politically active.

Whoever wins will have his work cut out for him. The union's membership — nearly 1.4 million last year — has fallen as many states and cities have laid off workers. Labor experts expect that Tuesday's election results in Wisconsin, San Diego and San Jose will embolden officials elsewhere to seek to curb collective bargaining and cut pensions for public sector employees. And the union, which worked hard to elect President Obama in 2008, is going up against far more Republican money in this year's presidential election.

Like the Wisconsin recall, in which Mr. Walker ran against his 2010 gubernatorial opponent, the Afscme election is a rematch, featuring the two men who vied in 2010 for the union's No. 2 position, secretary-treasurer.

Lee Saunders, who won that race by 3,000 votes out of the 1.3 million cast, is a longtime member of the union's Washington headquarters staff and is known for being quietly influential. As Mr. McEntee's right-hand man, he is closely associated with the union's recent successes and failures.

Challenging him is Danny Donohue, who for 18 years has headed the union's biggest local, the Civil Service Employees Association, which represents state and local workers in New York State. Feisty and at times acid-tongued, Mr.

Continued on Page 3

Donohue styles himself the candidate of change who would better represent rank-and-file workers.

"It's going to be a very close race," said Richard Hurd, a professor of labor relations at Cornell University. "They both have

strong support within the organization."

Many labor experts say the election is the most important and closely fought internal union battle since the mid-1990s. In 1995, John Sweeney narrowly edged out Thomas Donahue to win the A.F.L.-C.I.O. presidency. And in 1996, Ron Carey beat back James P. Hoffa's challenge for the helm of the 1.4-million-member Teamsters union, 52 to 48 percent (although Mr. Carey was ousted the following year in a campaign finance scandal and Mr. Hoffa later won the post).

In interviews and campaign materials, both Afscme candidates vowed to make the union stronger without offering many specific proposals.

Indeed, the race is less likely to be decided on issues than on the candidates' personalities and on whom they have befriended or offended over the years.

Mr. Donohue has gone on the offensive, calling Mr. Saunders a Beltway insider and a bureaucrat who does not listen enough to the members.

"When he was elected two years ago, he said, 'Make me secretary-treasurer, and I'll do things differently. I'll make things better,'" Mr. Donohue said in an interview. "Two years later, nothing really has changed. The people in our union want change."

Mr. Saunders, who joined the Afscme staff in 1978, first as a labor economist, insists he is the better candidate. "I have experience working for the national union," he said. "I understand Washington, and because I've been out there a lot, I also understand the issues confronting our members around the country."

Both candidates were dismayed by the Wisconsin results. Mr. Donohue said Mr. Walker's victory "was a punch at labor." Unions now "have to work closer

with the public" to solidify support and get their message across, he said.

Mr. Saunders, 60, also vowed to continue the battle to persuade voters about the union's cause. "We have to lick our wounds and get out of bed and continue the fight," he said. "Our folks are so angry and frustrated about being used as a scapegoat that they're going to continue to engage in this battle."

Mr. Donohue, 67, portrays himself as Mr. Rank-and-File, rising up from his beginnings as an attendant at a psychiatric hospital.

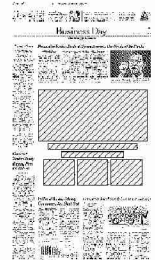
He said his main achievements included transforming the Civil Service Employees Association from a loose grouping of locals across New York into a powerful, closely knit union. He also takes credit for unionizing more than 25,000 child care workers after a former governor, Eliot Spitzer, gave the green light to organize them.

Henry Bayer, Mr. Donohue's campaign manager and head of Afscme's main Illinois affiliate, predicted that Mr. Donohue would win because he had picked up delegate support in Massachusetts, Florida and Wisconsin that he did not have two years ago.

"Danny has been laboring in the vineyards for over 30 years, while Lee has been sipping wine in Washington for 30 years," Mr. Bayer said.

Mr. Saunders, who is mild-mannered and diplomatic — some supporters say too much so — grows angry at the Donohue camp's belittling of him as a Washington insider.

He said he had worked in Ohio's Bureau of Employment Services for three years before joining Afscme's staff. "I spend more than half my time outside Washington," he said. "I've been in Wisconsin constantly for the past year. I was in Ohio repeated-



ly, listening to members, knocking on doors, participating with members in the fight to repeal S.B. 5.”

That 2011 law, backed by Gov. John Kasich of Ohio, stripped government workers of their ability to bargain collectively. Organized labor, led by Afsfme, engineered a successful referendum last November to repeal the law — a very different result from Tuesday’s Wisconsin vote.

“Danny didn’t set foot in Ohio for that fight, and he only went to Wisconsin to campaign for the presidency,” Mr. Saunders said. “You have to have a leader who leads from Day 1, and I’ve been there since Day 1.”

Mr. Saunders exudes confidence that he will win, noting that he has picked up support from delegates representing an additional 60,000 members in California and 20,000 in New York City.

There is no question that the two candidates have different styles.

When a former New York governor, David Paterson, was threatening furloughs and health care cuts, Mr. Donohue called his administration “incompetent” and said Mr. Paterson needed “a good psychiatrist.”

“My members didn’t hire me to be nice to governors,” Mr. Donohue said in an interview. “We want government to work, but we don’t want to do it on our knees. If you treat my members right, with dignity and respect, then you’ll have no problems with me.”

One Saunders supporter, Ray Markey, the longtime head of a New York librarians’ local, took to Facebook to hammer Mr. Donohue for negotiating a contract for state workers that included a three-year freeze on base pay, higher health insurance payments and furloughs.

“Afsfme cannot afford to have Danny do to the rest of the country what he has done in New York,” he said.

Mr. Donohue said many labor leaders had had to accept concessions in recent years.

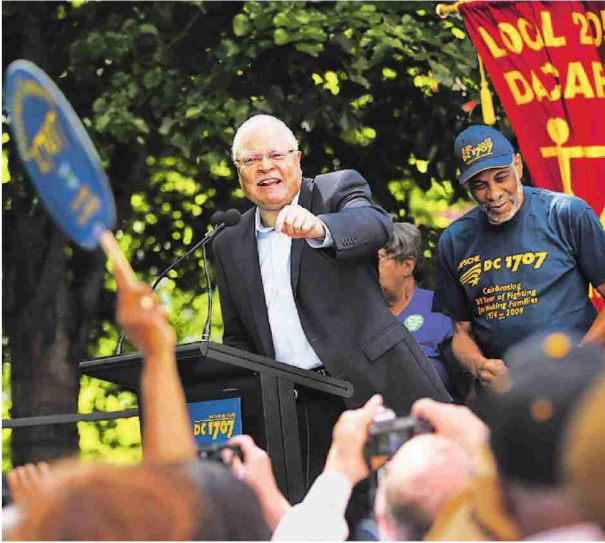
He has repeatedly attacked Mr. Saunders and Mr. McEntee for “checkbook unionism,” saying they have spent too much on national races, including the \$90 million that Mr. McEntee said the union spent in the 2010 campaign. Mr. Donohue has suggested he would cut back Afsfme’s national political ambitions to make the union more effective in state and local elections.

Mr. Saunders accused Mr. Donohue of spreading misinformation. “Sixty-five percent of our political budget goes into state and local battlegrounds,” he said. He also noted that Mr. Donohue sat on the union’s executive board for two decades without objecting to Afsfme’s political spending.

Mr. Saunders said he had fought important battles alongside Mr. McEntee, including the effort to block President George W. Bush’s attempt to partly privatize Social Security and last year’s moves by Ohio and Florida lawmakers to curb collective bargaining. He said he also helped set up Afsfme’s Next Wave program to train and mobilize younger union members.

In a nod to the Wisconsin results, he said, “We have to build a Main Street movement and develop and rebuild our relations with others, inside and outside labor. We can’t take on all these fights by ourselves.”

Vying to be a champion for unions at a critical time.



MICHAEL APPLETON FOR THE NEW YORK TIMES



NATHANIEL BROOKS FOR THE NEW YORK TIMES

Lee Saunders, above, at a rally, is secretary-treasurer of Afsfme and is again facing the man he defeated for that job, Danny Donohue, above right.



MICHAEL APPLETON FOR THE NEW YORK TIMES

Lee Saunders said his Washington experience would help him at the helm of Afsfme.



NATHANIEL BROOKS FOR THE NEW YORK TIMES

Danny Donohue, head of the Civil Service Employees Association, said being close to the rank and file would help him lead.

Long Beach, union deal saves 38 jobs

■ **Union givebacks include one-year wage freeze**

■ **Cuts had been needed to balance 2012-13 budget**

BY PATRICK WHITTLE
patrick.whittle@newsday.com

Nearly two-thirds of Long Beach workers laid off last month will get their jobs back because of givebacks agreed to by a city employee union Friday, officials said.

The cash-strapped city shed 63 workers — including blue- and white-collar employees and fire department staff — during two rounds of layoffs in May. The job cuts were necessary for the city to make budget for 2012-13, officials said at the time.

But the Civil Service Employees Association unit Friday approved a concession package

that saves 38 workers' jobs — the number of employees shed in the second round of layoffs. The union approved the concessions — which include a one-year wage freeze — by a 195-22 vote, union and city officials said.

"We came together, and worked together, on an agreement that worked for the city," City Manager Jack Schnirman said.

The union givebacks include a one-year wage freeze, delayed wages because of two years of "lagged payroll," and an end to "uniform pay," which provides some employees money for uniforms, city officials said.

Workers will also receive compensatory time off, instead of money, for overtime hours worked for the next two years, officials said.

The agreement also includes a clause that guarantees no further layoffs for two years, officials said.

CSEA unit president John Mooney said negotiations with the city were "contentious at times," but the union was able to broker a deal.

"The CSEA stepped to the plate to help the city in the fiscal crisis, and to save jobs," Mooney said.

The city also laid off 42 non-union part-timers in May, and will be able to retain "the majority" of them by instead cutting back hours, Schnirman said.

Long Beach officials spent the last several months wrangling with a projected \$10.25 million budget deficit this fiscal year, which ends June 30. The city passed a balanced \$88 million budget on May 22 that includes a plan to pay down the deficit over 10 years.

The budget included a 7.9 percent tax increase, the institution of a lag payroll, demotions and early retirements, and a host of other savings.



Cuomo Ally in Fighting Unions Got Labor's Financial Support

By NICHOLAS CONFESSORE

Backed with millions of dollars in contributions from business, the Committee to Save New York has been Gov. Andrew M. Cuomo's most important ally in his battles with public-sector unions over government spending, pensions and teacher accountability.

But the committee turns out to have another source of money: a group of building trade unions who contributed \$500,000 last year. Their decision to back Mr. Cuomo — and help finance an offensive against their public-sector brethren — illuminates a deepening fissure in the labor movement.

Labor officials said the union contributions to the business group in 2011, which were revealed in records filed with the federal Labor Department and interviews with people familiar with the donations, reflected workers' deep unease about a

slowdown in the construction industry in New York and their hope that Mr. Cuomo and the business committee could persuade voters and lawmakers to support publicly financed building projects and encourage growth.

But the unions' aid to the business coalition also shows how battles over government spending, especially at the state level, have deepened longstanding tensions in the labor movement between union members employed by government and those employed by private business.

Public unions are the focus of intense attacks from Republicans, including the wealthy conservative donors whose millions of dollars helped Gov. Scott Walker defeat a labor-backed recall effort in Wisconsin this week. But as states struggle with declining

Continued on Page A24



tax revenues, and as gridlock in Washington leaves little prospect for additional federal aid to states, the alliance among Mr. Cuomo, the Committee to Save New York and the private unions reflects a new level of complexity to labor's plight. Even as unions face off against Republican opponents, they are also often at war with a prominent Democratic governor, who has conquered Albany in part by dividing labor in the country's most unionized state.

"I think that any efforts to split the labor movement, whether it's Democrats or Republicans, are unwelcome and not helpful to long-run stability in the state," said Michael Podhorzer, the political director for the A.F.L.-C.I.O. "I think that 'exploit' is the right word," he added. "You could see in the Walker recall that the labor movement remained very unified."

The unions contributing to the Committee to Save New York included the Mason Tenders' District Council, which oversees local laborers' unions in New York City, as well as affiliates of the Laborers Eastern Region, an organization of laborers unions in New York City, New Jersey and Delaware. Gary LaBarbera, president of the Building and Construction Trades Council of Greater New York, sits on the committee's advisory board.

The council joined "because we believed it was important to support the governor's agenda of bringing fiscal responsibility to New York and attracting private investment and job creation to our state," said Paul Fernandes, a spokesman for Mr. LaBarbera.

"It should come as no surprise," he continued, "that we would want to work with other civic and business leaders to support efforts to get our state on sound fiscal and economic footing."

One labor official, who spoke on the condition of anonymity to discuss the unions' decision, said that unlike public workers, union members in the building trades — electricians, construction

workers and plumbers — could not qualify for benefits unless there was private sector work to be had.

"We don't have pension funds if our members are not working," the official said. "We don't have health insurance if our workers are not working."

The construction unions are closely aligned with the real estate industry, which is a major source of donations for the committee and Mr. Cuomo. The committee, which raised \$17 million last year, also received \$2.4 million from gambling interests, including Genting, a company seeking to build a major casino in New York.

"Our leadership has had long relationships with building trades for many, many years," said Michael McKeon, a spokesman for the committee. "And that is fully consistent with the mission of the Committee to Save New York."

Mr. Cuomo's ties to the laborers' union are deep. Maggie Moran, while working as a top official at the regional union, was a senior adviser to his 2010 campaign. She remained an executive at the laborers' union until January, during the period when the unions made their contributions to the Committee to Save New York. Ms. Moran declined to comment on Thursday.

While some unions, including the Civil Service Employees Association, withheld their endorsement of Mr. Cuomo, the Mason Tenders and other trade unions delivered foot soldiers on Election Day. When Mr. Cuomo gave his victory speech on Election Day in 2010, he thanked Ms. Moran and the laborers by name.

Mr. Cuomo has adopted a tough posture, rhetorically and legislatively, toward unions, but has also sought to work with them. Unlike Mr. Walker, in Wisconsin, Mr. Cuomo did not seek to strip public unions of their collective bargaining rights.

"Our philosophy is that it's not a question of labor or business interests," said Richard Bamberg-

er, a Cuomo spokesman. "It's both or neither."

Last summer, Mr. Cuomo demanded that New York's public sector unions, including the largest, the Civil Service Employees Association, accept major wage and benefit concessions as part of a deal to rein in state spending, and he warned of sweeping layoffs if they refused.

In February, Mr. Cuomo used the threat of his emergency budget power to force teachers' unions to accept a more rigorous system of classroom evaluations. And in March, backed by millions of dollars in advertising from the Committee to Save New York, Mr. Cuomo persuaded lawmakers to cut pensions for future public employees in New York City and across the state, prompting unhappy unions to boycott an annual conference of black and Latino lawmakers.

A person with knowledge of the committee's deliberations said Mr. LaBarbera had sought to scale back more aggressive advertising attacks that had been under consideration.

Even as Mr. Cuomo and the committee pushed for concessions from public sector unions, they have promoted public works proposals that would benefit members of the construction unions, including significant spending on economic development and infrastructure projects.

In March, Mr. Cuomo announced an agreement on the centerpiece of his jobs program: the New York Works Task Force, with a mandate to raise and invest billions of dollars to rebuild the state's roads, bridges and parks, and create tens of thousands of jobs. Both union leaders and the Committee to Save New York praised the infrastructure spending.

"It's worked," Mr. McKeon said of the committee's efforts. "The New York Works program is a success."

SOURCE: AP State Online New York

DATE: 06-08-2012

HEADLINE: Rift over political spending divides huge AFSCME

Source Website

By SAM HANANEL Associated Press

The Associated Press

WASHINGTON

A heated battle is taking place inside a giant U.S. public employees' union following its crushing failure this week to oust Wisconsin Gov. Scott Walker _ organized labor's biggest political loss in decades.

At stake is the direction of the 1.3-million-member American Federation of State, County and Municipal Employees after 31 years under retiring president Gerald McEntee. He's been known for his zeal to build and maintain AFSCME's clout as a leading liberal voice and political kingmaker in the Democratic Party.

A major question is whether that should continue.

Fresh off losses in the Wisconsin recall election and in California municipal referendums rolling back public employee pension and health benefits, the union will pick a successor to the 77-year-old McEntee in two weeks.

The race is shaping up as a broader debate on whether AFSCME should become more prudent in doling out cash to Democratic causes and candidates and perhaps make itself less a lightning rod for attacks from conservatives.

The union's No. 2 official, secretary-treasurer and McEntee protege Lee Saunders, faces a strong challenge from Danny Donohue, the union's leader in New York state. Donohue questions whether the union's free-spending ways in the political arena have been effective given the pounding public employees are taking around the country.

Delegates will select their new leader June 20 at the union's convention in Los Angeles.

AFSCME has pledged to spend about \$100 million this election cycle _ more than any other union _ to help re-elect President Barack Obama and boost other labor-friendly candidates at the federal, state and local levels. AFSCME was the biggest overall spender in the 2010 midterm elections, pouring about \$93 million into races around the country.

Donohue criticizes McEntee's approach as "checkbook unionism," saying the union has been too Washington-focused and has lost sight of the issues facing members locally.

"We seem to be trying to throw money at problems," Donohue said in an interview. "Instead of writing a check, how do we galvanize our members?"

"It's just not about the Senate and the House. It's about the governor races, the county races, who's going to be mayor in some cities. Our enemies ... didn't start in Washington, they started at the school board and county level," he said

The union has been hit hard in recent years, losing about 10 percent of its members since 2009, according to public filings and internal documents reviewed by The Associated Press.

AFSCME claims it has 1.6 million members, but a spokesman says that includes retirees. Its most recent annual report with the U.S. Department of Labor says it had about 1,423,000 active members in 2011. That number has dropped to about 1,315,000 as of February, documents show.

Saunders defends the McEntee era and says accusations the union is too focused on national politics are wrong. He said about 65 percent of the union's political budget goes to local battles.

"I think we've got to recognize that we have one of the best political and legislative operations in the country and I think we've done a lot of things that are right," Saunders said in an interview.

Donohue claims the union doesn't share enough information with members about how their political money is spent.

Some labor leaders were scratching their heads, for example, when AFSCME spent \$1 million in January to buy TV ads in Florida criticizing Mitt Romney ahead of the state's GOP presidential primary. They questioned whether that was the best use of the union's money in a year when collective bargaining seemed under attack in more than a dozen state legislatures around the country.

"Rather than just dumping it all on the primary fight with Romney, we could have spent half of it mobilizing our members," Donohue said.

Saunders said the Florida ad buy linking Romney to a culture of "corporate greed" during his time running the private-equity firm Bain Capital was effective in "softening up" the presumptive GOP nominee. He pointed out that Obama's re-election campaign is now going after Romney on the same issue.

McEntee, who has strongly endorsed Saunders, defends his own tenure as having built the strongest grass-roots operation in American labor.

"We worked our hearts out on the 2010 elections," McEntee said when asked if the union could have done more to prepare for the onslaught of anti-union measures in Wisconsin and other states. "Anyone who indulges in Monday morning quarterbacking on the 2010 elections is delusional."

And Saunders says he never heard Donohue complain about AFSCME's political strategy until he recently made it an issue in his bid for the union presidency.

Donohue has also criticized what he considers exorbitant spending and lavish salaries for the union's top leaders. McEntee earned a base salary of \$387,671 in 2011. Donohue has pledged to slash that by \$100,000 if he wins. Donohue currently earns about \$200,000. Saunders' salary is \$310,137.

The election is a rematch between the two candidates. Saunders narrowly defeated Donohue in a 2010 race to become secretary-treasurer. Before that, Saunders was McEntee's executive assistant in charge of running the union's political operation. He began his career with AFSCME in 1978 as a labor economist.

Donohue has been president of the New York State *Civil Service Employees Association* since 1994 and has been with the union since 1975.

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Follow Sam Hananel's labor coverage on Twitter at <http://twitter.com/SamHananelAP>

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Highlights: Civil Service, Employees Association

A wake-up call from Wisconsin

But message from recall vote of Scott Walker is subject to ideological interpretation

By Rick Karlin

ALBANY — Those on both sides of the Wisconsin battle that ended on Tuesday agree on one thing: The result, in which the Badger State's Republican Gov. Scott Walker beat back a recall vote, was a wake-up call likely to resound in New York.

But the definition of a wake-up call can vary, according to New Yorkers who followed the fight. How the effects will play out in New York isn't yet known.

A day after the results were reported, conservatives in New York hailed Walker's victory as a sign that public sector unions aren't omnipotent. And they said the outcome should be a green light for New York lawmakers to get more aggressive with public employees when it comes to reining in spending.

"States like Wisconsin are now far ahead of New York in doing what is necessary to attract and grow jobs in the coming years," said Carla Kerr, a spokeswoman for New Yorkers for Growth, a political action committee created by Empire State conservatives.

"If Governor Cuomo and the state Legislature don't forcefully challenge the unions in New York or enact meaningful mandate relief, municipalities across New York are going to go bankrupt," she said.

Unions, though, which had launched the recall

effort against Walker, said the vote was evidence that money can buy elections, and they renewed their call for campaign finance reform.

"It certainly is a very sad commentary on the role of money in undermining democracy," said Stephen Madarasz, spokesman for the Civil Service Employees Association, which, like other unions in New York, sent volunteers to Wisconsin to support the recall effort.

Tuesday's vote ended a drama that started last year when the newly elected Walker, spurred on by an active tea party movement and supported by a Republican legislature, took on most of the state's powerful public sector unions.

Citing a looming \$3.6 billion deficit, Walker forced public employees, including teachers and state workers, to

Please see **WALKER AS ►**

pay more for their retirement and health benefits. And he eliminated many bargaining rights for public employees. As Wisconsin unions and Democrats launched the recall effort, public employee unions nationwide demonstrated against Walker to show their support.

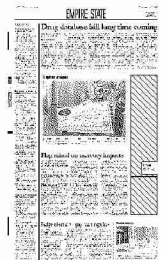
CSEA, New York State United Teachers and other New York unions sent volunteers earlier in the month to Wisconsin to help get out the vote for the recall.

The precise reason Walker repelled the recall by a 53-46 percent margin will be debated for a while. A generally poor economy in which voters may have been envious of the steady raises and benefits given to public employees may be one reason. Walker also took credit for a slight decrease in property taxes this year, which he said was the result of his tough stance with unions.

There may also have been a split between public and private sector unions. An Edison Research poll, for example, showed 38 percent of union household voters supporting Walker.

New York politicians from each party put their own spin on the Wisconsin vote results.

The divide was seen in contrasting statements by Democratic and



Republican Assembly members on Wednesday.

“Last night’s result from Wisconsin confirms our worst fears: that our elections are becoming auctions,” Queens Democratic Assemblyman Rory Lancman said in a statement. Lancman, who is running for Congress and has been a close union ally, said that half of Walker’s funding came from outside of Wisconsin.

Michael Fitzpatrick, a Long Island Republican, said New York will likely have to take similar steps, given the state’s high property taxes and rising public sector pension and benefit costs.

“I believe we will have our Wisconsin moment as well,” said Fitzpatrick. “We have only nibbled around the mandate issue.”

With just two weeks left in this year’s legislative session, though, it’s unlikely that there will be a “Wisconsin moment” this year, or at least until next fall. And Gov. Andrew Cuomo, who extracted concessions from major state workers unions last year, has never suggested he wants to void their collective bargaining rights.

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Not so fast on GPS for h'way fleet

Contract approval postponed after union protest

BY MICHAEL WHITE | EDITOR

The head of Riverhead Town's employee union called on the Town Board to rethink signing a \$20,000 per year, three-year deal for a GPS monitoring service for town highway department vehicles.

The town Civil Service Employees Association president even threatened litigation should the town move forward with the measure.

He called the GPS units "just another waste of money" at Tuesday's Town Board meeting.

"It's not like our town line goes from the ocean to the Sound, like in Brookhaven where there's three different unions because it's so large," Mr. Hattorff said. "We're talking not only 30 [highway department employees]. At best half the 62 trucks would be out on the road at any one time."

The board later agreed to table the resolution, which would have approved a contract with Deer Park-based Vehicle Tracking Solutions. Mr. Hattorff said he didn't get a chance to look at the proposal but would like to.

The town put out a request for bids on the units in February.

Riverhead Supervisor Sean Walter said after the meeting that his vote to put off the measure for another day had more to do with rethinking how the department is spend-

ing its money — this came on a day \$740,000 was moved from highway district reserves — and less to do with the threat of a lawsuit by the CSEA, which represents most non-police employees in the town.

"This is \$20,000 a year," he said. "This is one drainage project not getting done or one road not getting paved. The highway super has to manage his budget the best he can but the buck still stops with the supervisor as the financial officer."

He said a lawsuit wouldn't have any merit.

"These are town vehicles, the town has the right to put GPS on them," Mr. Walter said. "The real question that I have is, who is the person that's going to monitor this GPS every day, to make sure these folks are doing what they're supposed to be doing?"

Like most of the Town Board members, Mr. Walter said he liked the idea. "But Matt Hattorff has a point," he added. "It's not a huge town. Foreman I would think should know where their people are."

Councilman George Gabrielsen requested the measure be tabled so Town Board members could look at the other four bids. The resolution stated that only the highway superintendent,

GPS | PAGE 32

town information technology personnel and the town attorney's office had evaluated the bids.

Councilpeople Jodi Giglio, Jim Wooten and John Dunleavy all spoke highly of the idea, though only Mr. Wooten — the Town Board liaison to the highway department — voted against tabling it.

"I can buy the big brother argument, but the employees work for the taxpayers and the taxpayers have a right for the best and most efficient workers," Mr. Wooten said.

Highway superintendent George "Gio" Woodson, who's been pushing for the GPS units, said the "big thing here is accountability and safety."

"When people in Riverhead call up and want to know when we're going to get things done, [the GPS units] will allow us to give them an accurate answer," he added. "If you're doing your job you'll



have nothing to worry about.”

Ms. Giglio, who had helped answer phones at the highway department during a blizzard in 2010, said phone calls were streaming in to the department during the storm.

Some of the phone calls, she said, involved emergencies, with people needing access to roadways or ambulances.

“One woman was having a baby and another concerned someone in a medical emergency,” she said of people calling about the roads. “The phone did not stop ringing.”

She also said radios are not an effective way of tracking the drivers.

Proponents of the plan have stressed it could also help locate a town driver in distress.

“This is a public service, a safety issue for our public and for the highway employees,” Mr. Dunleavy said. “It’s safety for them too. It’s better for the taxpayer in the town that we know where these trucks are.”

“It’s a waste of taxpayer dollars and you’re the board that’s going to approve it,” Mr. Hattorff said.

“I take full responsibility for this, don’t worry about it,” Mr. Woodson responded. “I’m that type of guy.”

“To anyone who thinks this is a small town, go take a ride,” he also said. “A real ride around town from Laurel to Wading River. We are short-handed; we’ve been talking about that for years. My crew leaders, my foreman, they’re out doing smaller jobs.”

“This is all about making the highway department better, that’s my thing,” Mr. Woodson added.



CSEA Union Bigs Say County Fat Cats Won't Share the Pain

Vanderhoef and friends more interested in saving cronies' jobs than balancing the budget, CSEA claims. Union also says Carlucci fiddles while Rome burns

CSEA STATEMENT TO MEDIA

Leaders of CSEA, the Union representing the majority of unionized County of Rockland employees, on Wednesday offered the following statement in response to the 150 layoffs anticipated in the county workforce:

"It's bad enough that people are being laid off through no fault of their own, but it adds insult to injury to see that county department heads are sparing political appointees and other friends while making almost all of their cuts in the unionized workforce," said CSEA Southern Region President Billy Riccaldo. "Once again, the little guy suffers while the higher

ups are spared. Not only is it unfair, this approach is simply illogical when it comes to the proper functioning of county departments. If our county departments are to be run properly from now on, the layoff list must be revised."

"What's particularly outrageous is that Department of Mental Health Commissioner MaryAnn Walsh-Tozer is retaliating against CSEA members in her department by targeting for layoff certain case management workers who have been outspoken at county budget hearings," Riccaldo continued. "Mental Health is actually a revenue source for the county, but the workers who bring in that revenue are being punished because they vigorously defended the services they provide while highlighting Commissioner Walsh-Tozer's mismanagement of their department. It's disgusting that department heads that have played a large part in the county's budget problems remain untouched when the people actually serving the residents of this county may lose their jobs."

"We have fought layoffs every step of the way because Rockland truly cannot afford to lose additional county services, but we were told by County Executive Scott Vanderhoef that if any layoffs occurred they would be done fairly and across-the-board," said CSEA Rockland County Unit President P.T. Thomas. "That promise has been broken. By cutting workers who are responsible for collecting so much revenue, these layoffs will actually worsen the county's financial situation. The commissioners should be ashamed of the disrespectful treatment they've afforded the rank-and-file county workforce. If the county must proceed with cuts, the burden of layoffs cannot be exclusively on the union workforce."

"It's important to remember that had Senator David Carlucci been upfront about his opposition to Rockland's need for home rule legislation in Albany instead of dancing around the issue for months, there would have been more time to come up with alternate budgetary solutions," Thomas added.



Watching Wisconsin

Battle in the Badger State over the governor's recall election draws interest from Empire State unions

By Rick Karlin

ALBANY — The recall election against Wisconsin Gov. Scott Walker is drawing attention from across the nation as voters in the Badger State go to the polls Tuesday to decide if he should stay or go.

For almost everyone who will cast a ballot, the results will be seen as an affirmation or denunciation of Walker's battle with Wisconsin's public employee unions.

In the final days before the vote, members of New York's unions have been knocking on doors in Wisconsin, supporting the effort to push Walker out of the state capitol in favor of Tom Barrett, the Democratic mayor of Milwaukee.

Armed with lists of union members and others who have signed the recall petition, volunteers from New York State United Teachers, the Civil Service Employees Association, SEIU 1199 and others have helped with the get-out-the-vote effort against Walker.

"We've had people in and out of there over the last month," said CSEA spokesman Stephen Madarasz, adding that like NYSUT, they also have volunteers operating phone banks from New York to remind likely anti-Walker voters that Tuesday is Election Day.

Why the interest?

Union supporters fear that if Walker survives a recall, other governors, maybe even New York's Andrew Cuomo, could see it as a green light to get even tougher on hard-pressed public sector unions.

If Walker is turned out of office, however, it could serve as a warning that unions remain a potent political force that elected officials should

think twice about targeting.

"It is an important test for labor. If they can remove him from office it might send a signal to other governors: Watch out," said Doug Muzzio, a Baruch College professor. "Wisconsin is both a real place and a metaphor."

While the precise number of New Yorkers in Wisconsin was hard to come by, most of those queried said they have been sending volunteers for more than a week.

"We're part of a massive ground campaign," NYSUT spokesman Carl Korn said on Monday, as he prepared to go door-to-door in Racine, an industrial town along the shore of Lake Michigan.

About 45 teachers union officials from around the nation were canvassing, along with seven from NYSUT. CSEA has a half-dozen on the ground; it has had several dozen over the last month, said Madarasz.

"We have a number of affiliates who are mobilizing," added Ryan Delgado, AFL-CIO's public policy director.

The Public Employees Federation, though, hasn't sent people to Wisconsin. The union is focusing its efforts in New York to pass a law that would force the state to conduct detailed cost-benefit analyses of private contractors hired by state agencies.

Walker has been one of the year's dominant national stories on the labor front.

After taking office in 2011, he drew the ire of organized labor when he sharply cut the collective bargaining power of public employee unions. With support from the GOP-controlled Legislature, he eliminated automatic dues col-

lection from public sector unions, as well as many of their bargaining rights over pay and benefits.

Public employees in Wisconsin now pay more to cover their pension and benefit costs.

Walker said it was necessary to get the state's finances under control; union leaders saw it as an attack.

"To our mind this was a glaring example of overreach by a governor and the spearhead of a national war on working people," Madarasz said. CSEA last year helped organize an Albany demonstration against Walker.

The latest polls indicate Walker had a single-digit lead over Barrett, although the gap has narrowed in recent days.

Walker clearly has the financial edge — raising \$31 million since he took office in January 2011, with heavy support coming from a variety of business groups and wealthy individuals such as the Koch brothers, who have funded conservative causes nationally.

Disclosure reports show that over the past five weeks alone, Walker has raised \$5.9 million.

And while the governor might not have the get-out-the-vote support offered by union members, he has spent some of his war chest hiring canvassers, according to national reports.

Barrett has brought in \$4.2 million, the bulk of it in the past five weeks.

While lawmakers and unions nationally are watching Wisconsin, Muzzio cautioned that the fallout either way from Tuesday's vote won't be immediate — or crystal clear — in New York.

Cuomo, a Democrat, "isn't Scott



Walker,” noted Muzzio.

Both governors have tangled with public sector unions, but Walker’s actions — fueled by support from the tea party movement and a one-party legislature — have made potentially lasting changes by hobbling union power in Wisconsin.

Rather than changing the rules of the game as Walker did, Cuo-

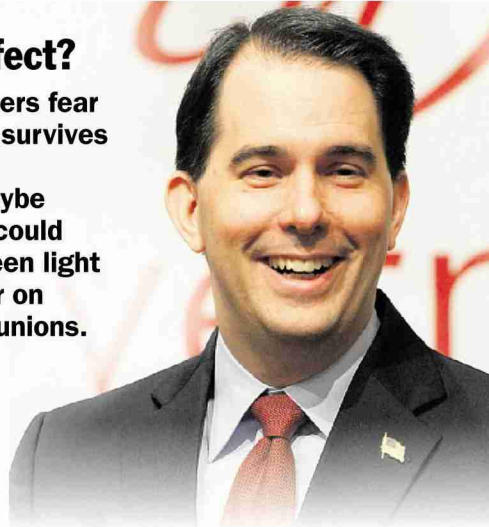
mo’s approach was simpler: He drove a hard bargain with public sector unions during last year’s contract talks, but didn’t legislate an end to their negotiating power.

Cuomo “didn’t create implacable enemies,” Muzzio said.

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Domino effect?

Union supporters fear that if Walker survives a recall, other governors, maybe even Cuomo, could see it as a green light to get tougher on public sector unions.



SETH PERLMAN/ASSOCIATED PRESS

GOV. SCOTT WALKER cut automatic dues collection from public sector unions and many bargaining rights over pay and benefits.

ROCKLAND

County layoff list drops from 150 to 80

Jobs cut to trim budget deficit

By **Laura Incalcaterra**

lincalca@lohud.com

NEW CITY — County Executive C. Scott Vanderhoef's latest layoff list shows that only about half as many positions would be eliminated as he had originally proposed, but 80 people could still lose their jobs.

The list details the posts that could be cut Tuesday when the Rockland Legislature convenes to consider measures meant to cut expenses.

The county is struggling to pay for operations through 2012 to address an overall budget deficit hovering around \$95 million, and to avoid a further downgrading of its credit, now just a notch above junk status.

Vanderhoef had originally proposed 150 layoffs and it is possible, if the county can't cut expenses further, additional cuts could be proposed.

Legislator Alden Wolfe, D-Suffern, said he had numerous questions regarding the updated list, including what actual savings the layoffs would bring and how departments would maintain services in the face of further staff reductions.

He also praised county employees for their efforts, saying they had stepped up and taken on additional workloads as staffing levels had shrunk. He said county government has no choice at this point but to consid-

er the layoffs.

"This is awful stuff," Wolfe said. "We're talking about people."

The updated list of positions to be abolished shows 78.5 posts, including three part-time jobs, with salaries totaling about \$6.2 million per year. The cuts would most likely go into effect as of July 31, so the savings would be about \$2.58 million for 2012.

The list shows job cuts in the departments of Health, Social Services, Parks, Law, Personnel, Highway, Mental Health, General Services, Hospitals, the Planning Department, the Sheriff's Office, the Office for the Aging, the Human Rights Commission, the Board of Elections and the County Executive's Office.

The cuts would include clerks, typists, public health educators, engineers, caseworkers, a park ranger, lawyers, planners and laborers.

The list is the same as one provided to legislators last week with three exceptions. It adds a Social Services Department investigator earning \$57,780 annually and it removes a Social Services homemaker earning \$38,000. It also removes an Office for the Aging senior typist earning \$43,572.

Vanderhoef's office also provided legislators with an updated list of 45 vacant positions to be abolished to cut about \$2.5 million.

That list added a Department of Health medical examiner job paying \$88,506 annually and removed a Highway Department mechanic's post and laborer's job, paying \$68,520 and \$49,068, respectively.

In a statement, CSEA Southern Region President Billy Riccaldo said political appointees and friends were being spared while rank-and-file union members were facing layoffs. The Civil Service Employees Association represents the largest number of county union workers.

"Once again, the little guy suffers while the higher-ups are spared," Riccaldo said. "Not only is it unfair, this approach is simply illogical when it comes to the proper functioning of county departments."

Meanwhile, some county workers desperate to hold on to their jobs called the County Executive's Office on Friday to inquire about taking pay cuts to help save some jobs, Vanderhoef's spokesman, Ron Levine, said.

"People have called our office and expressed an interest, 'How do we voluntarily do this?'" Levine said. "They hope to save some of their fellow workers and they're leaving their names."

Vanderhoef said Thursday that he would take a voluntary 5 percent pay cut of about \$7,700 to



“lead by example” and encourage others to take similar steps to help the county deal with its fiscal woes. He earns \$155,087 annually.

The pitch was made in part as a way of showing the CSEA that he was also making a sacrifice as the

county and the union continue to negotiate new contracts and concessions.

The 2012 adopted budget included \$40 million in revenue that hasn't materialized, including \$14 million from a failed effort to increase the county

portion of sales tax and \$17.8 million in union concessions that could include salary savings and furloughs.

Moody's cited the 2012 shortfall when it downgraded the county last month to Baa3, one level above junk status.

Unions rip raises for city chiefs

Police, fire staffs
lack contract

By Richard Liebson
rliebson@lohud.com

WHITE PLAINS — The city's public safety unions are crying foul over 2 percent raises received by department heads and deputies in the \$252.5 million budget that was adopted by the Common Council last month.

Both unions have been without a contract since June 2010, and in April the city declared an impasse in negotiations with both. Last year a four-year deal was reached with the Civil Service Employees Association that included no raises for the first fiscal year and 2 percent pay hikes in each of the next three years.

"It's a smack in the face to all police personnel," Police Benevolent Association President Robert Ri-

ley said of raises given to 21 officials, totaling \$111,243. "The city is asking that we take two years of zero percent, but is able to find funds for the commissioners."

Riley singled out the \$3,800 raise to Corporation Counsel John Callahan, whose annual salary rose to \$193,000.

"For the city to give a raise to a corporation counsel who can't even get a deal worked out with its unions and had the city file for impasse is a total disgrace," Riley said.

Callahan said department heads and deputies have gone two years without raises and are receiving the same percentage increase as CSEA employees are getting in the coming fiscal year.

The police and fire unions, he said, "were offered the same raise that the CSEA received and that appointed officials will be receiving, and they didn't accept the offer."

Joe Carrier, head of the

fire union, said that, "As a union, we feel that everyone is entitled to a raise — both the commissioners and city employees. But I have to question the timing of this, because we're down 20 firefighters and the city has declared an impasse in our contract negotiations.

"On a positive note," he said, "the fact that commissioners and deputies received raises is a good signal that maybe the city's fiscal situation is getting better. I would recommend that they come back to the bargaining table and try to negotiate rather than arbitrate."

Callahan said the city has suggested seven dates for the fire union to meet with a mediator and that each had been rejected. "The opportunity to negotiate continues," he said. "We're willing to sit down with the mediator and the union to try and resolve the contract issues, but the union has not been available."



To Guard Against Patient Abuse Assembly Speaker Wants Outsider Role on Disabled

By MARK TOOR

State Assembly Speaker Sheldon Silver said last week that he wants some changes in Governor Cuomo's bill to set up a Justice Center to prosecute state workers and contractors who abuse or neglect disabled patients.

Mr. Silver said the bill needs to provide for some independent organization, not just the state, to pursue such cases. "I think there has to be some way in which somebody can be heard other than an employee of the state of New York," he said May 21.

Investigate Abuse, Neglect

Mr. Cuomo has said his main priority for the remaining weeks of the legislative session is his plan for a new agency, the Justice Center for the Protection of People with Special Needs, which he said would investigate charges of abuse and neglect in group homes, mental-health centers and facilities for the developmentally disabled.

His bill also would create a hotline for abuse reports, set up a database of abusers who cannot be rehired, and increase penalties for mistreatment of vulnerable patients.

The State Senate passed the bill shortly after it was introduced, but Mr. Silver's statement indicated there might be trouble in the Assembly.

The Cuomo administration reacted defensively, with Deputy Health Secretary James Introne saying the bill has provisions for outside review. State officials said they were seeking

a nonprofit group to fulfill that role but gave no specifics.

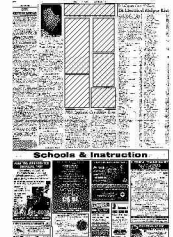
Michael Wyland, a spokesman for Mr. Silver, told the Albany Times Union that Assembly Democrats would need more details of whatever the administration works out with the selected nonprofit in order to determine whether it satisfies the need for outside review.

CSEA Denies Report

On the Justice Center issue, the Civil Service Employees Association denied a May 21 report in the New York Post that it was blocking the bill in hope of gaining concessions on health-insurance premiums for married couples who both work for the state.

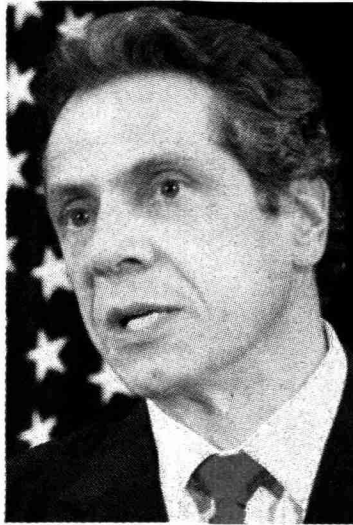
The paper quoted "a source close to the administration" as saying that reducing the premiums could cost the state \$6 million. "This is insane," the source purportedly said. "How f---king arrogant is that, they have the chutzpah to think the state would agree to that?"

CSEA's response: "Allegations floated by unnamed sources in the Cuomo administration published in this morning's Inside Albany column in the New York Post claiming that CSEA is attempting to undermine the proposed Justice Center legislation by tying it to unrelated issues are total fiction. Any claim that there is linkage is nonsense."





SHELDON SILVER: Seeks tweak in Cuomo plan.



GOVERNOR CUOMO: A health-premium issue?

Silver Presses Governor On Proposal For Disabled

By DANNY HAKIM

ALBANY — The State Assembly speaker, Sheldon Silver, believes that Gov. Andrew M. Cuomo's office should have a lesser role in a new state agency that the governor has proposed to police the abuse and neglect of people with disabilities.

In an interview on Wednesday, Mr. Silver said the proposed agency should have a degree of independence from the executive branch, which has long failed to adequately oversee problems within its own agencies that provide services to people with developmental disabilities and mental illnesses.

Mr. Silver also raised concerns about the proposal's respect for due process of workers accused of potential crimes, and whether there was adequate delineation in how the new agency would handle criminal offenses and other matters that require only a disciplinary response. He also rejected suggestions that his agenda was being driven by the Civil Service Employees Association, the union that represents the most state workers.

At the same time, Mr. Silver expressed confidence that the differences between the Assembly and the governor could be

bridged before the end of the legislative session on June 21.

"Our concern is that there should be a greater independence in the watchdog agency — putting watchdog in quotes — so that it is not merely a substitution of one government agency's judgment for another government agency's, and being subject to the same criticism of some of the issues being swept under the rug," Mr. Silver said, echoing concerns raised by some prominent advocates for disabled people.

Mr. Silver, who like the governor is a Democrat, praised Mr. Cuomo's effort to address the issue. "The governor laid out a proposal that I think we can work from," the speaker said. "There are some issues, and I think we want to make sure we do the best to protect vulnerable people."

When Mr. Silver first expressed concerns about the proposal two weeks ago, the governor's office responded angrily, suggesting that the speaker had not read the bill and linking his views to those of labor.

But on Thursday, the administration took a more moderate tone.

"We are always open to constructive suggestions from our Assembly and Senate colleagues and want to design the best system possible," said Josh Vlasto, a spokesman for Mr. Cuomo. "We understand the union's concerns with due process, and we respect those concerns. However, this legislation is about ensuring due process for vulnerable people who have been victimized for too long."

The governor's proposal would

create a new state agency — the Justice Center for the Protection of People With Special Needs — with prosecutorial powers, giving it authority concurrent with local district attorneys to bring cases against those who abuse people with disabilities. The administration says the new agency would provide vulnerable populations regulated by six existing state agencies with a dedicated force of investigators and prosecutors who can handle often-complicated cases involving victims who in many cases cannot speak.

Regarding union influence, Mr. Silver said: "My staff has met with C.S.E.A. a couple of days ago. Their concern, the only concern they have is due process," adding that the union wanted to make sure that employees would be adequately represented if they faced criminal exposure.

Mr. Silver also said the Assembly had not settled on an alternative structure. "I think some degree of independence should be there, we're open as to the kind of independence it can be," he said. He cited as one potential model the State Commission on Judicial Conduct, whose 11 commissioners are appointed by the governor, the four legislative leaders and the chief judge of the state's high court.

"I'm very optimistic that we can do this," Mr. Silver said.

The Assembly speaker affirms criticism, but also notes points of agreement.



GOVERNMENT

MAYOR'S SHADOW PAYROLL AVOIDS CIVIL SERVICE RULES

DESPITE STATE
WARNING, MINER
CONTINUES
DECADES-OLD
CITY PRACTICE

By **Tim Knauss**
Staff writer

Although Syracuse officials were warned in 2009 that it's illegal, Mayor Stephanie Miner has continued the decades-old practice of placing certain city workers — many of whom are politically connected — on a shadow city payroll beyond the reach of state civil service rules.

Miner has created jobs on the shadow payroll for her husband's grandson, her top aide's nephew, her campaign manager and several of her strongest political supporters.

They are paid through the Syracuse Urban Renewal Agency, a city-run corporation created in 1964 to rebuild blighted neighborhoods, that has no employees and pays no salaries, according to the budget it files with the state.

"SURA has no employees," said Bill Ryan, the mayor's chief of staff.

Yet 107 city employees get their paychecks and W-2 tax statements from the Syracuse Urban Renewal Agency, which gets the money to pay them from the city departments for which they actually work.

It's a bookkeeping end-around that keeps the jobs hidden from the state civil service system. With some exceptions, the mayor, who controls the agency, can hire

and fire employees at will.

The state Authorities Budget Office told the city in September 2009, four months before Miner took office, that maintaining a cadre of agency "employees" who work full time for city departments flouts the state law that created the agency.

"If these folks are not really doing urban renewal work ... that's really illegal," said David Kidera, director of the office.

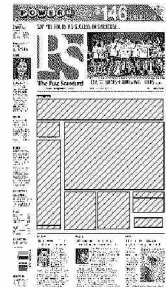
The Syracuse Urban Renewal Agency payroll includes the mayor's press secretary, the airport commissioner's aide and parks department workers.

Miner disputes the state's criticism, saying the agency is a legitimate tool that has given Syracuse mayors the flexibility to get around civil service rules, which often fail to keep up with changes in technology and government innovation.

"It's a cost-benefit analysis," Miner said. "The benefits that I am seeking as a mayor, to move this city forward, far outweigh the costs of one opinion that says that this is not the most appropriate way."

Civil service rules are designed to curb favoritism in hiring and to protect experienced professionals from changes of administration. But for decades, the Onondaga County personnel office, which oversees local civil service jobs, has been blocked from reviewing the Syracuse Urban Renewal Agency payroll because the agency is a public benefit corporation not bound by civil service rules.

The agency jobs are never subject to competitive testing, even if they are identical to other city positions that are.



Elaine Walter, who was the county personnel commissioner from 1992 to 2010, said she complained about the agency payroll for years but could never overcome the city's argument that the agency is exempt from oversight.

MAYOR, PAGE A-12

"If it were truly used for a single purpose, to do something that had something to do with 1960s urban renewal, then it would be fine," Walter said. "But certainly — for the last 30 years or more — it has been used in an entirely different way. And God bless them, they're creative. But I don't think it's right."

There are 15 fewer people on the agency payroll than when Miner took office in 2010, because she fired some agency workers and moved others into civil service jobs. The mayor said she has instructed department heads to gradually move some agency jobs onto the city payroll if they seem appropriate for civil service.

But Miner has hired at least 25 of the agency employees, including:

■ John Mannion, 26, a grandson of Miner's husband, Jack.

Mannion was hired in September as an assistant in the city's permit office, a newly created job. In January, when a job opening occurred on Miner's personal staff, she brought Mannion on as her personal scheduler, at a salary of \$30,000.

No one has been hired to replace Mannion in the permits office, although the job might be filled if business picks up, Ryan said.

■ Tim Biba, a former employee of Miner's political action committee, Promise PAC.

Biba, 23, was hired onto the agency payroll in September to work as Miner's scheduler, earning a salary of \$36,000. He left after four months for a job at the Democratic-controlled state Assembly. When

Biba left, Mannion took his place as Miner's scheduler.

■ Dan McNally, who managed Miner's 2009 campaign for mayor.

McNally, 26, was hired to a \$50,000-a-year job lobbying state legislators on behalf of Syracuse in January 2011, two months after he finished managing the unsuccessful re-election campaign of U.S. Rep. Dan Maffei, D-DeWitt.

McNally left the agency payroll after eight months, in September, to manage a congressional campaign in Madison, Wis.

■ Dan Ryan, a nephew of Chief of Staff Bill Ryan.

Dan Ryan, 25, was hired in October to be assistant airport security coordinator, at a salary of \$31,566. Before getting the full-time job, he worked as a part-time summer aide at the airport for \$10 an hour, beginning in July 2010.

As assistant security coordinator, Ryan's main duty is to inspect shipments of food arriving at the airport loading docks, said Christina Reale, aviation commissioner.

■ Jennifer McIntyre, who worked as an administrative assistant for Bill Ryan when he ran the Syracuse Fire Department Federal Credit Union. McIntyre was hired in April 2011 as a management assistant at the airport, earning \$40,833.

Ryan said he advised McIntyre, who was out of work at the time, to apply for the airport job, which is a new position. But Ryan said he did not influence the decision to hire her.

Reale said she didn't advertise the jobs filled by Ryan and McIntyre, but she is confident they were the best candidates.

"I met with both of them, and interviewed both of them and felt that they were the right people for the job," she said. "And I was absolutely right in my assessment. They're an asset to the depart-

ment."

The airport jobs of McIntyre and Dan Ryan are being shifted to the city budget July 1, which means at some point they are likely to face civil service exams to keep the positions, Bill Ryan said. They were hired initially as agency employees because it was "expeditious," he said.

Miner said her employees should be judged by the work they do, not by their last names or their political connections. Many of the employees she has hired through the agency work long hours for nominal pay, she said.

"I am proud that I've gotten the caliber of person who has wanted to be associated with me in this administration," Miner said. "And the fact that they are related to people who happen to be my supporters or my family, I will not hold against them. It's the nature of living in a small city."

The state Legislature created the Syracuse Urban Renewal Agency, along with similar agencies in other cities, so Syracuse could take advantage of millions of dollars of federal and state urban renewal aid that began flowing in the 1960s.

As a public benefit corporation legally distinct from the city, the agency is able to buy, hold and sell real estate, loan money and perform other development-related activities with greater ease than a municipality and without placing the city at risk of liability. In 1974, federal urban renewal allocations gave way to the Community Development Block Grant program, and the agency's independent role was greatly diminished.

But the agency never stopped creating jobs at the behest of mayors.

The agency is run by a three-member board: the mayor, who chairs the board; her finance commissioner, David DelVecchio, and the

president of the Common Council, Van Robinson. The board votes to create the jobs filled by Miner, but it does not vet the people she selects, Robinson said.

The board's decision to create a job can come as much as a year after the person starts work.

On March 13, the board passed a resolution creating 13 jobs. One was Jennifer McIntyre's job at the airport, which she started 11 months earlier. The job of Ryan Thomann, a fire protection engineer who worked for the city for seven months ending in August, was created and abolished in the same resolution.

Agency jobs are not itemized in the city budget, like other jobs. Instead, the costs of agency salaries and fringe benefits are aggregated on a budget line used for expenses such as copier rentals or outside contractors.

Six people work in the office of planning and sustainability, for example, but their jobs are not listed in the city budget. Instead, they are paid from the \$404,000 allocated for "rental, professional and contractual services."

Former city auditors Minch Lewis and Phil LaTessa said lumping agency jobs under contractual services obscures the number of positions in each department and makes it harder to analyze city spending.

"From a budget transparency point of view, they should be part of the city payroll," Lewis said.

Ryan said councilors are free to request an itemization of agency jobs, which the mayor's office readily supplies.

Some agency jobs are still paid with federal money, but others are paid out of the city's general fund or other sources, such as the airport enterprise fund. The agency payroll totals roughly \$4.5 million a year.

More than 40 agency employees work in the code enforcement department, but others are scattered throughout the city: the mayor's office, the parks department, the finance department, the water department, even the airport.

Agency employees receive the same health benefits and state pension benefits as other city workers. Roughly one-third of agency employees are union members, which gives those workers a measure of protection against being fired at will, said Gordon Ruckdeschel, unit president for Civil Service Employees Association Local 834. Others serve wholly at the mayor's pleasure.

When she took over as mayor, Miner fired or sought resignations from 28 people in the administration of her predecessor, Matt Driscoll. Of those, 18 were from the agency payroll. Most of the others were department heads, lawyers or mayor's aides.

At least 19 employees on the agency payroll are Democratic Party committee members, or have family members who are, according to an analysis of party and voting records.

In a city where winning the Democratic designation is nearly tantamount to winning the election, controlling the agency payroll adds to the mayor's control over the party, said Common Councilor Lance Denno, the majority leader.

"It's more susceptible to political influence than a civil service position," Denno said.

Miner said she has used the agency payroll — inherited from her predecessors — to hire young, hard-working and tech-savvy employees. She said civil service maintains outdated job classifications that would hamper her efforts to modernize city government.

"The civil service system has not kept pace with the revolution in technology," she

said. "Where in the private sector do you have job titles like Typist I or Typist II? They don't exist anymore."

Even though the state Authorities Budget Office warned Syracuse that it's illegal for Syracuse Urban Renewal Agency employees to work for the city, there is no sign that the state plans to clamp down.

The Authorities Budget Office, which criticized SURA's operation, was created in 2006 to monitor the operations of public agencies and authorities and to require them to file public reports. The office has limited enforcement powers, which it employs mainly to force agencies to release information.

Michael Farrar, deputy director of compliance, said his office can notify other state or local agencies if it discovers problems that require further investigation or enforcement. The office's 2009 report on the agency was one of its first, and the office did not refer its findings to another agency for follow-up, he said.

"We may go back and revisit this at some time," Farrar said.

Contact Tim Knauss at tknauss@syracuse.com or 470-3023.

Who's on the shadow payroll?

Go to syracuse.com for a list of city employees on the Syracuse Urban Renewal Agency payroll and their salaries.



Dennis Nett / The Post-Standard

THE SYRACUSE Urban Renewal Agency is chaired by Mayor Stephanie Miner. Sitting on either side of her are the other two members of the agency board, Finance Commissioner David DelVecchio (*left*) and Common Council President Van Robinson.

Staff, residents: Save our healthcare facility

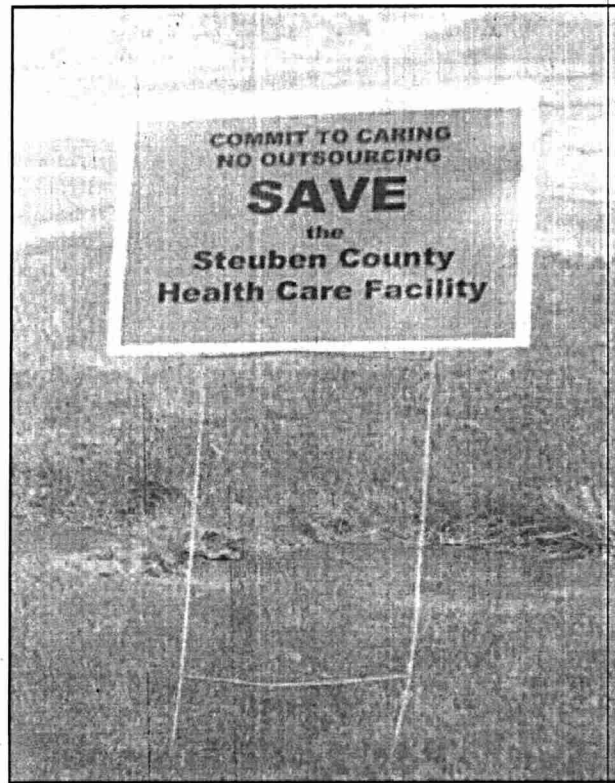
BY MARY PERHAM
THE COURIER

BATH | Residents and employees of the Steuben County Health Care Facility spoke out Monday in favor of keeping the 105-bed nursing home completely under county control.

The county expects to receive next week estimates from outside businesses on what they would charge to provide kitchen, maintenance and house-keeping services at the nursing home. Dozens of employees and residents told the county Legislature the facility is the best in Steuben because of the existing staff, and urged legislators to find ways to trim the \$2 million deficit the nursing home faces almost every year.

One local CSEA representative, Chris Myers, told legislators he believes taxpayers would be willing to pay the extra cost.

"I know residents wouldn't mind paying a little extra, knowing the



THE COURIER/MARY PERHAM

Lawn signs urge people to help save the facility.

place would be there for their loved ones, and themselves later on," Myers said.

Residents said the entire staff at the facility has become like a family, and argued "outsourcing" any departments would replace familiar faces with inexperienced strangers.

County Administrator Mark Alger said officials are requiring any firm taking over duties at the nursing interview the existing staff.

"It would be our expectation that many, if not most, would be hired," he said.

"They have the experience, it would make sense."

Faced with dwindling and complicated state funding, Steuben County has been looking at ways to trim "optional" health care programs for the past two years.

Last year, on the recommendation of a special legislative committee, the Legislature agreed to turn over its public health home care services to Visiting Nursing Association of Western New York.

A special legislative committee also is looking at ways to reduce the cost of mental health services.



CSEA, county at odds again

A state Public Employment Relations Board administrative law judge on Thursday heard arguments related to an improper labor practice charge leveled by Monroe County against the union representing about half of the county's workforce.

The county alleges that the Civil Service Employees of America Unit 7400 made additional demands after a deadline to do so had passed. The union contends the charge is a stall tactic.

The labor contract between the county and the union, which represents about 1,900 county workers, expired in December 2008.



Saunders, Donohue Jockeying Electioneering in AFSCME President's Race Intensifies

By DAVID SIMS

Civil Service Employees Association President Danny Donohue came to New York for a fundraiser May 16 as he and his opponent, American Federation of State, County and Municipal Employees Secretary-Treasurer Lee Saunders continued trading barbs while collecting endorsements in the run-up to the June 21 election for AFSCME president.

Mr. Donohue came to the city riding the wings of an endorsement from Wisconsin's largest AFSCME Local, Council 40, two weeks prior. But Mr. Saunders countered with the endorsements of Wisconsin's other two AFSCME councils, 24 and 48, releasing a video message on his website May 15.

'Saunders Stood With Us'

"Simply put, we are standing with Lee because he has stood with us, from the beginning," Council 24 President Marty Beil and Council 48 President Rich Abelson said in a joint statement.

"These last two years have been among the most challenging our union has ever faced. Even in our darkest hours, Lee refused to sit in Washington, D.C. and hope for the best. Nor did he suggest that anyone try to cut deals and hope to be spared. From the beginning, Lee brought us together as one union and he made sure we had the money, marbles and chalk we needed to fight back."

Mr. Saunders is also highlighting his support in New York, where five out of six AFSCME unions are backing him (the sixth is Mr. Donohue's own union, the CSEA). District Council 37 Executive Director Lillian Roberts and District Council 1707 Executive Director Raglan George Jr. are among the signees to a statement that says, "We know both candidates well and we are ready to move forward together with Lee."

The statement concentrates on Mr. Saunders's tenure as administrator of DC 37 from 1998 to 2002 after a huge embezzlement scandal saw much of its leadership resign or go to prison.

'Led Us Through Dark Times'

"We worked with Lee when, for nearly four years, he led DC 37 through its darkest times. We worked with him when he was executive assistant to President Gerald McEntee, and we've worked with him since he was elected secretary-treasurer of AFSCME," the statement said. "Over the years, we have also worked with CSEA President Donohue. Their decisions have impacted our members significantly, and have provided a good measure of how they would lead AFSCME."

Mr. Donohue said in an interview at a fundraiser in Astoria, Queens that Mr. Saunders' New York support was overhyped. "Lillian Roberts is with him; half of Lillian's council is not with him," he said. "The Council Directors are nice. They're some of the people that are pointing out that if the

(Continued on Page 8)

wrong person gets elected, they may not get the help they need. That's not what anybody wants to hear. We wouldn't allow our members to be pressured by the boss that way."

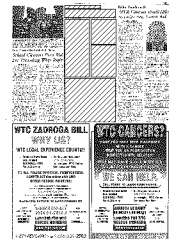
The crowd at the fundraiser was made up mostly of supporters from CSEA and DC 37, including Local 372 President Santos Crespo and Local 983 President Mark Rosenthal. Also on hand was former AFSCME Secretary-Treasurer William Lucy, who has been a prominent backer of Mr. Donohue's candidacy.

Says He Took on Cuomo

Noah Kaufman, a Local 375 member, said he admired Mr. Donohue's willingness to challenge Governor Cuomo over civil service issues in Albany. "It's a hard time to be a Democrat," he said. "Danny's keeping the public in the civil service, protecting the public's right to a strong civil service at the state level."

Kevin Sexton, from Local 983, said Mr. Donohue's history as a rank-and-file member attracted him. "I know that Lee Saunders is a staff guy," he said. "I'm not saying I prefer one to the other, but I just find it refreshing that a rank-and-file guy is running."

Mr. Saunders began his AFSCME career as a union member in Ohio, but later worked as Mr. McEntee's chief of



staff for many years before becoming secretary-treasurer.

Joe Aravena, of **CSEA** Local 419, said he had known Mr. Donohue for many years. "He's helped me with my career in CSEA and he's always looked out for the members," he said. "We're supporting him in this new adventure that he wants to take, this new ride. We're all for it."



LEE SAUNDERS: Claims edge on Donohue's turf.



The Chief-Leader/Caleb Ferguson

GATHERING SUPPORT: Civil Service Employees Association President Danny Donohue greets a supporter at his fundraiser in Astoria, Queens May 16. Mr. Donohue is running for the presidency of American Federation of State, County and Municipal Employees against the international union's secretary-treasurer, Lee Saunders, a rematch of their face-off for the number two post in 2010 that Mr. Saunders won by just 3,000 votes.

Cites Members' Givebacks State Union Opposed To Pay Hike for Legislators

By MARK TOOR

There's been loose talk in Albany about a pay raise for state legislators and Commissioners, but the Civil Service Employees Association, for one, doesn't want to hear it.

"CSEA members are in no mood to hear legislators entertain the idea of a pay raise no matter what the rationale," said spokesman Stephen Madarasz.

A Glaring Contrast

CSEA and its slightly smaller brother union, the Public Employees Federation, negotiated new contracts last year under the threat of thousands of layoffs. The contracts contained a three-year pay freeze, nine unpaid furlough days and sharp increases in health-insurance premiums. Many members saw their take-home pay decline after the new contract went into effect.

And that wasn't the only slap at public-employee unions. Mr. Cuomo pushed through a parsimonious Tier 6 pension level that cut benefits, increased contributions and lengthened the time an employee has to work before retiring. The Legislature passed it in a last-minute, dark-of-night deal in which Mr. Cuomo gave Senate Republicans free rein to redraw legislative districts as they pleased in return for supporting the bill.

CSEA President Danny Donohue announced that the union would withhold campaign contributions, endorsements and other assistance for candidates while it re-evaluated its relationship with them. Mr. Madarasz has predicted that the moratorium would last at least until the end of the current legislative session next month.

State legislators now make \$79,500

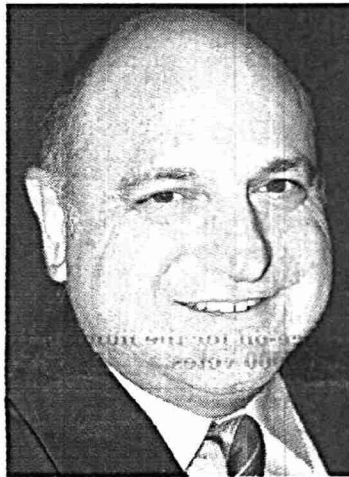
a year, with expense reimbursements of \$171 for each full day and \$61 for each half-day they spend in Albany.

(Continued on Page 7)

Those with leadership positions—committee chairs and party leaders—also receive "lulus" of up to \$41,500. The Legislature is supposed to be a part-time job, although many members work at it full-time. Both Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos have said lawmakers are underpaid.

Commissioners are paid \$136,000, up to \$25,000 less than the next level down in their agencies. Neither legislators nor Commissioners have received a raise since 1999. Mr. Cuomo is said to be concerned that the relatively low salary will limit the pool from which he can hire.

PEF said last week it did not have a position on any raises.



STEPHEN MADARASZ: Wrong time to hike officials' pay.



► Cattaraugus County

CSEA plans to file lawsuit over contracting mental health services

Union president urges Legislature to rethink plan

By Rick Miller
 Olean Times Herald

LITTLE VALLEY — Cattaraugus County Civil Service Employees Association Local 805 President Rose Teachman promised a swift legal challenge Wednesday to county lawmakers' approval to contract out most mental health clinical services.

Ms. Teachman asked legislators to reconsider plans to contract out mental health professional services to Community Action and Jamestown Psychiatric PC for the next 18 months.

"Think long and hard before you contract out Community Services," Mrs. Teachman said. "The county already employs a dedicated, licensed and experienced staff.

"There have been (state and federal) cuts, but what's the rush? Why have you not considered all the options?"

She said the outsourcing means the county will give up some quality control. That represents a risk, since the county will retain the state license, she explained. Mrs. Teachman urged county lawmakers to work with employees to identify cuts and efficiencies equal to the estimated \$500,000 savings to the county.

Mrs. Teachman said she was par-

ticularly disturbed to learn that contract employees will receive a productivity bonus based on the number of consumers they saw.

Please see **CSEA**, page A-2

"What about the well-being of the people we're serving?" she asked.

A Community Services support staff member, Sheri Ambuske, said some clinicians and therapists would take a \$20,000 pay cut if they accept a position with Community Action or Jamestown Psychiatric. She suggested some of the \$2.7 million the county's self-insurance program contributed to the surplus be used toward Community Services costs.

Another CSEA union official, Lonny Lewis, said he understands the County Legislature is facing difficult decisions, but asked: "Do you know in your hearts that this is the right thing for these people?"

The contract would pay Community Action up to \$1.8 million for contract employees who currently work for the county. Jamestown Psychiatric would get \$23,000 for nursing services.

Voting against the contracts were James J. Snyder, R-Olean; Linda Edstrom, R-Olean; John Padlo, D-Olean; Joseph Snyder, R-Ischua; and William Weller, R-Franklinville.

Mr. Snyder, Legislature vice chairman and Finance Committee chairman, said, "I don't think it is the right thing to do. I'm very, very, very concerned about the outcome for the most fragile members of our society."

Minority Leader William Sprague, R-Yorkshire, said it was his understanding the existing employees would be offered jobs by the two agencies doing the contracting.

Mrs. Teachman, wife of Republican Legislator Steve Teachman of Olean, said it would have been better to work together to cut costs and increase efficiency in the Community Services mental health services.

(Contact reporter Rick Miller at rmiller@oleantimesherald.com)





Rick Miller/Olean Times Herald

Rose Teachman, president of Cattaraugus County Civil Service Employees Association (CSEA) Local 805 told Cattaraugus County lawmakers Wednesday that state CSEA officials plan to file a lawsuit over the county's plan to contract out all its mental health clinic services. The legislators approved the plan designed to save \$500,000 over the next 12 months by contracting out jobs currently held by county employees.

County mental health privatization criticized

By Rick Miller
 Olean Times Herald

OLEAN — Union representatives are firing back at a proposal to farm out services at the Cattaraugus County Community Services mental health clinic.

"It's not about the union. It's not about the contract employees. It's about the services provided to the weakest people in this county," Sherie Ambuske, secretary of Local 806 Civil Service Employees Association and a staffer at the clinic, said the day before county officials will vote on contracting out more than 20 positions at the clinic.

The County Legislature started the clock ticking last November when it approved the 2012 county budget that called for contracting out the posts by Oct. 1. By contracting with Cattaraugus Community Action and Jamestown Psychiatric PC, Cattaraugus County hopes to save about \$500,000 over the following two months — largely through lower salaries and benefits.

This afternoon, county lawmakers will be voting to contract with Community Action for 16 social workers, six clinicians, seven customer service representatives, an engagement specialist, a clinical director and a quality assurance specialist for up to \$1.8 million from Oct. 1, 2012 to Dec. 31, 2013. Some of the clinical staff are already employed under

Please see **Mental Health**, Page A-2

contract with Community Action. Another resolution authorizes a contract with Jamestown Psychiatric for \$233,620 for two registered nurses and a licensed practical nurse.

Ms. Ambuske said the issue is driven by dollars, not the quality of services provided by the staff — especially long-time therapists, nurses and support staff for the county, she said. Therapists are networked into the schools and work as a team with different school districts.

"This is about taking

care of people who can't take care of themselves and the skilled, licensed professionals the county currently employs to help them," Ms. Ambuske said. There is a great deal of anxiety on the part of staff who have an uncertain future.

"We continue to do our jobs," she said. "We've dedicated years and years of service to the people of Cattaraugus County."

Still, there is the feeling of having been thrown under the bus because of declining state and federal support, and to help meet the state's new 2-percent property tax cap, Ms. Ambuske said.

"This has not been about the union, but to fight for the people who have come to expect the essential services this department provides," she said.

Both Jamestown Psychiatric and Community Action have indicated they plan to hire the existing Community Department employees in the mental health clinics.

"There's no guarantee those employees are still going to be there" when the county turns to the contract agencies, she said. Some might not choose to take a \$20,000 a year pay cut and the loss of state retirement benefits.

Some of the Community Services consumers have taken years to establish a rapport with their therapists and would find it hard to start over with a new therapist.

"They may come to see their therapist for a sched-



uled appointment, but they look forward to seeing all of us," Ms. Ambuske said. "And we know them and care for them."

(Contact reporter Rick Miller at rmiller@olean-timesherald.com)

"It's not about the contract employees. It's about the services provided to the weakest people in this county."

— *Sherie Ambuske*, secretary of Local 806 Civil Service Employees Association

Nassau unions vow to fight furlough bill

BY ROBERT BRODSKY

robert.brodsky@newsday.com

Nassau's public employees unions pledged to fight a bill passed by the legislature Monday that would allow County Executive Edward Mangano to furlough staffers and unilaterally alter sealed labor contracts.

Union leaders argue the measure is "unconstitutional," but administration officials said the law is justified and legal.

Attorneys representing the Civil Service Employees Association and Sheriff Officers Association went to federal court in Central Islip yesterday seeking a temporary restraining order that would prevent the administration from implementing the legislation.

But, the order was not granted as Mangano has yet to sign the bill. Labor leaders, including the county's three law enforcement unions, promised to return to court once the legislation is signed. The bill will automatically become law in 30 days if Mangano does not sign it.

"This law is illegal," said CSEA president Jerry Laricchiuta. "No government official should have that kind of

unfettered authority."

John Jaronczyk, president of the Nassau County Sheriff's Correction Officers Benevolent Association, said the bill "tramples on the Constitution" by opening union contracts.

"The bill is perfectly legal," responded County Attorney John Ciampoli. "Each provision is researched, rational and defensible."

Twice before, Mangano has offered bills to change union contracts, but the legislature failed to act on them.

Minority Leader Kevan Abrahams (D-Freeport) said the county will now "incur legal costs it cannot afford" by fighting for the bill.

The new measure allows Mangano to cut more than \$40 million from the budget by modifying contracts, closing departments, furloughing employees one day per week, ending programs and reducing assistance to towns and villages. The bill became necessary, administration officials said, after Democrats refused to authorize \$41 million in borrowing for tax refunds.

It's unclear when Mangano will sign the legislation. But, county spokesman Brian Nevin said, "there is still time for the Democrats to support County Executive Mangano's plan to end borrowing and prevent draconian cuts."

Mangano also has yet to sign a bill that would give Police Commissioner Thomas Dale the authority to fire officers. The Police Benevolent Association plans to fight it in court.



LONG BEACH

Protests, but budget approved

BY PATRICK WHITTLE

patrick.whittle@newsday.com

Long Beach's City Council passed an \$88 million budget — and an associated tax increase — after an intense hearing last night, despite protest from residents and union members.

The city's spending plan, designed to close a yawning budget gap, raises taxes by 7.9 percent at a time when Long Beach has grappled with a projected \$10.25 million deficit.

The adopted budget was a revised version of an earlier spending plan that would have raised taxes by more than twice as much.

But dozens of residents — including a strong contingent of the Civil Service Employees Association — spoke against the budget.

Some residents contended the tax raise was still too high, while others said the public hadn't been given enough time to digest the revised proposal, which was aired for the first time at 7 p.m.

Many union members also said the city's plan to

lay off 38 workers, after announcing 67 other layoffs last week, was too punitive against workers.

The City Council members needed to “get back to the table to save as many jobs as they can,” said John Mooney, Long Beach's CSEA president.

The hearing was the second of two planned budget hearings. The city was required by state law to approve a budget by the end of the month.

The city council approved the budget by a count of 3-2 late last night.

Councilmen Michael Fagen and John McLaughlin said the city should have attempted to take more time to review the budget proposal and tried to save jobs.

“We need to take that time to sit down and get all the unions together,” McLaughlin said. “Everybody sit at the same table and get something done.”

City Manager Jack Schnirman said the city was able to scale back the proposed tax increase from 16 percent to 7.9 percent via lag payroll, demotions and early retirements, among a host of other savings. The city also proposed a union giveback package that would have saved \$2.16 million, but it was rejected by the union, he said.

CSEA officials said they did not receive the giveback proposal until Sunday night, leaving them without enough time to negotiate.

Schnirman said the budget gives the city — long wracked by budget woes — a chance at fiscal solvency.

“Then City Council has before it, for the first time in several years, a balanced budget,” he said.

The original 16 percent tax increase would have raised taxes for the owner of an average home from \$2,475 to \$2,904.

The City Council also voted to pierce the state-mandated tax cap, which was necessary to pass the budget.



Cuomo Plan on Disabled Is Questioned

By DANNY HAKIM

The Assembly speaker, Sheldon Silver, raised concerns on Monday about the independence of a proposed state agency that would prosecute those who abuse people with mental or physical disabilities.

The agency is the centerpiece of a proposal by Gov. Andrew M. Cuomo to overhaul the policing of crimes against disabled residents, after decades in which the state's response to allegations of abuse and neglect was weak.

But Mr. Silver, speaking on Monday about the governor's proposal, echoed the concerns of some advocates who have suggested that greater independent oversight would be more valuable than the creation of another state agency.

"We have concerns about obviously it being a totally internal

process and that there is no outside review," Mr. Silver told reporters in Albany. "I think there has to be some way in which somebody can be heard other than by an employee of the State of New York."

Mr. Cuomo's office disagreed. In a statement, Josh Vlasto, the governor's spokesman, disputed the criticism, and blamed opposition from the state's largest public employee union, the Civil Service Employees Association.

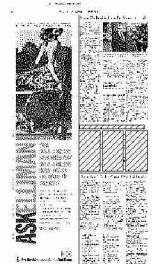
"The speaker is wrong," Mr. Vlasto said. "Apparently he hasn't read the bill yet, because if he had, he would know the bill includes outside and independent oversight, and we must not be dissuaded by CSEA's opposition, which has stymied progress in the area for decades."

The exchange made it clear that the legislation, which was

passed by the Senate last week without debate, was being viewed more cautiously in the Assembly. Mr. Silver concluded his comments by saying "there are a number of concerns that have been communicated." He did not elaborate.

The new agency was not the only issue that divided the governor and the Assembly speaker on Monday. Mr. Silver also took a shot at the governor, a fellow Democrat, after Mr. Cuomo said in a radio interview that an increase in the state minimum wage had little chance of passing in the Republican-led Senate. Some liberals have pushed the governor to be more active on the issue.

"He's just making a prediction," Mr. Silver said. "He's a great governor. I'm not sure he's a great prognosticator."



Health Care Facility residents plead: Don't outsource 'family'

BY MARY PERHAM
 leaderbath@yahoo.com

BATH | Residents and employees of the Steuben County Health Care Facility spoke out Monday in favor of keeping the 105-bed nursing home completely under county control.

The county expects to receive next week estimates from outside businesses on what they would charge to provide kitchen, maintenance and housekeeping services at the nursing home.

Dozens of employees and residents told the county Legislature the facility is the best in Steuben because of the existing staff, and urged legislators to find ways to trim the \$2 million deficit the nursing home faces almost every year.

One local CSEA representative, Chris Myers, told legislators he believes taxpayers would be willing to pay the extra cost.

"I know residents wouldn't mind paying a little extra, knowing the place would be there for their loved ones, and themselves later on," Myers said.

Residents said the entire staff at the facility has become like a family, and

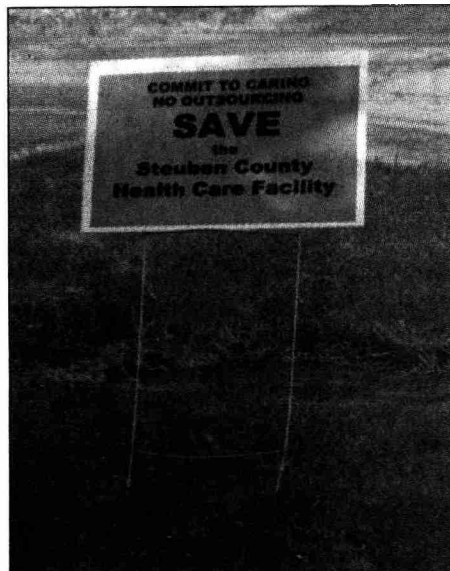
argued "outsourcing" any departments would replace familiar faces with inexperienced strangers.

County Administrator Mark Alger said officials are requiring any firm taking over duties at the facility to interview the existing staff.

"It would be our expectation that many, if not most, would be hired," he said. "They have the experience, it would make sense."

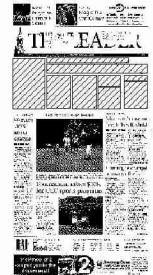
Faced with dwindling and complicated state funding, Steuben County has been looking at ways to trim "optional" health care programs for the past two years.

Last year, on the recommendation of a special legislative committee, the Legislature agreed to turn over its public health home care services to Visiting Nursing Association of Western New York.



MARY PERHAM | THE LEADER

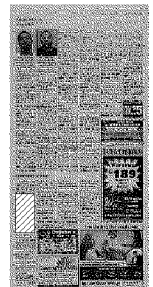
A sign is seen on a lawn Monday in Bath. Residents and employees are fighting a county plan to outsource some health care facility jobs.



Rally on Wednesday in support of IGT funding for County Home

Concerned citizens, **CSEA** and members of the Chautauqua County Labor Coalition will rally Wednesday in support of IGT funding for the Chautauqua County Nursing Home. The demonstration will take place at 5:30 p.m. outside the Gerace Office Building, 3 N. Erie St., Mayville.

The demonstration precedes a meeting of the County Legislature in which a vote to approve IGT funds for the home will be considered.



Supporters come out to save Steuben Health Care Facility

By MARY PERHAM
 THE LEADER

BATHI — Residents and employees of the Steuben County Health Care Facility spoke out Monday in favor of keeping the 105-bed nursing home completely under county control. The county expects to receive next week estimates from outside businesses on what they would charge to provide kitchen, maintenance and housekeeping services at the nursing home.

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Turn to 7A

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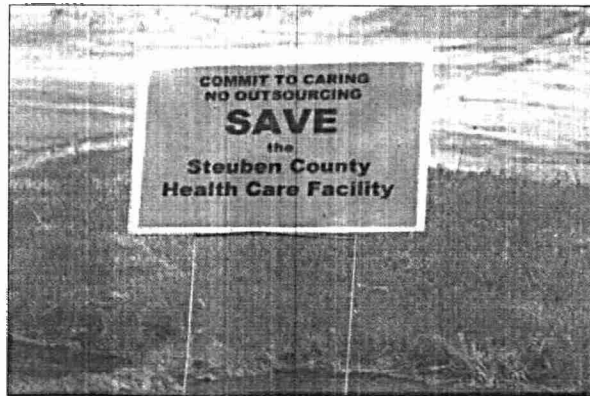
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“It would be our expectation that many, if not most, would be hired,” he said. “They have the experience, it would make sense.”

Faced with dwindling and complicated state funding, Steuben County has been looking at ways to trim “optional” health care programs for the past two years.

Last year, on the recommendation of a legislative committee, the Legislature agreed to turn over its public health home care services to Visiting Nursing Association of Western New York.

A special legislative committee also is looking at ways to reduce the cost of mental health services.



MARY PERHAM

Signs like this have popped up all over Steuben County in support of the Health Care Facility.



Our View

Rockland begins tough decisions

Those shocked at the depth of “contingency budget” cuts proposed by Rockland County Executive C. Scott Vanderhoef — and those who protest the need for such dramatic action — haven’t been paying attention. Action is long overdue, and the foot-dragging has only added to the pain.

And there’s a lot of hurt to come — 150 layoffs, funding changes that could jeopardize the valuable Sheriff’s Intelligence Unit, lost funding for contract agencies that provide important services. New taxes and fees, too, will cause pain — a 4 percent “heating tax” that imposes a surcharge on residential energy use; a motor vehicle registration fee; and various costs passed down to towns — services homeowners still will end up paying for, but on a different property-tax line.

Those painful measures only make up \$21.8 million in revenue shortfalls for 2012. Still unrealized: \$18 million in revenue from unspecified labor “give-backs” unwisely included in the 2012 budget, and a long-term fix for the predicted \$80 million deficit.

More work — and more hard choices — certainly will come if Rockland leaders want to create their own path to a fiscally sound future. If Vanderhoef’s budget fixes — or similar measures — don’t come through, the deficit could top \$100 million.

Solid plan elusive

Vanderhoef’s contingency budget plan — long threatened as the 2012 shortfall grew — came only after a precipitous drop in the county’s credit rating by Moody’s Investors Service, and a threat of more to come. Even if Vanderhoef’s contingency plan passes the county Legislature, and if Rockland’s unionized workers, like their state counterparts

did, decide furloughs are better than pink slips, an \$80 million deficit, racked up from past budgeting sins, remains.

And a solid plan for addressing the deficit remains elusive. A plan put forth by the Rockland Legislature’s Democratic leadership — borrowing to close the deficit and then paying off the bond with proceeds from a 0.375 percentage-point sales-tax hike — stalled in Albany. The county’s Democratic state senator, David Carlucci, declined to carry a bill he said wouldn’t pass in anti-tax Albany. The criticism has been sharp (unionized workers protested outside his Nanuet office Thursday) but even Vanderhoef admitted that his fellow Republican, Senate Majority Leader Dean Skelos, said the plan wouldn’t pass.

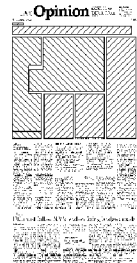
But other options remain, short of inviting a state-imposed financial control board to finally compel Rockland leaders to fix their budgeting patterns that help feed the deficit.

Better budgets

Assemblyman Kenneth Zebrowski has introduced legislation that would create a Rockland County Deficit Reduction Taskforce. The panel would provide oversight similar to a state financial control board, but would allow the local government to override the task force’s recommendation with a supermajority. That provides both local control and “teeth” to oversight, Zebrowski has said. The Zebrowski plan still includes a revenue boost — a more modest 0.25-point sales-tax hike — to help pay off a deficit that has been years in the making.

Some of Rockland’s deficit can be chalked up to bad luck — a multimillion-dollar tax settlement from power giant Mirant Corp., as well as the Great Recession’s toll on municipalities nationwide. But Rockland governmental leaders for years passed budgets with an overreliance on sales tax and, of late, revenue gimmicks that were obviously unattainable.

Zebrowski’s hybrid task force could provide some “baby-sitting” to help local politicians curb the urge to create voter-friendly budgets at the cost of fiscal common sense. A Rockland task force



also could provide a template for other struggling municipalities. State Comptroller Thomas DiNapoli, in a recent interview with the Editorial Board, said the state may have to consider some type of early intervention for municipalities in financial stress, like Rockland, before a state financial control board becomes inevitable.

“We haven’t given up entirely on Ken Zebrowski’s idea,” Vanderhoef said Thursday in announcing his contingency plan. Likely, some of both, and more, will be needed to get and keep Rockland on track.

Fixing leaks

The county also is finally addressing the biggest deficit driver, Summit Park nursing home and hospital complex. A long-awaited consultant’s report provides a map for the facility’s future. Vanderhoef said Thursday he would pursue a two-track plan for the hospital’s sale: selling it to a yet-created public benefit corporation and offering the facility for sale to a private operator.

A solution for Summit Park is needed to provide fiscal stability to the county, but it won’t provide quick savings. Nursing home sales, now proposed by several New York counties, are difficult to engineer; state regulations must be met in order to sell or shut a facility, including securing placement for patients.

Rockland must continue to pursue long- and short-term deficit fixes, as well as better budgeting practices. Steven Hancox, deputy comptroller for local government and school accountability, told the Editorial Board that Rockland has better resources than many municipalities struggling with deficits. “The question is, can the locals make the tough decisions. If the local officials are able to make the right decisions, they should be able to right themselves,” he said.

That said, Hancox said, “They have some significant issues that they have to resolve,” citing the comptroller’s 2011 audit of Rockland, which called the county’s budget “out of balance.” Rockland’s leaders, workers and residents will likely face tough choices as it works to plug a deficit that has been years in the making. As the county’s fiscal crisis makes clear, inaction only exacerbates the problems.



Rockland County Executive C. Scott Vanderhoef details proposed budget cuts and new tax revenues Thursday in New City. MELISSA ELIAN/THE JOURNAL NEWS



Susan Osborne, left, and CSEA Rockland County Unit President P.T. Thomas protest in front of Sen. David Carlucci's district office in Nanuet on Thursday. XAVIER MASCAREÑAS/THE JOURNAL NEWS

ROCKLAND FISCAL CRISIS

COUNTY PLANS FEES, LAYOFFS, CUTBACKS

Workers protest at Carlucci's office, want jobs saved

By Laura Incalcaterra and Khurram Saeed
lincalca@lohud.com

NEW CITY — Rockland County will lay off 150 workers, cut funding to programs and begin charging new fees to residents and businesses under a plan announced Thursday by County Executive C. Scott Vanderhoef.

"None of it is pleasant," Vanderhoef said. "None of it is what we wanted to do."

The county's dire fiscal condition and a lack of revenue to keep government operating through the end of the year prompted the contingency plan. The County Legislature must approve the measures before they can be put into place.

Vanderhoef said the proposals would raise \$21.6 million to cover revenue shortfalls for 2012. An additional \$18 million could be covered by union concessions now under negotiation.

Vanderhoef said he soon would put out a request for proposals to sell Summit Park Hospital and Nursing Care Center to a private entity. He also said the county would continue to pursue home-rule authority from the state to create a public-benefit corporation. Bills are pending in the Assembly and Senate.

See CRISIS, Page 8A

The county then could sell Summit Park to the PBC, a route favored by Vanderhoef and the option recommended Tues-

day in a report by consultants.

The contingency plan calls for a salary savings of \$8.8 million, equating to the layoff of about 150 county workers.

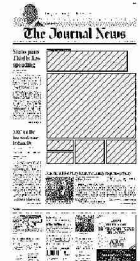
That reality had county workers protesting Thursday, calling on state Sen. David Carlucci, D-New City, to support them in their quest to hold onto their jobs and to save vital programs. Cleo Blagrove, a registered nurse at Summit Park Hospital, said she and her co-workers were worried for their jobs. She has a 14-year-old son to support and a mortgage to pay.

"We're trying to keep our spirits up, hoping something will work out," said Blagrove, one of many protesters who wore their work uniforms. "It's a lot to chew on."

The contingency plan also calls for a \$300,000 reduction in funding to nonprofit agencies the county pays to provide numerous health and social services on its behalf.

An additional \$585,000 in reimbursement to towns and villages that participate in the Rockland County Intelligence Center would be cut, potentially jeopardizing the future of the unit.

The county also will seek to charge towns and villages for the cost of



running elections in the municipalities to raise \$1.4 million in revenue.

Towns also will be hit with a community college charge-back fee that will raise \$1.8 million in revenue. The fee covers the difference in tuition between Rockland Community College and a community college outside Rockland. The county is allowed to collect the difference from the town in which the student resides.

Under the contingency plan, the county also wants to start charging a 4 percent residential energy tax to raise \$5.8 million. Such a tax is already in place in other counties and is often referred to as a "heating tax."

The county also would start collecting a motor vehicle registration fee every two years to raise \$815,000. The charge would be \$10 on passenger vehicles under 3,500 pounds and \$20 on larger passenger vehicles and commercial vehicles over 3,500 pounds.

The county estimates it will raise an additional \$2.5 million from the sale of two county-owned buildings that originally were to bring in about \$5 million. They are the "bank building" at Main Street and New Hempstead Road in New City and the former Rockland Community College satellite campus building at 185 N. Main St. in Spring Valley.

The actions announced by Vanderhoef follow the disintegration of a plan to increase the county portion of the sales tax by 0.375 percentage points and to use the estimated \$14 million in additional revenue to fund operations through 2012. The

additional revenue was then to be used to repay a deficit-reduction loan in excess of \$80 million starting in 2013.

Carlucci has refused to submit the legislation necessary for the increase. He said increasing taxes was not the answer to the county's fiscal woes because it would hurt taxpayers and chase shoppers out of Rockland, further impacting sales-tax revenue. He also said the Republican-led Senate won't support it.

Outside Carlucci's district office in Nanuet Thursday, members of Rockland's largest government-workers union, the Civil Service Employees Association, implored the senator to come to the county's aid.

"People work, layoffs don't!" two dozen county workers chanted. More were expected to join the protest as work shifts ended. Union members carried signs that read "Sen. Carlucci Don't Bully Us Out of Jobs" and "Save Rockland County Services" and received numerous honks of support from passing drivers.

"The sad thing is this never had to happen," said Billy Riccaldo, president of the southern region of the CSEA and a former Rockland County government worker.

Riccaldo said Carlucci should have brought the sales-tax bill to the Senate floor for a vote. By not offering an alternative, Riccaldo said, the layoffs, program cuts and new fees had become Carlucci's de facto "Plan B."

Carlucci issued a statement in which he said he sympathized with the workers because "after all, they've been sold a

false bill of goods."

"The truth is that an increase in the county sales tax will neither protect jobs, nor solve our county's budget problems," Carlucci stated. "That's why I made clear from the very beginning that a sales-tax increase is the wrong way to proceed."

Carlucci, who has yet to pitch any plan to aid the county during its fiscal crisis, stated Thursday that, "In the coming days, I will release several proposals that will help close the county budget gap, while preserving jobs and services."

Assemblyman Kenneth Zebrowski, D-New City, has worked on an alternative plan that would allow a more modest sales-tax increase of 0.25 points and create a Rockland County Deficit Reduction Task Force. However, due to the time it would take to implement the plan if it were to proceed, the county still would be short revenue for the rest of the year.

The county's deficit exceeds \$80 million and contributed to last week's credit downgrading by Moody's Investors Service. Rockland is the lowest-ranked county in New York, its creditworthiness just one level above junk status.



Rockland County government workers, members of the CSEA and their supporters protest layoffs and cuts to programs Thursday in front of Sen. David Carlucci's office in Nanuet. XAVIER MASCAREÑAS/THE JOURNAL NEWS



Mike Gonzales of Highland Falls, in front of Sen. David Carlucci's office XAVIER MASCAREAS/THE JOURNAL NEWS



Susan Osborne, left, and CSEA Rockland County Unit President P.T. Thomas protest outside Sen. David Carlucci's office in Nanuet Thursday. XAVIER MASCAREÑAS/JOURNAL NEWS
Rockland County Executive C. Scott Vanderhoef details the proposed budget cuts and new tax revenues Thursday in New City. MELISSA ELIAN/THE JOURNAL NEWS

Unions Give Early Thumbs Up *Cuomo Outlines Broad Plan For Safe Care of Disabled*

By MARK TOOR

Continuing his efforts to secure safe treatment for the disabled, Governor Cuomo last week proposed creation of a Justice Center for the Protection of People with Special Needs that would investigate reports of abuse and neglect and prosecute those that rise to the level of crimes.

His recommendations include a round-the-clock hotline for abuse and neglect reports, a statewide database that will track all reports of abuse and neglect, and a register of workers who have abused patients and will be prohibited from ever again working with people with disabilities or special needs.

'Nation's Strongest Standards'

"This is about safeguarding the civil rights of the more than 1 million New Yorkers with disabilities and special needs who for too long have not had the protections and justice they deserve," he said in a statement. The center, he said, would "give New York State the strongest standards and practices in the country for protecting those who are often the most vulnerable to abuse and mistreatment."

To create the Justice Center, Mr. Cuomo must submit a bill to the State Legislature. Both Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos expressed support for his proposal.

Mr. Cuomo told reporters that the Justice Center was a top priority for the remainder of the legislative session. "This is going to be a major undertaking for the entire administration," he said. "... This is going to be difficult to get done. We only have a short time left in the session."

Administration officials said they expected that organizations representing the disabled and their families would lobby lawmakers to pass the plan. Mr. Cuomo's Secretary, Larry Schwartz, said 80 groups already have been recruited.

The union response was generally positive. Stephen Madarasz, a spokesman for the Civil Service Employees Association, said one factor was that Mr. Cuomo's plans for the disabled did not begin and end with-law enforcement "They seem to be applying it

from a broader direction of quality of care," he said. He noted a draft report by Clarence Sundram, Mr. Cuomo's Special Adviser on Vulnerable Persons, calling on the state to deal with understaffing, mandatory overtime and lack of resources.

"CSEA is anxious to review the actual legislation and the entire report in close detail, but our initial impression is positive," said union president Danny Donohue. "This new initiative appears to have a broad mission to ensure consistent quality of care and maintain independent oversight of human services in both the public and not-for-profit sectors. CSEA is particularly encouraged to see that the report recognizes the importance of a strong, well-trained and committed direct-support staff."

PEF: Transparency All Around

"We agree with the Governor that the abuse and neglect of people with disabilities cannot and should not be tolerated," said Public Employees Federation President Ken Brynien. "Additionally, private providers who serve people with special needs and disabilities should and must be subject to the same transparency as state facilities and group homes. . . We look forward to the opportunity to see the proposed legislation that will create the new Justice Center for the Protection of People with Special Needs and to learn how the changes will be implemented."

"Last year, there were more than 10,000 allegations of abuse against New Yorkers with special needs and disabilities in state-operated, -certified or -licensed facilities and programs," according to Mr. Cuomo's office. "However, the state has never had a consistent and comprehensive standard for tracking and investigating complaints or punishing guilty workers."

Get Special Prosecutor, IG

The Justice Center would track abuse and neglect reports for six agencies: The Department of Health, the Office of Mental Health, the Office for People With Developmental Disabilities, the Office of Children and Family Services, the Office of Alcoholism and Substance Abuse Services, and the State Education De-



partment. It will replace the Commission on Quality of Care and Advocacy for Persons with Disabilities. Both agency facilities and contract providers will be monitored.

The Justice Center would have a special prosecutor, an inspector general, and "a substantial staff of trained investigators, lawyers and administrators," Mr. Cuomo's office said. It would have concurrent authority with district attorneys to prosecute abuse and neglect crimes.

It also would be responsible for developing a code of conduct for employees, creating a training curriculum for

(Continued on Page 5)

investigators, and setting up consistent procedures for checking the backgrounds of individuals applying for jobs caring for the disabled. The legislation also would strengthen penalties for endangering the welfare of people with disabilities.

The issue of abuse and neglect of the disabled was brought to a head by a New York Times series about issues in OPWDD. The paper reported that workers who abused patients were transferred from facility to facility before being fired, that workers who were dismissed for mistreating patients were sometimes rehired, and that they were forced to work so much overtime that their safety and judgment were jeopardized. One of the articles quoted two top agency officials as telling a trainee that they could not say that a worker beating a patient with a stick was abuse.

On learning of the allegations in the articles, Mr. Cuomo replaced the OPWDD Commissioner, appointing Courtney Burke, who has a background as a patient advocate. He also appointed Mr. Sundram, a leading expert on the provision of care to the developmentally disabled.

Over the past 14 months, Ms. Burke has overseen an effort to train investigators to deal with abuse victims—many of whom are unable to speak—and put such investigations under the aegis of the State Police. Stronger hiring and disciplinary standards have also been introduced.



KEN BRYNIÉN. Good concept; let's see the details.



GOVERNOR CUOMO: End abuse of vulnerable patients.



DANNY DONOHUE: Likes focus on supporting staff.

In AFSCME Battle, A Wisconsin Win Looms Large for Donohue

By DAVID SIMS

Civil Service Employees Association President Danny Donohue has won a crucial endorsement in the American Federation of State, County and Municipal Employees presidential race from Council 40 in Wisconsin, the international union's largest council in a state that has been a national labor battleground for more than a year.

Mr. Donohue won the endorsement after both he and his opponent, AFSCME Secretary-Treasurer Lee Saunders, gave speeches at Council 40's convention April 20. While Council 40 Executive Director Rick Badger had already thrown his support to Mr. Saunders, Mr. Donohue won almost all of the union's delegates, according to his campaign manager, Ben Gordon.

'The Passion Was With Danny'

"The assumption was that because of resources from the national union, they'd support Saunders," he said in a phone interview, noting that Council 40 had backed Mr. Saunders in his close 2010 secretary-treasurer election victory over Mr. Donohue.

"But this was one of the very few places in the union where despite the executive director's public position, they really ran a fair process and had both candidates out to their convention," he said. "Clearly the passion and excitement was with Danny... in the [union's caucus election], there were only seven for Lee out of 450 delegates."

Mr. Gordon said that Council 40's support could prove critical considering the razor-thin margin of the 2010 vote. "I think the election that was so close last time, the question everybody's always asking is, what's different this time around? This would be a big difference," he said.

Marv Vike, the president of Local 1077 in Wisconsin who helped rally support to Mr. Donohue, said that his "rank-and-file" status had been crucial to his appeal in Wisconsin. While Mr. Saunders entered AFSCME as a rank-and-file member in Ohio, he worked as retiring President Gerald W. McEntee's chief of staff for many years before becoming secretary-treasurer.

Personal Rank-and-File Appeal

"Danny gave a good, rousing speech that was what the people wanted to hear. He was talking about being a rank-and-file person, coming up through the union," Mr. Vike said in a phone interview. "Saunders got up

(Continued on Page 7)

and talked, and things just didn't go quite right for him."

Mr. Donohue's pledge to cut the salary of the AFSCME president—Mr. McEntee is paid \$390,000—went over well with the crowd, Mr. Vike said. "Danny says there's no way a guy coming in there being the new one should have that kind of salary," he said. "That's pretty stand-up, people want to hear that, because it's reality. Saunders wouldn't say that, he said someone would have to vote on it." Mr. Donohue has proposed the new president should receive \$295,000.

Mr. Vike's local is not one of the biggest in Council 40, but was elected "local of the year" at the convention because of its members' activism. While many Wisconsin unions have struggled to retain dues-paying members after Governor Scott Walker passed restrictive collective-bargaining legislation in 2011, Local 1077 has kept 96 percent of its members, Mr. Vike said.

Mr. Vike said he was pleased that the Council had backed Danny despite its leader's support of Mr. Saunders. "I think the rank-and-file spoke. That's the big thing. We own the union not only here, we own the international, too," he said. "That's something I know Danny believes in, and we believe in it too. Together we're going to do some really good things to get AFSCME straightened back out."

Saunders Backed by DC 37 Bd.

Meanwhile, Mr. Saunders was recommended for endorsement by District Council 37's executive board after a meeting on May 9, with only Local 372 President Santos Crespo voting against the motion in a voice vote.

The matter will now be sent to DC 37's delegates. Although DC 37 Executive Director Lillian Roberts is supporting Mr. Saunders, the union's major five locals are split, with Locals 1549 and 371 backing Mr. Saunders, and 372 and 420 with Mr. Donohue (Local 375 is seen as being divided between the two candidates).

The battle for the majority of DC 37's support will likely come down to its smaller locals, representing some 40,000 votes in total. Ms. Roberts's support may prove crucial in delivering those votes.





DANNY DONOHUE: An important symbolic victory.



LEE SAUNDERS: Wins early test at DC 37.

Longevity raises worth \$138M

Bump helps to take the sting from freeze on annual raises

By Rick Karlin

ALBANY — State employees may not be getting contractual raises for the next few years, but during the last few weeks thousands have started getting a piece of the \$138 million the state is giving out as longevity increases.

Paid out through the step system of “performance advances” that workers get at the start of their careers or through the longevity bonuses they get later, the increases survived what union members said was a bruising contract negotiation last year.

This year’s payments appear to be down slightly from the estimated \$140 million that went out the year before.

While a precise match of the raises and payrolls wasn’t immediately available, the decrease could be due to the reduction of the state workforce through attrition.

For most employees in the major state unions, including the Public Employees Federation and Civil Service Employees Association, the first set of step raises come in the initial seven years on the job in a particular civil service grade.

Under the step system, employees get performance advances each year until their seventh year, when they have gone from the “hiring rate” to the “job rate.” The size of the raises depend on job title and starting salary. They can range from approximately \$700 to more than \$3,000.

About \$63 million in performance advances are going out so far this year, ac-

ording to the state comptroller’s office.

After reaching the job rate, employees after five years to get annual longevity pay bonuses of \$1,250 per year. After 10 years, that goes up to \$2,500.

The timetables are slightly different for security or uniformed employees, as well as those in the court system.

More than 30,000 workers received longevity payments. The issue of longevity pay came up last year when Gov. Andrew Cuomo was negotiating with Council 82, which represented certain law enforcement officers at the time. Possible changes to the longevity pay ultimately fell off the table.

Most longevity increases are protected by the Triborough Amendment, which keep in place conditions of a public sector contract even if that contract is expired. Critics complain it gives unions an incentive to sit on their hands during negotiations.

“Raises do go on even though there are zeroes in the collective bargaining agreements because of the steps,” said Elizabeth Lynam, deputy research director at the Citizens Budget Commission.

“That’s a big issue,” added Lee Adler, a lecturer at the Cornell University School of Industrial and Labor Relations.

“When everyone ‘got zeroes’ in the state contracts, those who were more senior workers would be able to gain a little bit of edge in the step increases.”

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City to lay off 67 employees

Twenty CSEA members, five firefighters to be let go

By ANTHONY RIFILATO

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The city intends to move forward with what is being called a "first round" of layoffs in the coming days, as officials contend with a projected \$10.2 million deficit and attempt to craft a balanced budget for fiscal 2012-13.

The City Council is being asked to approve an \$87.9 million spending plan that comes with a 4.1 percent tax levy increase and an 11.9 percent deficit-reduction "surcharge," though city officials said they are confident that state lawmakers will approve legislation that will allow the city to reduce the sur-

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charge by more than half and spread the payments out over 10 years.

But the city also needs to come up with \$7 million in personnel savings to balance the budget, City Manager Jack Schnirman said.

Schnirman explained that although negotiations are continuing with the Civil Service Employees Association, the Long Beach Professional Firefighters Local 287 and the Long Beach Patrolmen's Benevolent Association, layoffs of 20 full-time CSEA employees and five firefighters hired last year are unavoidable because the previous administration did not budget for those positions.

"In the coming days, notices are going to go out to 25 full-time employees informing them that they will be included in this first wave [of layoffs]," Schnirman told the Herald on Monday. "It's very clear that it's impossible to realize the \$7 million in savings without this first round of personnel reductions. We hope that our labor partners will work with us to identify concessions and savings to prevent or curtail the need for additional personnel reductions."

Schnirman said that the layoffs would save the city \$2.5 million annually beginning in fiscal 2012-13. The city is also cutting 42

part-time employees and removing 69 "inactive" part-time workers from the payroll, he added. The layoffs will affect a number of departments, he said, including public works, sanitation and beach maintenance. No Police Department layoffs have been announced.

Schnirman also said that the city would still need to come up with an additional \$4.5 million in savings, and that he is hoping union leaders agree to a number of concessions that include wage freezes, furlough days and a requirement that employees pay a percentage of their health care premiums. The concessions are in line with Governor Cuomo's recent "successful historic labor agreement models that are being emulated across New York state," he said.

"Our hope," he said, "is that we pass a balanced budget that puts us on the road to recovery, and put these difficult times behind us."

But hundreds of CSEA employees, firefighters and residents turned out to protest the layoffs at Tuesday's budget hearing. Schnirman told residents that the administration has reined in administrative costs while reducing management positions, overtime and departmental spending, but CSEA workers stomped and cheered as President John Mooney criticized the administration for not doing enough to cut high management salaries and for giving out raises while putting the burden for the city's fiscal woes on the backs of workers. Mooney called on Schnirman and the council, which is expected to vote on the budget on May 22, to be fair, saying that the union is bearing the brunt of layoffs and demotions.

"I stand before this council disgusted and angered that we were left in this position," Mooney said. "It's pretty ironic that among the top 25 salaries, not a single CSEA member is there. You cannot balance the budget on the backs of people making \$8 an hour and the lowest-paid workers in the city ... [T]alking about 25 layoffs and reading it in the goddamn paper without seeing it and hearing who is involved is a disgrace."

Mooney added that the union would agree to concessions if they were spread "across the board" in the police and fire departments as well as the CSEA.

Schnirman said that the layoffs would not impact city services, though Mooney and several firefighters and residents dis-



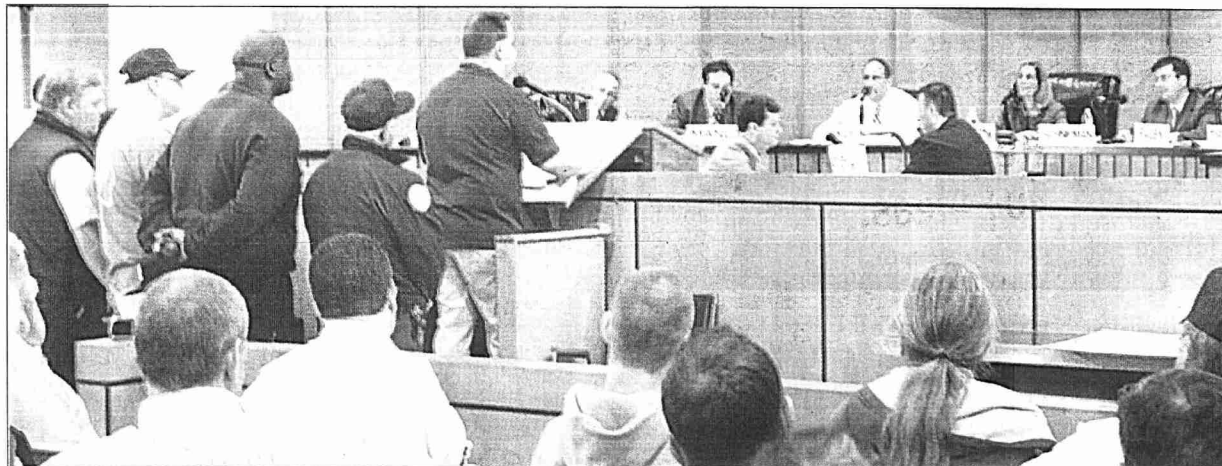
agreed, saying that the Fire Department, which includes a 33-member paid force, responds to roughly 5,000 emergency calls per year.

Christopher Koehle, one of the five firefighters hired last year, said that the cuts could result in slower response times. "Prior to the hiring of myself and the four other men ... the professional firefighters only staffed one ambulance ... at this point, now we staff two ambulances," Koehle said. "Before, if there was an emergency, and another across town, if you were the second person, no matter what your emergency, you were waiting ..."

Resident John Ashmead said that the CSEA should not bear the brunt of layoffs. "The people who I have seen work harder than anyone ... is the sanitation workers," Ashmead said. "That being said, the piggy bank is empty, we have a payroll that we just can't afford. I hope that there is a culture of collaboration ... I hope that all three unions, all labor leaders come to the table ... let's come up with ideas, so that the pain is not borne by the relatively few and is spread amongst many."

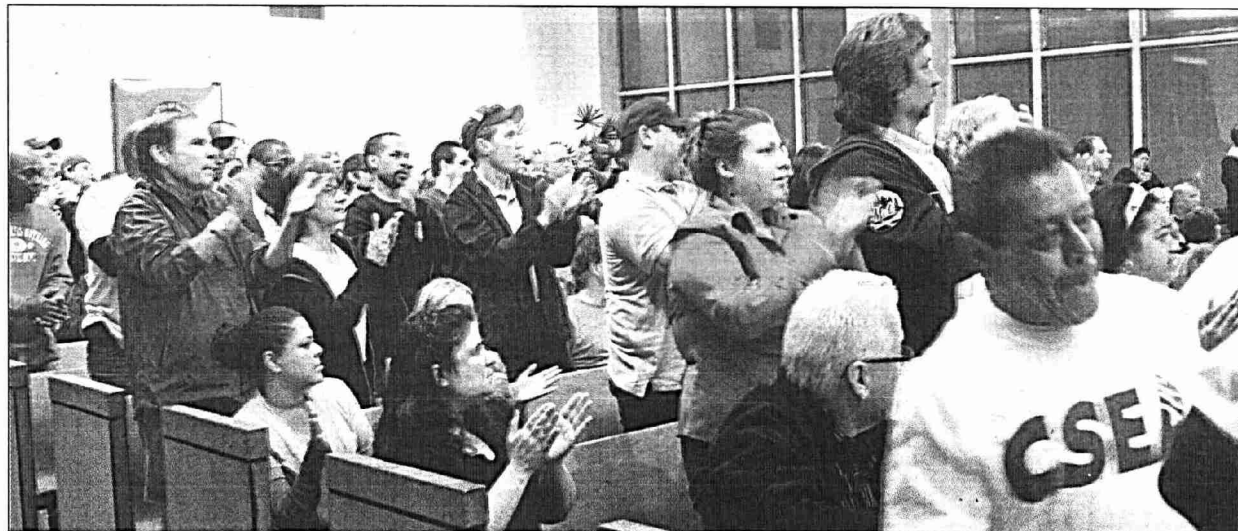
Councilman Mike Fagen said that the administration needs to do more to cut costs, and called for a 15 percent pay cut for all exempt employees, which he claimed would save six jobs. "We've been handed a very tough task — we knew about this in December," Fagen said. "Simply put, we can't afford everybody, but I believe that the way this is being handled needs to be done better."

"This budget is not finalized," said Council President Fran Adelson. "We will listen to everything that everyone said tonight — people had great suggestions. I know people are very upset about layoffs and taxes ... I promise you we will do the best we can do to cause the least pain for everybody, but I do feel that somehow it is going to be shared by everybody."



LONG BEACH HERALD - May 17, 2012

CSEA PRESIDENT John Mooney called on the City Council and administration to be fair, saying that low-paid union employees were being singled out. Photos by Arthur Findlay/Herald



CSEA MEMBERS and residents applauded Mooney and others who addressed the council.

County may use more contracted employees

Change would affect mental health clinic

By Rick Miller
 Olean Times Herald

LITTLE VALLEY — Plans to expand Cattaraugus County's use of contract employees to staff the Community Services' mental health clinic were approved Wednesday by members of the County Legislature's Human Services and Finance committees. The committee chairs cast the lone "no" votes in each case.

The Community Services Board had cobbled together a plan from two separate plans submitted in response to requests for proposals. It would save the county approximately \$465,000 a year by shifting about 20 county employees to contract workers for Cattaraugus Community Action and Jamestown Psychiatric PC.

A number of mental health workers in the mental health clinic are already employed under contract with Community Action. This plan will expand that number to about 30, but Cattaraugus County will maintain the clinic's license.

The contracts call for the county to pay Jamestown Psychiatric PC up to \$233,620 between Oct. 1, 2012, and Dec. 31, 2013, for two registered nurses and one licensed practical nurse. In a separate resolution, Community Action would receive up to \$1,862,484 over the same period for 16 social workers and mental health therapists, six clinicians, five customer-service representatives, one engagement

specialist, one clinical director and one quality assurance specialist. The actions are linked to the 2012 county budget.

Dawn Miller, Community Services director, said the projected 12-month savings of \$464,928 is largely due to the lower salaries paid in the private sector. She said two years ago, when she and other department heads were directed to prepare "white papers" on how to respond to state budget cuts, contracting out clinical work was the last option she offered. With state reimbursement rates cut, the high salaries in the department couldn't be sustained "without impacting the tax levy."

Ms. Miller said changes in the department are a result of state and federal changes. "The overall direction we are heading as a system is a good one that involves individuals with severe mental illness actually recovering and leading productive lives — going back to college, becoming employed, participating in meaningful activities in the community, and becoming taxpaying citizens," she said.

Ms. Miller added, "the

positive outcomes are not coming from doing things the way we have always done them. There is no more hanging out all week in the basement of the Guidepost doing ceramics. Many of the county staff in this department have been pushing back since the day I started. Cattaraugus County has implemented all of these programs under my leadership over the past four years and moved the system forward as a leading county in New York state."

She said employee opposition has been "insurmountable," and she has been unable to impress upon employees that the program's fiscal viability must be increased. "And all the things the county staff has said are impossible to achieve are currently being achieved by the contract staff. I have done everything I was charged with by this Legislature."

Human Services Committee chair Linda Edstrom, R-Olean, who withdrew as a sponsor of the resolution introduced for immediate consideration last week, asked Ms. Miller how things would be different with the same employees, since the agencies have agreed to keep the same employees — but at lower rates.

"My concern," said Ms. Edstrom, "is that Community Action is an



anti-poverty group, not a mental health group.”

Joseph Snyder, R-Ischua, asked why the committee didn't take to Olean General Hospital, which had made a proposal that was earlier rejected.

Ms. Miller said it was the independent Community Services Board, which proposed splitting the duties between Community Action and Jamestown Psychiatric. Both have a current relationship with Community Services.

Sheri Ambuske, the Civil Service Employees Association General Bargaining Unit secretary, told members of the Human Services Committee that there was a “huge distrust” between employees and management in the Community Services Department. The director wouldn't support county jobs, she said.

Ms. Edstrom noted that it

was the County Legislature's Vacancy Committee that directed Ms. Miller to fill vacant jobs with contract jobs with Community Action. Legislator Carl Edwards, R-Limestone, added that Ms. Miller “has done everything the last Legislature and this Legislature have asked her to do.” State mental health officials have expressed confidence in Ms. Miller as well, he added.

Legislature Vice Chairman James J. Snyder, R-Olean, who also serves as Finance Committee Chairman, said later he was the only member of that committee not to sign the resolutions Wednesday night. Finance Committee member John Padlo, D-Olean, was absent.

The resolutions to contract with Community Action and Jamestown Psychiatric come before the full County Legislature next Wednesday.

County weighs leasing the sewer system ⁷

By **DAVID WEINGRAD**

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Facing a \$3 billion debt, Nassau County Executive Ed Mangano recently announced his intent to pursue a public-private partnership to operate and maintain the county's three sewage treatment plants. At a news conference in Mineola on May 3, Mangano, a Republican from Bethpage, said the transaction would earn the county \$750 million, alleviating 25 percent of Nassau's debt — the highest of any county in New York.

The county's plants — the Bay Park Sewage Treatment Plant in East Rockaway, the Cedar Creek Sewage Treatment Plant in Wantagh and the Glen Cove Sewage Treatment Plant — are in a state of disrepair, and according to Mangano, are headed into bankruptcy by 2014.

"It's time to pay down this debt and take it off the back of our children, to protect our taxpayers and our environment," said Mangano.

Through a request-for-proposal committee, Mangano said, New Jersey-based United Water Services, Inc. was chosen among four respondents to operate and maintain the plants.

Despite reports in other publications, details of the partnership have not been released, according to Rich Henning, senior vice president of communications for United Water, because there is no contract yet. "It's envisioned that this will be a long-term agreement," Henning told the Herald. "When you're retiring as much debt as the county will be retiring, you want to do that over a number of years so that you can make it financially feasible."

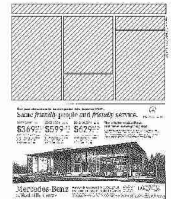
According to Mangano, a contract may be reached "by the end of the summer," at which time the county would seek a third-party financier through an RFP, which would enter into a long-term contract with the both the county and the sewer operator. "It's contemplated [the contract] could be 30, 40 or more years," said the county executive, adding that the official changeover would occur near the start of 2013.

According to the county executive, the sewer system accounts for roughly \$465 million of the county's debt.

Mangano said that the transaction would not affect taxes, adding that he would cap United Water's "ability to pass costs on the county" through rate increases.

In 2010, a group of residents discovered that the Bay Park plant was illegally discharging partially treated sewage into Reynolds Channel near Long Beach as a result of faulty and outdated equipment. Mangano's administration has since spent more \$70 million to improve the Bay Park and Cedar Creek treatment plants.

But on May 3, Mangano said that Bay Park experienced a major power plant failure on April 27 — it's second in a month. "We must never again allow these plants to rack up \$1 in [State] Department of Environmental Conservation



finances with unlawful discharges into our bays and oceans," said the county executive.

In response to Mangano's plan, County Legislator Kevan Abrahams, the Democratic minority leader, said in a written release, "Mangano's sewer proposal is a Hail Mary pass designed to provide a short-term budget fix to address the long-term fiscal mismanagement that has occurred on his watch. The foreign operator he has selected to run our sewers has a track record of rate hikes and serious environmental damage in other areas where they operate in the U.S. This is a disastrous decision by Ed Mangano to bail himself out on the backs of Nassau taxpayers who depend on reliable and affordable sewer service."

County Legislator Peter Schmitt, the Republican majority leader, said, "It sounds like a good plan that would save taxpayers money. I look forward to the hearings."

Before the proposal reaches the Legislature for consideration, Mangano announced that there would be public hearings at which residents can ask questions. One will be on May 16 at the Bay Park plant, and another on May 17 at the Theodore Roosevelt Executive and Legislative Building in Mineola.

Thereafter, the Legislature will hold its own public hearing, and then both the Legislature and the Nassau County Interim Finance Authority must approve the plan before Mangano can enact it. "We are going to present all the options to the people so they understand it, and then we will make a final recommendation to the Legislature," said the

Continued on page 18

county executive.

United Water, which started in 1869, operates in more than 400 communities throughout the U.S., including many areas in New York such as Poughkeepsie, White Plains and New Rochelle.

In December 2010, United Water was indicted by the U.S. Department of Justice on conspiracy and felony charges for its alleged actions at a sewage treatment plant in Gary, Ind. According to the justice department, United Water increased its disinfectant treatment levels for E. coli bacteria shortly before sampling in order to meet federal requirements. Allegedly, the company then decreased treatment levels shortly after sampling. Tampering with required monitoring methods at a permitted facility is a violation of the Clean Water Act, a federal law.

"We are fighting that," Henning said. "We believe that we are completely innocent of the charges. That will continue to take its course, and by summertime we will know a little bit more."

According to Henning, when United

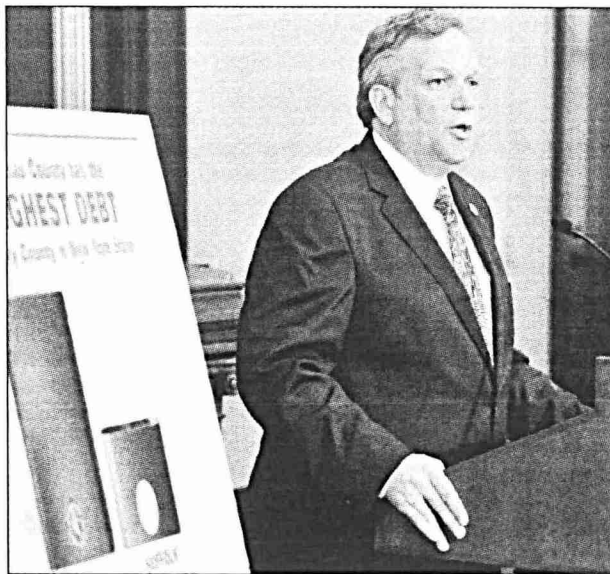
Water took over operations of the plant in 1998, the sewage facility had 12 outstanding violations issued by the U.S. Environmental Protection Agency. Within two years, Henning said, United Water eliminated 11 of the violations, but could not eliminate the last since it required funding from the state of Indiana, which led to the indictment. "We were there for more than a decade," Henning said. "We certainly made quite a few improvements to their system."

Rob Weltner, president of Operation Splash — a Freeport-based non-profit organization committed to improving Long Island's bays — said that he is "cautiously optimistic" about Mangano's plan. "The existing system was shot," he said. "Having worked in the private sector my whole life, I know it can go really well, where people are held accountable."

Weltner added that Operation Splash would continue to monitor the plants, regardless of who operates them. Additionally, he said he has already called environmental groups that oversee plants that United Water operates. "They could not give me a bad report on what United Water has been doing," he said.

At the news conference, Mangano added that no county workers would lose their jobs in the changeover. "They will have the option to work for the operator or can retain positions with us," he said.

Jerry Laricchiuta, president of the Nassau County Civil Service Employees Association, said that the CSEA has a contractual agreement that says workers cannot be laid off as a result of subcontracting. "My main concern is that I don't want to lose another member, or employee, to layoffs in any way," he said. "We've had over 300 layoffs in this county. People's lives have been destroyed. So if we can preserve their jobs, that's my number-one goal, and I think we are going to be able to do that."



Donovan Berthoud/Herald

COUNTY EXECUTIVE ED MANGANO is proposing to lease Nassau's sewer system to New Jersey-based United Water Services, Inc.

Diana's actions show need for oversight greater than ever

BY BILLY RICCALDO

The resolution to create an inspector general position was a victim of County Executive Ed

Diana's veto pen in early 2010, but Diana's antics involving Valley View and now the FEMA report on the Govern-

ment Center show the need for oversight may be greater than ever.

While Diana continues his quest to dump Valley View despite its 185-year track record and the growing need for safety-net nursing facilities, he has looked the other way as his handpicked Valley View administrator, Orange Administrative Services, has produced sloppy budgets, understaffed shifts and shown a startling lack of compassion toward residents and workers.

As county executive, Diana is responsible for overseeing department heads, so the only logical conclusion in keeping OAS is that Diana brought it in to pave the way for an eventual closure or privatization.

If Diana has set Valley View up to fail, he has betrayed not only the residents and the workers but also every county taxpayer who counts on Diana to be an effective fiscal steward. The county can afford Valley View and has a moral obligation to continue the facility's mission, but it can be run more efficiently without OAS at the helm.

I'm proud that our CSEA

workforce has kept the care at Valley View top-notch despite minimal support from management. An average day for a Valley View worker is often 16 hours long because of Diana and Valley View Administrator William Pascocello's refusing to fill numerous job vacancies. Constant mandated overtime means time away from family, serious fatigue, an increase in on-the-job injuries and even illness.

CSEA has pushed for job vacancies to be filled through labor-management meetings and the grievance process. Instead of responding appropriately, Pascocello has come before legislators badmouthing workers by suggesting they are abusing their leave accruals and complaining about overtime costs. It's an affront to a workforce that has kept this facility running. While reprehensible, it's logical that Pascocello has adopted this blame-the-worker mentality because he needs to deflect attention from his own failures as a manager.

I want the public, especially Valley View residents' families, to know that despite the utter lack of respect Diana and Pascocello have shown to the Valley View work force, the workers continue to do an outstanding job. They express just as much, if not more, concern about their residents' future than they do about their own.

Remember that Pascocello is simply an appointee; it's ultimately Diana's responsibility to ensure that Valley View is

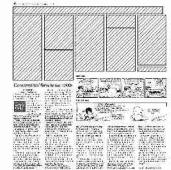
properly run. Diana ignored recommendations in a feasibility study on Valley View that pointed out the significant role of OAS in increased losses. OAS should have been thrown out of Valley View long ago, but Diana has kept them there. With Diana so bent on dumping Valley View, he's apparently seen no reason to get rid of poor management.

Now we've learned, thanks to the Times Herald-Record's investigative reporting, that Diana withheld a FEMA report on the condition of the Government Center. If we can't trust Diana to be honest on a project as tremendous as a new Government Center, we clearly can't trust him on Valley View.

CSEA insists upon a safe and healthy workplace for our members working at all county worksites, including those workers at the Government Center. It is quite troubling, though, to see that the FEMA report was possibly withheld as a way of getting that new building while shutting the doors on Valley View.

Orange County is tired of Diana's dictatorial governing style. The legislators who have blindly followed Diana have the opportunity to stand up and prove their independence. Otherwise, residents will need an independent watchdog keeping an eye on the store because one man has far too much control over so many important issues.

Billy Riccaldo is CSEA Southern Region president.



Move to rescind park sticker fees shot down

By PEGGY SPELLMAN HOEY

Brookhaven lawmakers' attempt to repeal a new policy requiring residents to pay \$25 for a park and beach access sticker for their cars was defeated May 8.

Town officials introduced the new policy earlier this spring to address decreased revenue and increasing costs to maintain the parks and recreation department's heavily used facilities. The new policy requires residents who frequent the town's parks and beaches to purchase a two-year access sticker for their cars at a series of satellite locations such as Town Hall and the Mastic and Centereach pools. Senior citizens have a reduced rate of \$15 for the two years.

The measure was defeated 4-3 along party lines.

Sponsor of the measure, Councilwoman Jane Bonner, a Conservative who caucuses with the Republicans on the board, described the new fees as an egregious tax and another burden for those less fortunate in town. Bonner said she was able to find \$625,000 in the budget from areas that would not hurt, such as de-funding vacant positions.

"What I felt was important was the very fact that the people who will be staying home, possibly losing their houses, who will not be going on vacation — these are the people who will be impacted by this most," she said.

Supervisor Mark Lesko, a Democrat, said the fees were necessary to maintain the town's parks facilities and make up for revenue loss such as the declining mortgage tax receipts. In terms of charging for the use of town facilities, Brookhaven is way

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behind and one of the only municipalities on Long Island that does not charge

a parks access fee. While Lesko said he understood where Bonner was coming from, he disagreed with where she pulled the funding from.

"We want to be able to save as much as we can because the 2012-13 budget will be a very difficult one and we don't want to be in a position where we have to, unfortunately, talk about layoffs or massive service reductions," he said.

Her proposal was also much to the chagrin of the town's collective bargaining units whose leadership disagreed with de-funding positions at a time when areas are already understaffed.

Meg Schutka, president of the town's Civil Service Employees Association, the union that represents the white collar unit in the parks and recreation department, urged the board to reconsider rescinding the park sticker fees because the move will affect parks employee jobs.

"Let's get real; it's \$25 for two years and the senior fee is \$15 for two years for two cars," she said. "I know it is hard to do something like this because when people are used to having something they did not pay for, they don't want to pay for it. But, you know what? We have not had a tax increase, revenues are down and we've already seen the charts. The money has to come from somewhere."

Mike Morris, first vice president of the blue collar unit, which represents parks employees, also supported the sticker fee from the standpoint residents should pay to help maintain the facilities they use, many of which, such as the Moriches Athletic Complex, get visitors from other areas.

"To me, \$25 for every resident that wants to use our facilities, I don't think is a big deal," he said. "I am a resident. I pay taxes. I don't mind paying \$25. Those parks that everyone thinks are so beautiful and those marinas everyone thinks are so beautiful, we're maintaining them, keeping them beautiful and we



are understaffed as it is.”

Councilman Dan Panico, a Republican who also sided with Bonner, described the new fees as another tax on residents.

“The new town should be — change the sign outside — ‘Feehaven,’ because that is what this town has become,” he said. “You can’t do anything.”

Councilman Tim Mazzei, a Republican, said Bonner’s proposal should have been given some serious thought, but questioned why the heated discussion.

“This resolution is going to go down anyway,” he said.

MaryAnn Johnston, a board member with the Affiliated Brookhaven Civic Organization, an umbrella group of the town’s civics, suggested the town limit the fee and make the policy of charging a fee subject to review. She also suggested the sticker be replaced with a removable pass which would cut back on costs for families with multiple cars. But Johnston disagreed with stickers for boaters who rent boat slips from the town.

“If you need to build it into a marina rental, then build it into a marina rental,” she said. “But it should not be an extra fee.” ■

NUMC employees recognized for service

Nassau University Medical Center held its 7th annual employee recognition dinner last month that was attended by more than 400 employees. Two recipients of the Earl Stroughton Award, Angie Eason and Theresa Lopes-Boehm were each recognized by the

CSEA leadership for their service and dedication in improving the lives of patients each and every day of the year and others were thanked for years of service to the hospital. Pictured are employees who completed five years of service.



Positions restored in GASD

By HEATHER NELLIS
Recorder News Staff

The Greater Amsterdam School District Board of Education at its monthly meeting Wednesday received recommendations from Superintendent Thomas Perillo about the reinstatement of \$300,000 worth of staff positions made possible by a dozen anticipated retirements.

The reinstatements were described by Perillo and Secondary Instruction Director Susan Stoya as an attempt to rectify shortcomings in instruction, and subsequent impacts in test results caused by staff reductions under budgetary constraints.

Perillo said the district is looking at adding a kindergarten teacher at the Raphael J. McNulty Academy for International Studies and Literacy to help reduce class sizes, an English Language Arts reading position at the Wilbur H. Lynch Literacy Academy to reduce remedial class sizes, two special education aides mandated for students entering kindergarten in September, a part-time

**Please see GASD,
Page 5**

technology teacher at Amsterdam High School to start rebuilding available electives for students, a part-time elementary remedial math teacher, and one elementary building aide.

Additional shufflings will occur at McNulty, where a fifth grade teacher will be moved to second grade to address a "bubble" in enrollment.

Perillo also said three additional elementary building aides will also

be reinstated, but their positions will be funded by grants.

"AIS classes have been large in reading and math the last three years due to cuts, including cuts in regular classroom positions," said Stoya. "Several positions were eliminated, and some retirements were not filled, both because of budgetary issues."

Stoya said that's caused "deterioration" of a "teaming model."

"Someone who taught AIS might have gone into a classroom position," she said, or a teacher may teach three or four periods of math, and then one period of English.

"We've had some teaching English, and the teachers aren't certified in English or reading. It's caused an issue in the quality of instruction for students, and impacted state test scores. We're trying to restore a model where people are primarily teaching one subject."

Perillo said the district will use a priority list to call staff members laid off, and those who will be considered for the positions will have to be approved by the board in subsequent months.

In other board news:

- The board canvassed the budget results from Tuesday's election. The official tally for the voter approved budget rests at 883-672.

Perillo said 1,628 people voted, which he described as "a little low," noting the average is about 1,800, but said the budget passed in the two largest voting districts at McNulty and William B. Tecler Arts in Education.

- The board addressed the proposition voters defeated that sought to purchase two 30-passenger school buses. Perillo said they would have replaced two 2001 models that had 80,000 miles and 70,000 miles on them, respectively.

Outgoing board President Raymond Crosby said it should be noted those bus purchases of about \$90,000 apiece would have been reimbursed by state funding at a rate of 90 percent.

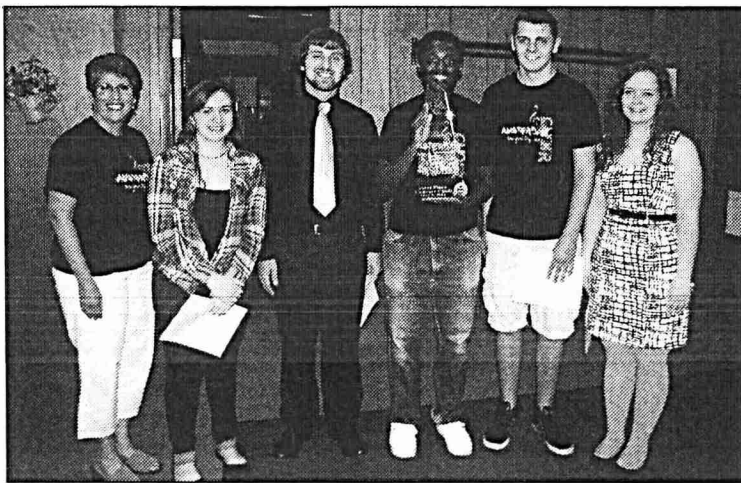
"That means for a \$90,000 bus, it would have cost us \$9,000," Crosby said. "It's probably unfortunate that

it did not pass because it will cost more to maintain those 2001 buses."

Perillo described those buses as "safe" and said they have passed inspection.

- The board held an executive session to discuss ongoing negotiations with the Amsterdam Teachers Association, the Civil Service Employees Association, and the Amsterdam School Administrators Association. When the board reconvened for public session, no action was taken. Perillo said negotiations are ongoing.





Heather Nellis/Recorder staff

The Amsterdam High School Choir was honored at Wednesday's meeting of the Greater Amsterdam School District Board of Education for their achievements at the Big Apple Choral Festival held at the College of Staten Island on May 4. From left are choral Director Pat Valiante, Rita Laffredo, Eric Neuls, Papa Jo Amissah, Zach Arsenault and Giovanna Savoie.



Courtesy Town of Hempstead

HEMPSTEAD TOWN SUPERVISOR Kate Murray, Councilman Gary Hudes and Town Clerk Mark Bonilla helped kick off the 2012 March for Babies at Eisenhower Park in East Meadow.

Town employees walked for healthy babies

Hempstead Town Supervisor Kate Murray led a team of Town of Hempstead employees, family members and friends during the annual March for Babies Walk at Eisenhower Park last month. The charity walk, which benefited March of Dimes, culminated a successful fundraising effort by the town's dedicated team of volunteers.

The Town of Hempstead March for Babies team, in partnership with CSEA Local 880 (Hempstead Town's employee labor union), actively raised funds, spread awareness and registered participants for the walk.

All proceeds benefitted the March of Dimes' efforts to improve the health of babies by working to prevent birth defects, premature birth and infant mortality.

"We are proud of our ongoing partnership with the March of Dimes in the fight against prematurity, infant mortality and birth defects," said Murray, the honorary chairperson for the March for Babies Walk. "I thank our dedicated group of employees, family members and friends for their efforts, as well as the continued support from CSEA Local 880."

Since 1970, March of Dimes March for Babies has raised more than \$2 billion in support. This year, more than seven million people were expected to join their family members, friends and coworkers across the country in a March for Babies.

To donate to March of Dimes, visit www.marchforbabies.org/team/toh.



Bronx Psyche letting patients out to save \$- union claims

By David Greene

A union representative who oversees workers at the Bronx Psychiatric Center, claims that management is moving patients to out-patient clinics across the borough—and some are walking away before they are ever signed in.

Abraham Benjamin, an official with Civil Service Employees Association, Local 100, claimed, “The people they could not put in nursing homes, they mixed them with our general population, where a lot of them are younger and more mobile and aggressive.”

As the 360-bed hospital is apparently downsizing, Benjamin states that the male admissions ward was also closed, and patients were thrown in with the general population. The hospital also closed one of two bi-lingual wards.

According to Benjamin, the hospital began a new program called a, “community transitional” program, “that’s putting them (back) in the community.”

The hospital also recently closed its trauma unit, which also cared for female patients that have been traumatized. Benjamin explained, “These women have now been placed in co-ed wards.”

Benjamin offered, “They’ve been traumatized by males and now they’re put back in and being housed with males, before they have gotten well enough to adapt to going into a mixed population.”

“Today we found out,” Benjamin continued, “that they are putting out the patients before they are ready,” charging that one elderly woman, whom the staff had been fighting to get her citizenship papers, was nearly discharged.

Benjamin fumed, “She was told she was going to a rehab session and then they were going to drop her off at this family care home... they had her sign papers that she didn’t know what she was signing.”

With the help from Danny Rivera, the Chief of Staff for Assemblyman Peter Rivera, the pair reached out to the woman’s attorney and the unidentified woman was eventually returned to the hospital.

The woman, who gets the special, “one to one” care, meaning one caregiver attends to only her, was apparently waiting for the van as employees quickly bagged up her belongings, which were placed in the van with her when she left.

“This is just an abuse,” Benjamin concluded, “to the people we give service too... they can’t get rid of staff so the get rid of the people we give care too, so they can justify dropping the staffing levels and these patients are not prepared to go outside at the present time.”

The union claims that several patients each day are taken to its two out-patient wards, or out-patient clinics across the borough, with some wandering off on the street before

they are even registered.

Figueroa pointed to a recent incident in Manhattan, when a police officer was stabbed by a deranged individual, stating, “It’s the problem were having when we don’t appropriately take care of the people with mental illness.”

He continued, “I am absolutely incensed that something like this would happen and it puts everyone in the community in harms way, when we release patients that have severe or serious mental infirmities, and then put them out on the street.”

On May 31, the hospital is expected to lay-off 65 employees. The staff held a small demonstration outside the hospital on Waters Place on Thursday, May 3, passing out fliers, alerting members of the community to the problem.

One young woman who takes the train at the nearby Westchester Square station, said of the patients, “I see them all the time, one let me go first and then he started talking to himself.”

Repeated calls to the Bronx Psychiatric Center were referred to Leesa Rademacher at the New York State Office of Mental Health, who after repeated calls sent an apologetic e-mail that stated, “I’m doing several jobs here so I can’t take calls otherwise I’d never get my primary job done.”

Rademacher stated, “OMH’s state operations budget (that which funds state operated psychiatric



centers) is flat this year,” and provided links which provided their operations budget, currently at \$2,046,067.000 and bed count currently at 24;

down from 48.

Rademacher declined to respond to union members and workers claims that individuals with serious mental problems are

ending up on the street.

One caregiver at the demonstration stated, “Right about now, it’s not about patient care, it’s about money.”



Photo by David Greene

Workers protest cuts outside of the Bronx Psychiatric Center.

Former Sunmount employee makes public protest

By JESSICA COLLIER
 Staff Writer

TUPPER LAKE — A former employee of Sunmount Developmental Center is making his displeasure at being fired well known.

Pete Boushie parked a trailer with a protest sign on it at the front entrance of the main Sunmount facility last Friday, then again Monday, Tuesday and today.

The sign reads:

"Pete Boushie

"14 months 700 hrs OT

"0 missed days

"fired 4 taken brothers funeral off

"Good job Stephanie & Gail"

Boushie started working as an aide at Sunmount on Dec. 8, 2010. It's typical for Sunmount employees to be on probation for one year, but Boushie's probation was extended.

His side

He said he worked more than 700 hours of overtime in the 14 months he worked for the agency.

"As far as everyone said, I was an excellent employee," Boushie told the Enterprise. "I never missed a day of work; I was never late."

That is, until his brother's funeral. He submitted a request for the day off for the funeral 10 days ahead of time, citing personal reasons but not making it explicit that he wanted time off for a funeral because he didn't think it was anyone else's business, he said. He had Thursday and Friday off that week; then the funeral was Saturday, Jan. 7. He was notified on that Wednesday that his request for time off wouldn't be granted.

He said he planned to go in to work the day of the funeral, but it was too hard.

"I told my supervisor I

was very heartbroken and I couldn't go in, and he understood," Boushie said.

He said he was told on March 19 that he was being terminated, and that the reason was because he didn't come in the day of the funeral.

After he was notified he was being fired, Boushie said he talked to Paul Maroun, village mayor and a member of the Sunmount Board of Visitors, and Sunmount Director Steve DeHond, who Boushie said agreed that his termination was wrong. They offered him the job back, but he had to start the entire process over again, getting fingerprints and a physical done again and starting over at the beginning of a year's probationary period. Boushie refused.

"I told them, 'Absolutely not,'" Boushie said. "I've been there for 14 months. There's nothing wrong with my performance. My performance was excellent. Either you give me my job back, or you fire me."

He said he decided to put up the sign to let people know what happened to him. He said he's gotten a lot of people voicing their support for him since he put it up.

"They're all giving me thumbs up and saying I did exactly what I should've did," Boushie said.

He said he checked with state police before putting it up to make sure it is legal.

The Stephanie referred to on the sign is Sunmount Assistant Deputy Director Stephanie Dunham, and Gail is Gail Smith, who Boushie calls the head of all the supervisors at Sunmount. Boushie accuses both the women of being responsible for his termination for personal reasons.

"This is all a vendetta between the two of them to

get back at me," Boushie said.

He used to have a floor finishing business, and when he did that, he did a job at Dunham's house. He said they had a disagreement, and that she let that carry over into being his supervisor at Sunmount. As for Smith, they didn't get along at Sunmount, Boushie said.

Other sides

Mark Kotzin, spokesman for the Civil Service Employees Association, the union that tried to help Boushie, said the traineeship council at Sunmount, made up of union members and other Sunmount employees and administration, recommended that Boushie be terminated. He said the funeral was part of the reason he was fired.

"It was partially based on this one incident, but not solely based on that," Kotzin said.

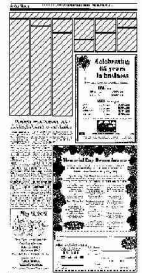
Kotzin said Boushie's probation was extended by three months when he didn't meet all the requirements to get off of probation.

That being said, CSEA did try to help Boushie.

"The union did try to go to bat to get him restored to his job," Kotzin said. "We were not able to get him restored to work."

He said the offer that Boushie got to restart his employment there was unusual, but it was Sunmount's prerogative to offer it.

Maroun confirmed that he did work with Boushie to look into the matter. He noted that when an employee is on probation, the state can let that person go without a reason and the person has no formal process to grieve the decision, as an employee would if he or she was off probation.



“He was offered a job back,” Maroun said. “That’s the best I could do, and that’s the best we could do.”

“I thought the offer they gave him was better than not having a job.”

Travis Proulx, spokesman for the state Office for People With Developmental Disabilities, said he wasn’t going to discuss Boushie’s employment history.

“He’s entitled to put a sign where he wants to put a

sign,” Proulx told the Enterprise.

The bottom line, Proulx said, is there are many reasons why an employee could be terminated.

“If he says there’s nothing, then that’s interesting,” Proulx said.

He declined to address specific accusations about any Sunmount employees or administrators.

Tekla Rydzewski of Rainbow Lake emailed the media to draw more atten-

tion to Boushie’s sign. She said she wants people to know what’s happening to him.

“It’s a really horrible thing that they’ve done to him,” Rydzewski said. “They can’t be treating people that way. That public needs to know what’s going on.”

Contact Jessica Collier at 891-2600 ext. 26 or jcollier@adirondackdailyenterprise.com.

Local unions will have more sway in 2013

Albany gerrymandering and other factors will blunt efforts of organized labor this fall



Things are tough all over. While this is certainly true for most Americans, on Long Island times have been particularly trying lately for unions and their members.

Granted, many unionized public employees have received their negotiated salary bumps over the past few years, and the climate for the labor movement is nowhere near as bad here as it is in other parts of the country. New York is still a very blue state and a bastion of union strength and influence. "Right to work" laws won't be passed here anytime in the near future. Such laws, which prohibit closed union shops or mandated union dues as a term of employment, exist in 23 states.

Nor is it likely that we'll see attempts to strip municipal unions of their collective bargaining rights. That battle, being waged in Wisconsin, has led the unions to attempt a recall vote of Gov. Scott Walker. But while the political waters might not be as threatening on Long Island as in many parts of the country, the building trades here have been hit hard. The lack of new home starts that accompanied the collapse of the housing market hurt many union workers, including electricians and carpenters. That might not have been all that

bad if retail and commercial development hadn't come to a halt at the same time. Particularly galling to many union leaders is how difficult it is to get a development project off the ground — because of a lack of funding from the banks, NIMBY opposition to projects, and the difficulty of getting through most municipalities' planning and zoning processes. It takes too long for projects to get that first shovel in the ground, and in the meantime, people wait for work.

Municipal unions, which represent government workers, are struggling, too. With both Nassau and Suffolk facing big deficits, hundreds of county workers have already lost their jobs, and both counties are pressuring their respective unions — the Civil Service Employees Association in Nassau and the Association of Municipal Employees in Suffolk — for further concessions to avoid more layoffs. Polling shows that most of the public views civil servants as overpaid and underworked. However unfair this might be, it gives the politicians muscle when negotiating with the municipal unions in hard times.

This has all led to a consensus among the union leadership that their voices must be heard and their influence felt at the ballot box. But it's a tough year to send a message. There are few races this fall where union support could make the difference. The

presidential and U.S. Senate races are too big for unions to make an impact. Besides, both the Democrats and Republicans have already counted New York's 29 electoral votes for President Barack Obama.

That leaves the races for the U.S. House, State Senate and Assembly. The new district lines for the Statehouse are so seriously gerrymandered that there's hardly a competitive race on Long Island. Even in cases where the incumbents' districts have changed, strong challengers haven't emerged. Of the five congressional seats on Long Island, only one is expected to be truly competitive, and that's the rematch in the 1st District, pitting incumbent Rep. Tim Bishop (D-Southampton) against the man who almost took his seat in 2010, Republican Randy Altschuler.

Instead, unions should set their sights on 2013. With smaller seats like the county legislatures and town boards up for grabs — and a lower voter turnout (more like 25 percent, as opposed to 70 percent in a presidential year) — that's when unions can really make their clout felt through contributions and get-out-the-vote efforts. Like the long-departed Brooklyn Bums, the unions may just have to wait till next year.

Michael Dawidziak is a political consultant and pollster.



Nassau male 911 operators to sue for pay

BY ROBERT BRODSKY
robert.brodsky@newsday.com

Thirty current or retired male 911 operators are to file a federal class action lawsuit against Nassau County today, alleging they are being paid significantly less than their female counterparts, who won an equal pay lawsuit last year.

The male plaintiffs, all members of the Civil Service Employees Association, want about \$2.8 million in back pay from 1999 to the present, primarily for step increases that were never awarded. All but one of the men still work for the county.

The suit, to be filed in U.S. District Court in Brooklyn, names Nassau, its police department, the Civil Service Commission and County Executive Edward Mangano as defendants.

"These men are performing the same duties as the female communications operators but are being paid much less," said their attorney, Louis Stober Jr. of Garden City.

Stober said he also plans to file a discrimination complaint with

the federal Equal Employment Opportunity Commission later this month.

County Attorney John Ciampoli said his office would not comment until the suit has been formally filed.

Gary Volpe, a 911 operator since 1998, said he is owed roughly \$60,000 in back pay.

"The county needs to make the working class whole," said Volpe, the 911 Operators Unit president. "We should get what we are owed."

The new case piggybacks on a class-action lawsuit filed in 2005 on behalf of about 150 female 911 operators and supervisors who claimed they were paid about \$10,000 less per year each than Nassau fire communications operators — nearly all of them men — in violation of the New York State Equal Pay Act.

In December, the women reached a \$7 million settlement with the county, which included step increases that elevated their salaries above the male 911 operators.

The county has about 172 police communications operators, more than 90 percent of whom are female.

The class-action suit asks the court to apply the women's seniority steps to the male operators.

The 30 plaintiffs range in experience from nine years on the job to 31 years, Stober said, the latter of whom would be eligible for back pay of more than \$100,000, if the lawsuit were to prevail.

Stober asserts that the bulk of the men are owed \$40,000 to \$60,000 in back pay.

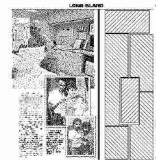
The precise amount each plaintiff would be owed will depend on their years of service and their placement on the salary schedule.

The female operators had to retain an economist to make the final calculations and the men will probably do the same, Stober said.

The suit also asks for punitive damages for the county's "willful and intentional acts" against the men, and for attorney's fees.

The county needs to make the working class whole. We should get what we are owed.'

— Gary Volpe,
president,
911 Operators Unit



Report: Sell off Summit Park

Consultants tell county hospital should go, too

By Laura Incalcaterra

lincalca@lohud.com

NEW CITY — Consultants hired by Rockland County are recommending that the Summit Park Nursing Care Center and possibly its hospital be sold to a public-benefit corporation.

They also are suggesting that the services offered by the county Department of Mental Health be shifted to community-based nonprofit providers, a trend already under way, and that Summit Park's inpatient psychiatric unit be transferred to Nyack Hospital.

Going forward, the Mental Health Department should embrace a strong watchdog role to ensure proper oversight, advocacy, planning and management of the services offered to Rockland residents suffering with mental illness, the consultants said.

Regarding the long-term acute-care

See REPORT, Page 5A

hospital, the consultants recommended that the county transfer ownership of the beds to Helen Hayes Hospital in West Haverstraw.

The LTACH beds, as they are called, have special licenses whose value was touted by County Executive C. Scott Vanderhoef when he first pitched creating a public-benefit corporation, or PBC, in

2010.

But during a presentation to the Rockland County Legislature on Tuesday night, the consultants said there was a federal moratorium in place for the past five years on selling the licenses.

Legislator Doug Jobson, R-Stony Point, said he was under the impression that the licenses were Rockland's "diamond in the rough" and after the presentation said he was surprised to learn they now had little to no value.

Before the meeting, Vanderhoef, speaking exclusively with The Journal News, said the licenses still held value because they could be transferred to a PBC.

Summit Park is on the grounds of the Yeager Health Complex in Ramapo and includes a 320-bed nursing home, a 57-bed acute-care hospital and a 43-bed short-stay mental-health unit.

The facility is often the place of last resort for residents who don't have the income to pay for nursing home care, or who exhaust their Medicare or other insurance benefits and must rely strictly on Medicaid to pay for their care.

The Summit Park operation has been a drain on county finances, with taxpayers forking over millions of dollars to help it continue operating since 2006, according to an audit by the state Comptroller's Office.

The facility's fiscal problems have contributed to the county's overall fiscal crisis, including a deficit of more than \$80 million and a downgrading by Moody's Investor Services last week that made it the lowest-ranked

county in New York, its creditworthiness just one level above junk status.

How the county addresses the future of Summit Park is seen as a vital step in its efforts to right its overall fiscal house.

The 94-page consultants' report, which contains a 129-page appendix, offers details on how the nursing home, hospital and Mental Health Department have fared in recent years in terms of finances and services provided.

It also attempts to forecast how each entity might function in coming years, given financial challenges and continuing changes in the health and mental-health fields.

Consultant David Bonk, director of health-care services for Toski and Company, said it's difficult to make such forecasts for even the next year, let alone five.

Vanderhoef proposed creating a PBC in October 2010, mainly as a way to close a deficit in his proposed 2011 budget.

He supported the PBC, he said, because it would reduce the financial burden on taxpayers while allowing the county to make sure Summit Park continued its mission of helping residents.

"If you're serious about the mission and trying to follow through with it, then this option provides the best option," Vanderhoef said.

He said the important thing was to take action regarding the recommendations this year so that the county was in a better fiscal position in 2013.

Under a PBC, the county could also guarantee that employees would continue working under



current conditions for a certain period of time; after that, they could face cuts in pay and benefits by their new employer.

That reality hasn't been lost on members of the Civil Service Employees Association, whose local president, P.T. Thomas, attended Tuesday's meeting.

The CSEA represents the largest number of county government workers.

"I still stick with my stand that it should not be a PBC," Thomas said. "It should be a stand-alone department."

Thomas said the county needed to reorganize Summit Park to meet the challenges facing residents in the 21st century. He said a profit could be turned by innovating the day-care center, dialysis unit and Alzheimer's unit at Summit Park, among other changes.

The report concludes that the county could improve the deficit situation at Summit Park but that it would take money and time — two things the county is significantly short on.

The county would have to step up its marketing efforts in the face of extreme competition to fill more beds; it would have to "right-size" staffing levels and better control rising employee benefit costs, a task typically done through lengthy union negotiations; and more aggressive leadership would have to be shown by the facility's administrators and county government leaders.

The study says those actions are unlikely to happen quickly enough to eliminate the historic

patterns of deficits seen at the facilities, leading to the recommendations of shifting mental-health services and selling Summit Park nursing home and possibly the hospital.

Legislator Joseph Meyers, D-Airmont, asked why the report says that the consultants assumed the county wanted to keep Summit Park open since legislators voted on no such measure.

Donald Pryor, director of human services research for the Center for Government Research, said consultants were given the impression that what was the county wanted. But, he said, that didn't influence the consultants' recommendation for the PBC.

The consultants, hired for \$186,000, include Buffalo-area accounting firm Toski, Schaefer and Co.; the nonprofit Center for Governmental Research and the law firm Hiscock and Barclay, both based in Rochester; and the Manhattan-based WASA/Studio A architecture and engineering firm.

"I still stick with my stand that it should not be a PBC. It should be a stand-alone department."

P.T. THOMAS,
CSEA president

Parents protest child-care increase

By Elizabeth Ganga
eganga@lohud.com

WHITE PLAINS
Child-care providers, parents and others dropped off stacks of petitions and letters opposing a hike in the parent share of subsidized day care to the Westchester County Department of Social Services Monday morning.

The delivery was made at the deadline of a public comment period required before county officials can ask the state to increase the amount of money that low-income parents in two programs must contribute to the cost of their child's care. Arguing the programs will run out of money before the end of the year, the county has asked for parents to pay 35 percent of their income above the poverty line starting June 1 instead of the current 20 percent.

"We just don't know how parents are going to afford it," said Howard Milbert, executive director of the Ossining Children's Center.

Milbert and others are concerned the higher rates will force families



Howard Milbert and Patrick Hogan deliver a pile of petitions. CARUCHA L. MEUSE/THE JOURNAL NEWS

to withdraw children from licensed care.

The Westchester Board of Legislators has asked the administration of County Executive Rob Astorino for more information on the DSS budget in the hopes money can be shifted within the budget to cover any shortfall.

The petitions held more than 4,000 signatures. Milbert and others also gathered letters from employers in favor of keeping the lower share.

Among the group that delivered the petitions — passing them through the glass door of the DSS on East Post Road — were representatives of the Westchester Early Child Care Directors' Association and Voice CSEA, a union representing home day care providers.



Niagara County contract talks spur rally

6 public workers unions to protest lack of progress

By THOMAS J. PROHASKA

NEWS NIAGARA REPORTER

LOCKPORT — As the level of hostility between Niagara County and its unions seems to be escalating, the six unions have announced a joint rally to be held before Tuesday's County Legislature meeting.

The rally will be at 5:30 p.m. outside the County Courthouse, 90 minutes before the Legislature convenes.

All six unions' contracts expired at the end of 2011, and talks on new deals aren't going well.

In a newsletter to his members, Thomas Laforia, president of the county's unit of the Civil Service Employees Association, said he had "two unsuccessful, uneventful and practically meaningless sessions."

"It appears the county is only interested in having us surrender various items. . . . The issue of rewarding workers for jobs well done is not on [county officials'] priority list," he said.

County Manager Jeffrey M. Glatz's opening proposal last fall was a call for workers to take a 5 percent pay cut and pay 20 percent of their insurance premiums.

He said last week that the unions have to "look at ways of reducing benefits, instead of layoffs or a double-digit tax increase. At some point, somebody's got to put the brakes on."

The Coalition of Niagara County Public Employees, as the group of six unions calls itself, accounts for more than 1,200 unionized county workers.

"Jeff Glatz has repeatedly and indirectly let it be known that those individuals that comprise the public employees unions are basically unimportant," the coalition said in a news release. "The coalition feels his words and subsequent actions have become the biggest threat not only to all county employees but to all of organized labor in Niagara County in general. This is nothing but a blatant attack on the hard-working middle class that make up a majority of the county taxpayers."

"These issues we have to deal with, we didn't create," Glatz said. He mentioned the state-imposed 2 percent cap on tax levy increases, while pension and Medicaid costs

increase at rates beyond 2 percent.

William Rutland, president of the county blue-collar union, said the six unions still want to bargain as one when it comes to health insurance, a move Glatz has refused to allow.

"Health insurance is something that affects everybody, and we all ended up in the same health plan anyway, since we gave up cosmetic surgery [coverage]," said Rutland, head of the county's unit of the American Federation of State, County and Municipal Employees.

Glatz insisted that the unions can't bargain as a group on health insurance because there are six contracts, not one. He also said the health plans differ in "nuances."

The unions have sought detailed internal information on health-plan usage and costs, so they can seek proposals on their own from insurers for a new county plan.

"I guess now's the time to see if we can get a better deal," Rutland said.

But Glatz has refused to provide all the information the unions requested. He said he is not revealing the amount of fees charged by Independent Health, calling that "proprietary for the provider."

"So [the unions] think they're the ones managing this?" Glatz asked. He said the unions could always form a consortium and seek to create their own health plan, with the county paying a share of it.

"I haven't seen anybody come back and take us up on that," he said.

"The rally is basically a gathering of the unions to inform the public that the county is asking us to bargain in the dark," said James Briggs, chief negotiator for the sheriff's deputies' and probation officers' unions.

A grievance was filed with the state Public Employment Relations Board over the health insurance disclosure issue and Glatz's decision to bar most union workers from receiving their automatic "step" wage increases this year. He insisted that was permitted under the union contracts.

Laforia said in an interview, "What we're trying to do [at the rally] is show a united demonstration against the actions of the county, especially denying the people



the step increases they had negotiated.”

“They’re doing their job, trying to get the best for their membership,” Glatz said. “I don’t have an endless pot of money where I can give you whatever you want.”

Lafornia said he expects a large turnout for Tuesday’s rally, including support from private-sector union representatives.

“The rally isn’t just about the unions. It’s about our community,” Briggs said.

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County unions plan protest rally

NIAGARA COUNTY: Labor reps rap Glatz's 'attack on middle class.'

BY JOYCE M. MILES

joyce.miles@niagara-gazette.com

LOCKPORT — Six labor unions will hold a rally Tuesday to protest the county manager's approach to negotiating new contracts with them.

The 5:30 p.m. rally in the parking lot of the county courthouse is planned by the Coalition of Niagara County Public Employees, an informal association of the unions representing 1,200-plus white- and blue-collar workers, corrections officers and dispatchers, sheriff's deputies and probation officers.

All workers, from the public and private sectors, are invited to join in the rally, said Bill Rutland, president of AFSCME Local 182. It's a protest of moves by County Manager Jeffrey Glatz that the Coalition describes as anti-labor, and anti-middle class, in a release announcing the rally.

"The coalition feels (Glatz's) action's have become the biggest threat, not only to all county employees, but to all of organized labor in Niagara County," the release said. "This is nothing but a blatant attack on the hard-working middle class that make up a majority of the county taxpayers."

Last fall, Glatz presented, and the county Legislature

OK'd, a 2012 county budget that froze most employees' wages at 2011 levels. The freeze means employees are not being paid expected "step" increases for moving up their union pay scales. AFSCME filed an unfair labor practice complaint with the state Public Employment Relations Board that Rutland said is in arbitration now but Glatz said he thinks has already been dismissed.

Now Glatz and the unions are in negotiations for new, multi-year collective bargaining agreements. All prior agreements expired Dec. 31.

The county's initial offers to the unions involved no pay increases, or pay "adjustments" and members paying a greater share of their health insurance premiums, according to Glatz.

The unions responded by proposing joint bargaining on employees' health care benefits, which Glatz rejected.

Terms of the expired contracts remain in effect and they all call for individual negotiations on health care benefits, Glatz said Tuesday.

The unions haven't taken him up on a prior challenge to form their own health consortium — and acquire insurance for members on their own, with a fixed dollar contribution from the county — he added.

Glatz's refusal to bargain jointly on health benefits is a sign he'd rather squeeze cash savings out of employees than work with the unions to find other, less painful ways to reduce spending, several

union leaders charged.

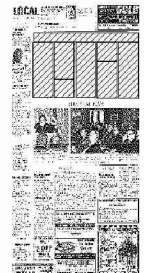
"The point of forming the coalition was to get unified health negotiations going, get a carrier that's less expensive — and apparently the county manager is not interested," said Tom Laformia, president of CSEA Niagara County Unit 7650. "I'm not looking at the county as my enemy, but instead of saying to me, this is how it's going to be, let's work together."

County employees all have the same insurance plan, through Independent Health, which offers three levels of coverage and charges employees up to 10 percent of the premium depending upon the level they chose. The county self-administers the plan and retains Nova as a third-party administrator.

If the provider, administrator and/or third-party administrator work went out to competitive bid, the county could conceivably get the same contractual benefits for employees at less cost, according to Rutland.

Glatz's rejection of a joint effort equals the county's "failure to look at savings by any means other than going after employees," Rutland said.

"It's not a position I've created that I'm trying to take money from the unions," Glatz said in response. "(County) costs are up, Medicaid, pensions ... and we have a tax cap ... A double-digit tax increase is not on the table. Somebody has to put the brakes on it. I assume that's what the taxpayers and legislators want from me."



A bid to fix the shame of N.Y.



Gov. Cuomo took necessary first steps yesterday to end a shameful pattern of abuse and neglect in New York's state-run and state-funded programs for the disabled.

It's a sad commentary that vulnerable citizens need a full-time special prosecutor to protect them from the taxpayer-supported caregivers charged with keeping them safe and healthy.

But that's the grim reality Cuomo inherited, and that's the grim reality he has set out to rectify by proposing creation of a Justice Center for the Protection of People With Special Needs.

Four decades after the closure of the infamous Willowbrook State School, New York is once again shockingly failing to safeguard many of its most vulnerable citizens — people too developmentally disabled or mentally ill to speak up for themselves.

These are people like Jonathan Carey, a 13-year-old autistic boy who was crushed to death by an employee of the state's O.D. Heck Developmental Center in Schenectady in 2007.

That employee was a high school dropout with a criminal record who had worked almost 200 hours in the previous two weeks when — in an apparent effort to control Jonathan's behavior — he sat on the boy until he stopped breathing.

He and his partner then failed to call 911 for more than an hour. And when his parents first contacted O.D. Heck, employees there claimed that Jonathan had died from a seizure.

And then there's the heartrending story of Paula Liblick — a veteran of the Willowbrook era who, in 2009, was raped in an Orange County group home run by the state.

The assault was reported not by the group home, but by a worker at a day care center who noticed bruising and bleeding. Her brother says police never figured out who committed this sick crime, but suspect it was someone visiting the all-female staff.

Liblick later died of a parasite that her brother says could only have come from her attacker.

Stories like these are all too common, as an award-winning series of articles in The New York Times has documented.

The Times found that the vast majority of caregivers accused of abuse kept their jobs — even after multiple offenses — because of shoddy investigations and union protections. Many of those who were fired by the state quickly went back to working with the disabled in private group homes funded by the state.

Cuomo promised that his Justice Center would impose law and order on the situation — not just by investigation and prosecution abusers, but also by maintaining a registry of workers dismissed for neglect and maltreatment and by establishing a code of conduct for all caregivers.

"Our message is very clear," Cuomo said. "Justice is coming to human services in the State of New York."

"It's great news that the governor is focusing on this in a big way," said Jonathan Carey's father, Michael, now a full-time activist for disability rights.

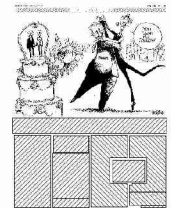
Carey said he will advocate for even stronger steps — including installation of surveillance cameras in group homes, mandatory drug-testing of workers and caps on excessive overtime.

Other experts cautioned that punishment and deterrence must be balanced with better training and support for workers — most of whom are trying to do the right thing under difficult conditions.

"Very often the things that have gone wrong aren't the fault of the person who happened to be on duty," but reflect systemic shortcomings such as staff shortages, said Clarence Sundram, Cuomo's special adviser on care for the disabled.

To truly do right by the disabled, Cuomo must strike the right balance — while also facing down resistance from public employee unions and their allies in the Legislature.

The Civil Service Employees Association, for example, agreed last year to overhaul the disciplinary system for group-home workers. But talks on the details of



that plan have bogged down for months.

The blame for this mess does not fall to Cuomo, who inherited a situation that was years in the making.

But he's the one responsible for making it right, and he has his work cut out.

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After dozens of reports of shocking abuse, Cuomo finally plans bold reform

Union president: Dispatch IT needs falling short, impact community's safety needs

TROY — It has been about two months since an informational picket by the Rensselaer County Dispatch employees and the union president says that not much has changed in providing assistance and guidance for IT equipment which was a main point of concern by employees.

“The IT department fails to provide proper administrative oversight to IT equipment in the 911 Emergency Communications Center, causing delays in emergency responders reaching emergencies and it is not the first time that the 911 Center has been left high and dry,” said Todd Smith, president of the Rensselaer County CSEA 911 Unit noting that, to his knowledge, only one person in the county is able to fix these IT problems.

County officials have emphasized that their number one expectation for the E911 Communications Officers

is that they direct emergency responders to those in need of assistance.

The employee training and policies and procedures of the department are in place to limit the possibility of human or mechanical error that can cause a delay in emergency response. The failure of the employees to follow those policies and procedures results in retraining, progressive disciplinary action and ultimately termination if they are unable to perform that basic critical function appropriately. Proper performance of their duties is vital to assuring the public's safety and the public and emergency responders who rely on us should expect nothing less, Chris Meyer, a county spokesman said in a prior interview.

There are 34 dispatchers and seven supervisors who work in the public safety field in the county. With the way the dispatch protocol is current-

ly set up, they respond to calls as far away as Greene County.

“Our computer system has been down for maintenance and brought back up recently with even bigger problems occurring every day, sometimes requiring the dispatchers to return to the pre-computer age. To have only one employee of the IT department, allegedly up to speed, to be able to repair our IT equipment is just simply a form of incompetence and elitism to the needs of the community's safety,” Smith said.

He contends that the computer system in the county dispatch is outdated for the workload received, the county, on the other hand, says that most issues that come up are human error and must be followed up with costly and time-consuming retraining and disciplinary actions.

— Danielle Sanzone



Cuomo Seeking Agency to Police Care of Disabled

By DANNY HAKIM

ALBANY — Gov. Andrew M. Cuomo, seeking to strengthen the state's chronically weak response to abuse of disabled people who live in publicly financed homes, plans this week to propose creating an agency dedicated to investigating problems with the care of nearly one million vulnerable New Yorkers.

The new law enforcement and oversight agency would monitor those in state or private care who have developmental disabilities like autism or cerebral palsy, mental illnesses including schizophrenia, and other conditions, among them traumatic brain injuries, that put them at risk. The agency would employ a special prosecutor and would be granted subpoena power and the authority to convene grand juries, according to a draft plan obtained by The New York Times.

The administration is also proposing tougher laws to punish those who abuse people with developmental or other cognitive disabilities. And Mr. Cuomo would, for the first time, expand the reach of the state's Freedom

Continued on Page A18

of Information Law by requiring the thousands of nonprofit organizations that house the bulk of those in state care to make abuse and neglect records public.

"I think it raises the bar significantly on the degree to which states address the issue of abuse and neglect across all disabled populations," said Nancy Thaler, the executive director of a national association of state agencies that serve developmentally disabled people. Ms. Thaler, who was briefed on the plan, called it "unprecedented in breadth and scope."

The administration's proposal comes in response to a series of articles in The Times that described widespread problems in the care of people with developmental disabilities, some of

whom died as a result of abuse. The state had been transferring abusive employees from group home to group home, abuse cases were rarely referred to the police, and employees were hired with criminal records. Unions often blocked any efforts to fire abusive workers, and nonprofit groups caring for disabled people were using Medicaid to finance seven-figure compensation packages for executives.

The state's response to abuse of the vulnerable is also criticized in a report, to be released this week, written by Clarence Sundram, the first head of the Commission on Quality of Care. In a draft of that report, reviewed by The Times in March, Mr. Sundram said that deficiencies in state law "expose vulnerable people to needless risk of harm" and made it more difficult to provide clear training to caregivers.

Mr. Cuomo plans this week to propose a package of legislation that would create the agency, tentatively called the Justice Center for the Protection of People With Special Needs. His proposals have little precedent in their singular focus on policing for groups that are often overlooked; the governor and his aides have described their effort as a civil rights issue, harking back to language they used while championing same-sex marriage last year. "We are responsible for people's lives, literally," the governor said last year.

His proposals, however, would probably face concerted opposition from public employee unions, which hold considerable sway over the Legislature. Talks between the administration and labor groups have stalled over more modest efforts to address abuse of vulnerable people — for example, negotiations to create a list of penalties for state workers who act inappropriately have dragged on for the past year.

Unions are already unhappy with the Legislature because in March it approved lower pension benefits for future public workers, so lawmakers might be hesitant to take on labor again during the final weeks of the legislative session, which is scheduled to end on June 21. All Assembly

and Senate seats are up in the election this year, and many lawmakers count on support from labor groups.

In an interview last week, Stephen Madarasz, a spokesman for the Civil Service Employees Association, said that the union had not been briefed on any pending proposals related to people with developmental disabilities. "We don't hear too much from the administration," Mr. Madarasz said. "There's not a lot of sharing or policy issue conversation. There certainly is an ongoing, day-to-day, nuts-and-bolts labor-management relationship, and we're working through that. But there hasn't been some of the big-picture conversation taking place."

Asked what had held up negotiations for so long over penalties for problematic workers, he said, "We have nothing we can report on that at this time."

There could also be resistance to Mr. Cuomo's proposals from district attorneys, who may not want to share jurisdiction with the new agency. But in the past, they have shown only limited appetite for prosecuting crimes against developmentally disabled people, because many of the victims are unable to testify on their own behalf.

In addition to having criminal jurisdiction, the agency would take over many administrative investigations currently performed by six state agencies: the Office for People With Developmental Disabilities, the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, the Health Department, the Education Department and the Office of Children and Family Services. The new agency would have several hundred employees and would be paid for in part with money taken from the budgets of the six existing agencies.

The governor's proposal to improve oversight of nonprofit groups caring for vulnerable people is less fraught, because the nonprofit sector has less clout in Albany, and most of its employees are not unionized.

Among the changes that would affect the nonprofit sector are proposed expansions to the Freedom of Information Law. Under



the proposal, the public could submit requests for abuse and neglect records to nonprofit groups that provide residential or even daytime activity programs. The new state agency would provide the legal staff to help the nonprofit organizations respond to such requests and redact documents as needed.

Some other states have disclosure laws that apply to groups receiving substantial public financing, but Mr. Cuomo's proposal would be one of the most sweeping applications of such laws outside government.

One major part of the governor's plan does not need legislative approval. Mr. Cuomo, following the lead of most other states, intends to establish an independent nonprofit organization that would serve as an outside advo-

cate for those with disabilities and mental illnesses and that could bring litigation against the state. The federal Department of Health and Human Services, which this year sharply criticized New York's care of developmentally disabled and mentally ill people, has pushed the state to move in such a direction, and the state has been studying such a transition for several months.

But most of the responsibility for investigating and responding to accusations of abuse would go to the new agency under Mr. Cuomo's proposal. The agency would oversee a statewide hot line and assess all internal reports of abuse and neglect, directly investigating and potentially prosecuting the most serious cases or coordinating with local district attorneys to do so. Penalties for

noncriminal offenses would be subject to the guidelines being negotiated with labor unions.

To help ensure that criminals do not work with vulnerable people, the agency would administer criminal background checks of those applying for employment at state agencies or nonprofit providers, consolidating what has been a porous and error-filled process. It would also maintain a register of abusive employees at all state and private facilities to prevent workers fired by one provider from being hired by another.

Changes in Albany that are likely to meet opposition from labor.



NATHANIEL BROOKS FOR THE NEW YORK TIMES

Gov. Andrew M. Cuomo has described the treatment of vulnerable patients as a civil rights issue.

State jobs down 18.4%

Wave of retirements, hiring freeze present challenges, opportunities for change

By **Jimmy Vielkind**

ALBANY — The state workforce is smaller, grayer and in the process of re-booting.

A glut of retirements combined with a hiring freeze have presented challenges — to the remaining employees as well as an administration that's rethinking the way state government works.

The bureaucratic core of the biggest state agencies — mostly based in the Capital Region — have been cut by an average of 18.4 percent since 2009, according to a Times Union analysis of data provided by the Office of the State Comptroller. That includes 898 layoffs that took effect just before Gov. Andrew Cuomo took office in 2011, but mostly represents retirements — an average of 15 percent of each agency's employees.

The Times Union focused on almost 51,000 workers in the bureaucratic cores of agencies, separating whenever feasible their administrative functions from direct service employees.

As a result, staff at the Department of

Transportation headquarters were considered, but not those in the department's 11 regional offices.

Also excluded: non-agency employees of the state court system and Legislature as well as the state and city universities. In addition, the Office of the State Comptroller does not keep payroll data on state authorities such as the Metropolitan Transportation Authority.

The thinning of the workforce, however, affects the entire state payroll: A December 2011 Workforce Management report notes within the next five years, 44 percent of the total state workforce — 69,871 out of a current 159,161 employees — will be older than 55. Slightly more than 25,000 are expected to retire in the period.

Please see **RETIRE A9** ▶

The effect of the continuing shrinkage on public services has so far been minimal, but it has stressed the agencies to the limit, according to several current and former state employees and managers. They said morale is down, and there's been a loss of institutional knowledge.

Cuomo's aides, though, see the thinning ranks and coming rejuvenation of the workforce as an opportunity. The Democratic governor has said the agencies are in "frighteningly bad" shape and "non-operational" after 15 years of being "starved from a budgetary point of view" and "largely ignored."

"You have to do the work in a smarter way. Productivity is up," Director of State Operations Howard Glaser told the Times Union. "You can't do the amount of work with fewer people unless you change the management and administration structure. We view this as a great opportunity, because it forces state government to use taxpayer resources more efficiently."

The state has merged several agencies, and is consolidating "back office" functions such as purchasing, real estate management, human resources and the

This story is available only in print.



motor pool.

At the same time, agencies are physically “re-stacking” to adjust to their smaller footprints, concentrating workers in state-owned buildings and ending private leases.

They include some state bureaus that have sharply reduced head counts. The Times Union’s analysis found the Department of Civil Service has dwindled by over 200 employees since 2001, a 42 percent reduction, and is being moved to Agency Building 1 in the Empire State Plaza. The Higher Education Services Corporation has shrunk by 331 employees, or 40 percent, since 2001; it’s moving to the Alfred E. Smith Building. These and other moves around the Capital Region should save \$9 million a year.

“But it all has a demoralizing effect on the workforce,” said Stephen Madarasz, spokesman for the Civil Service Employees Association. “Fewer people are working harder and facing more challenges. ... They’re more strained and taking a constant hit from public figures who should know better.”

This is, in no small part, the localized effect of the pending retirement of Baby Boomers, whose arrival in the state workforce coincided with a bureaucratic expansion in previous decades.

But the retirements have accelerated in recent years. Talk of reductions in 2009 as well as an early retirement incentive in 2010 prompted a record wave of retirements, including 6,427 state employees in 2010, according to a 2011 report by Comptroller Tom DiNapoli. The average age of a state worker increased two years, to 47, over the past decade, according to the 2011 Workforce Management report published by the Department of Civil Service.

“These factors should prompt agencies to make strategic decisions for their limited number of new hires and implement an aggressive knowledge management

program to ensure their ability to continue to provide mission critical services,” it says.

So have they?

Glaser disputed there was any brain drain and said the administration is working to recruit “a cadre of highly skilled workers” through a new Empire State Fellows program. “We have a lot of experience in state government, and we’re bringing new eyes and talent into state government,” he said. The Empire State Fellows initiative, launched in February, currently includes roughly three dozen people.

The problem is much larger. The workers who do retire are often managers, and those next in line to replace them are, on average, 48 years old. The Workforce Management report says this “age compression” has led to a “pipeline problem.”

“The numbers hurt, but the (loss of) institutional knowledge hurts even more,” said Peter Iwanowicz, who oversaw environmental agencies at the end of Gov. David Paterson’s administration. “People who took early retirement were those with decades of service.”

Agency managers talk about time spent on human resource concerns, including training new positions, that could otherwise be devoted to new initiatives or minding the overall program. They said there doesn’t seem to be any strategic focus on the retirement increase.

On Thursday, Cuomo himself referred to “atrophy” in the bureaucracy, so excitement for rejuvenation makes sense. Cuomo’s Spending and Government Efficiency Commission, an advisory panel created last year, is due to release recommendations for government reorganization by the end of the month.

Glaser said he thinks the size of the workforce will be “stable,” which explains why Cuomo ear-

lier this year pushed to reduce the pension benefits for future workers who will inevitably be hired.

“I understand the inertia and the opposition, but we’ve been able to bring some changes,” Cuomo said. “But we are at a point now where people are really more cooperative.”

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BEHIND BIG SEWER PRIVATIZATION

■ Deal to save Nassau
\$22M in interest annually

■ Nation's largest of kind
involves \$750M investor

BY ROBERT BRODSKY
AND SID CASSESE
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Cash-starved Nassau County has reached an agreement for a private company to operate its sewer system for at least 20 years — a deal that will allow the county to save \$22 million in annual interest payments, officials announced.

The proposed deal with New Jersey-based United Water would be the largest sewer privatization in the nation's history and would provide Nassau with at least \$750 million from a third-party private investor who has yet to be named, County Executive Edward Mangano said.

The funds would go to reduce Nassau's \$3 billion debt, including \$465 million owed by the county's Sewer Authority.

"This action will protect our taxpayers, our children, our bays and our oceans," Mangano said at a news conference.

Critics were skeptical of Mangano's promise to freeze sewer rates through 2015, and then cap them for the life of the deal at the rate of inflation.

"No one is investing \$750 million unless they are expecting a handsome rate increase," said Legis. David Denenberg (D-

Merrick).

Trish Kearney, a Bay Park Civic Association official and one of about 10 residents to protest the deal outside the legislative building in Mineola, said, "We firmly believe that the service rate will skyrocket."

Nassau is expected to sign a contract this summer with the financier, who in turn will contract with United Water. The company, the world's second largest private water systems operator, will manage the Bay Park and Cedar Creek sewage treatment plants, 53 sewage pumping stations and 3,000 miles of sewers. Severn Trent Services will continue to manage the county's Glen Cove plant for the next eight years.

Nassau will issue a separate request for proposals for a private investor to fund the deal, Mangano said. The county separated the contracts to spur investor competition, Deputy County Executive Rob Walker said.

United also will fund at least \$400 million in capital improvements to the system over the next decade.

The company said it can save tens of millions of dollars annually through equipment and operational improvements.

"Over time, the . . . [system] has become more and more inefficient because of lack of in-

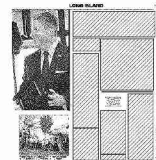
vestment, lack of long-term leadership and obsolete technology," said Patrick Cairo, United's senior vice president of corporate development.

The deal, which would begin by next year, must clear the GOP-controlled legislature and the Nassau Interim Finance Authority, a state monitoring board that controls the county's finances. Nassau this year is facing a projected deficit estimated as high as \$100 million if no additional cost-cutting or revenue-boosting measures are taken.

Presiding Officer Peter J. Schmitt (R-Massapequa) said it "sounds like a good plan that would save taxpayers money." But Minority Leader Kevan Abrahams (D-Freeport) called the proposal a "Hail Mary pass designed to provide a short-term budget fix." The finance authority declined to comment.

The sewer system's 265 employees will be offered jobs at United at roughly the same salary and benefits, or employment elsewhere in the county, officials said. United does not expect to retain the entire workforce.

"My main concern is job preservation," Civil Service Employees Association head Jerry Laricchiuta said. "I do not want to lose another worker to layoffs."





NASSAU SEWER PLAN: WHAT'S NEXT

- **Nassau and private operator** United Water will host a series of informational meetings beginning Wednesday at 6 p.m. at the Cedar Creek Sewage Treatment Plant. Additional meetings will take place May 16 at the Bay Park Sewage Treatment Plant and May 17 at the Theodore Roosevelt Executive and Legislative Building in Mineola.
- **The county legislature** will hold at least one public hearing on the plan. A hearing date has not yet been scheduled.
- **Nassau will issue a request** for proposals next month for a private investor to fund the transaction, estimated at between \$750 million and \$1 billion.
- **Nassau and the private investor** will sign a contract outlining the parameters of the deal. Separately, United Water will sign a 20-year contract with the investor, with 10-year renewal options.
- **The legislature** and the Nassau Interim Finance Authority, a state monitoring board that controls the county's finances, will vote separately on whether to approve the county's contract with the investor.
- **If the plan clears** both the legislature and NIFA, United will begin running the system at the start of 2013.

Source: Nassau County; United Water

Localities Being Gutted By Labor Costs, Says Panel At Think-Tank

By MARK TOOR

The state needs to give localities a break from mandates that tie their hands—including laws that benefit public workers—in dealing with the worst cash crunch in decades, according to speakers at a breakfast sponsored by the Empire Center for New York State Politics.

Given that the organization is a business-backed group that supports less government spending, it was no surprise that public employees came in for their share of shots. The Empire Center also used the occasion to launch its latest attack on the Triborough Amendment, the section of state labor law that says provisions of an expired contract must remain in effect while a new one is being negotiated.

Advantage, Unions?

“Personnel costs are the overwhelming factor in municipal budgets, and they are controlled by state laws,” said Empire Center senior fellow E. J. McMahon. “We need to wring concessions from unions, but there is an inability to do that because of state laws.” Mr. McMahon said new laws need to provide “flexibility” in dealing with the labor force.

“The unions are saying, ‘We didn’t create this problem, don’t solve it on our backs,’” said Syracuse Mayor Stephanie A. Miner, who spent 10 years as a labor lawyer representing unions before being elected as a Democrat.

Her top priority for relief concerns public-sector pensions. “The state sets the benefits level, the contributions from employees and the retirement age,” then expects cities and counties to figure out how to pay for them, she said. In fact, she continued, municipalities are forced to cut services in order to pay for pensions.

The second priority, Ms. Miner said, is Medicaid. “Our entire county property-tax levy goes to Medicaid,” she said of Onondaga County. All other county services, such as parks, are funded by the sales tax.

‘Driving Us to Insolvency’

“Pensions and health care are driving us to insolvency,” she said, and without changes by the state, “we will pass through cultural and social bankruptcy before we get to financial bankruptcy.”

Syracuse, like the rest of the state’s

“Big Five” cities, is facing financial problems, using reserves for the fifth year in a row to cover expenses. Its reserve fund is almost empty.

“We have been kicking the can down

(Continued on Page 5)

the road for many years,” said former Lieutenant Gov. Richard Ravitch. “Expenses are growing faster than revenues.” Part of the problem, he said, is that “during difficult times, unions took less now in return for larger increases in future benefits.” Those increases are coming due, he said.

The Triborough Amendment, the section of the State Labor Law that keeps provisions of an expired contract in effect, “gives unions an incentive to resist negotiating structural changes to their contracts, since the status quo will be preserved even if there is no contract,” according to a report released at the breakfast.

The Triborough Doctrine

Possibly recognizing the political difficulty of repealing a law beloved by public-sector unions, the report sought to draw a distinction between the amendment itself and what it calls the “Triborough Doctrine.”

The doctrine was created by a Public Employment Relations Board ruling in 1972 that prohibited employers from unilaterally changing sections of expired contracts that involve mandatory subjects of collective bargaining, including salaries, hours, health benefits, leave provisions, reimbursement for expenses, severance pay, disciplinary policies and certain work rules.

In 1977, the state Court of Appeals handed public employers a victory by saying they don’t have to pay salary increments or steps after a contract expires. In 1982, the State Legislature passed the Triborough Amendment, which kept all contract provisions in effect, not just those that are mandatory, preserving the salary increments during an expired contract.

The Empire Center recommends repealing the law, saying it removes an incentive for the union to settle a contract if members are still getting raises. The report pointed out that even though recent contracts with the Civil Service Employees Association and the Public Employees Federation froze salaries for three years, paying increments cost the state \$140 million.

Levels the Field?

Stephen Madarasz, a CSEA spokesman, said the Triborough Amendment simply levels the playing field. “They seem to forget that the Triborough

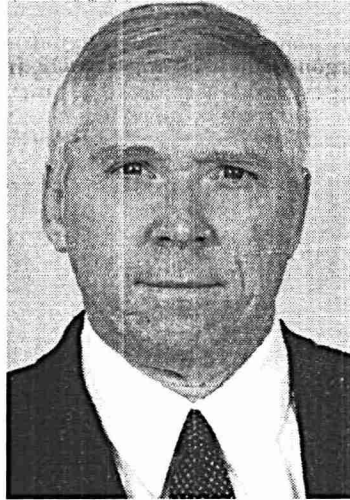


Amendment has a beneficial effect for both labor and management in bringing you toward resolution," he said. The bottom line, he said, is that "contract talks are getting settled" rather than dragged out.

Governor Cuomo promised as part of his 2010 campaign to cut back on state mandates that were raising costs for municipalities. He made almost no progress toward doing that last year. This year he promised to renew his effort, but so far has settled for moving his Tier 6 pension plan through the Legislature.



RICHARD RAVITCH: Expenses outrunning revenues.



E.J. McMAHON: 'Must force union concessions.'



STEPHANIE A. MINER: Democrat decries benefit costs.

PRAYERS FOR SAFETY IN THE WORK PLACE

Community members, labor leaders, faith leaders and local officials gathered at the Walkway Over the Hudson in Highland on Saturday, April 28, for Workers Memorial Day to remember those who have been killed and injured while working. Pictured are Rev. Alex Lever, pastor of the First Presbyterian Church in Monroe, Hudson Valley Area Labor Federation Secretary Janette Clark (PEF), Vice President Billy Riccaldo (CSEA), and others whose prayers went out to those lost. The group also called for greater awareness of workplace safety and stronger regulations and protections for all working people.



SAVE 53%

DO YOU KNOW THAT?
There are 24 registered sex offenders in Orange County.

There are hundreds and hundreds of sex offenders who have been released into the community. All of them have had opportunities to be the next victim of a sex offender. Be on the lookout for the next one in your life.

VOTE NO
On Proposition 2
on Sunday, May 13, 2012

Memorial to honor four slain in 1992

Rally moved to Glen

By G. Jeffrey Aaron

jgaaron@gannett.com

Regional labor groups are dedicating this year's Workers Memorial Day 2012 observance today to three union members who died over the past year and the four Schuyler County Department of Social Services workers who were killed on the job 20 years ago.

On Oct. 15, 1992, 50-year-old John T. Miller of Ohio, angry over 20 years of fights over child support payments, shot Florence A. Pike, 60, Phyllis Caslin, 54, and Denise M. Van Amburg, 28, all of

Watkins Glen; and Nancy J. Wheeler, 48, of Montour Falls, as the women worked in their offices. Miller then killed himself.

The women who died were members of the Civil Services Employees Association Local 849, and Saturday's rally will honor their memory, said labor union official Michael Wandell.

The three other union workers being honored are Stephan Mueller, John Lattimore and Robert Del Vecchio Jr.

The annual rally is usually held in Elmira's Wisner Park, Wandell said. But this year's event, which begins at noon, was moved to the Schuyler County Courthouse lawn in honor of the four slain social services workers.

Every year on April 28, the unions of the AFL-CIO observe Workers Memorial Day to remember those who have suffered and died on the job and to renew their efforts for safe workplaces.

The local event is sponsored by CSEA Region 5 and the Chemung/Schuyler Labor Council.

The featured speakers will be Schuyler County Administrator Tim O'Hearn, CSEA Region 5 President Colleen Wheaton and Chemung/Schuyler Labor Council President Walt Gilbert.



Utica rally protests cuts at psychiatric center

BY DAN MINER
dminer@uticaod.com

UTICA – “Our patients, our choice, they need our voice.”

That message blared through a bullhorn Friday outside the State Office Building, mixing with the noisy crowd that held signs and cheered at the messages from state lawmakers and union leaders.

About 150 people attended a rally in the chilly afternoon to protest the state's proposed closures and layoffs at the Mohawk Valley Psychiatric Center in West Utica.

Psychiatric center employees and family members of patients said they didn't believe the move would save money, while it would tear patients away from their community and families.

“We're devastated,” said Whitesboro resident Diane Hunt, whose husband is a patient at the center. “I will not be able to see my husband for a very long time.”

Hunt said her husband would be moved to a facility in Albany or Syracuse and said she has limited driving skills.

The state's proposal, announced earlier this year, includes closing two inpatient wards at the center while a third ward, including about 24 patients, will be moved to Hutchings Psychiatric Center in Syracuse.

About 100 jobs are being affected, though nearly 40 jobs will be moved to Hutchings. After the cuts, about 200 people still will work at the facility, area officials have said.

Hutchings is set to undergo a \$19 million renovation at least in part to accommodate new patients from elsewhere.

Office of Mental Health spokeswoman Leesa Rademacher could not be reached for comment.

State Sen. Joseph Griffo, R-Rome, and Assemblyman Anthony Brindisi, D-Utica, said they've met with Office of Mental Health personnel and pressed for a reversal of the decision.

“This may be a cold day in Utica, but we want Hogan to feel the heat,” Griffo told the crowd, referring to state health Commissioner Mike Hogan.

Griffo said he and Brindisi are waiting to hear back from health department staff. He said if the decision is not reversed, he hopes the state will act to make sure patients are not adversely affected and save as many jobs as possible.

A number of leaders from two unions at the psychiatric center – PEF and CSEA – attended the rally and addressed the crowd.

“Our biggest hope is that they reverse the decision,” said Jeanette St. Mary, PEF council leader at the psychiatric center and an intensive care manager there. “We don't believe there's any money being saved here.”

“Our biggest hope is that they reverse the decision. We don't believe there's any money being saved here.”

JEANETTE ST. MARY

PEF council leader, intensive care manager at Mohawk Valley Psychiatric Center





DAN MINER / OBSERVER-DISPATCH

Marcy resident Linda Harter participates in a rally Friday at the state Office Building on Genesee Street in Utica. The rally was convened to protest proposed layoffs and closures at the Mohawk Valley Psychiatric Center in West Utica. Harter's brother-in-law is a patient at the psychiatric center.

Cuomo, state's mental health chief, must visit

Dear Gov. Cuomo,

Consider this a personal invitation to come to Utica. And please bring Michael Hogan, director of the state Office of Mental Health, with you. We'd like you to give us the courtesy of visiting the Mohawk Valley Psychiatric Center before completing the transfer of patients and jobs to Hutchings Psychiatric Center in Syracuse.

We think the state is wrong, and we'd like you to at least come here and show this community that you've considered the options.

We understand that the state needs to save money, but the shift from MVPC, a modern, state-of-the-art facility with plenty of space, to Hutchings, which needs millions of dollars worth of work, doesn't seem like the smart way to do it. And the fact that renovations to Hutchings began last December – two months before the transfer was announced – would strongly suggest that this is more political wrangling than sound management.

You and Hogan really need to come and see what the state's giving up. Assemblyman Anthony Brindisi and Sen. Joseph Griffo met with Hogan on this issue in March at the State Office Building in downtown Utica. Oddly, Hogan refused to visit MVPC. Maybe he can tell you – and us – why that is.

Didn't Gov. George Pataki propose closing Hutchings back in 2003 and transferring patients to MVPC? You should also ask about that and have Hogan explain to you – and state taxpayers – how the place suddenly became suitable again. We're not even sure that you sanctioned the decision to make this change or whether Hogan and Hutchings officials just decided to do it on their own.

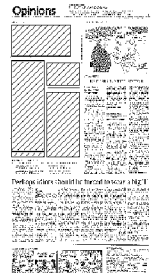
Utica has a long history of treating

people with mental disabilities. Those roots go all the way back to 1843, when Utica became the first community in the state – one of the first in the country – to treat mental illness. It's a long, proud tradition, and frankly, today's MVPC staffers can be considered the most conscientious and compassionate caregivers in the state.

But this isn't just about jobs. It's about people – the ones who too often get kicked aside in moves like this. Mental illness casts a shadow on otherwise perfectly good, loving people, and the disease is often misunderstood or just ignored. Heck, before Utica started caring for them back in the 19th Century, people with mental illnesses were usually confined to their homes or left to wander the streets until they were picked up by police and sent to poorhouses or jails. Some were even locked in steel cages and put on public display, only to be taunted by passersby as some sort of sick entertainment.

Fortunately, we're a whole lot better than that today. Decisions on care of the mentally ill must be made wisely. We understand that the move from MVPC is already under way, but it's not too late for you to do what's right. You've said repeatedly that you want what is best for the people of New York. We assume that you mean ALL people, including those with mental illnesses.

We sincerely hope to see you soon.



RALLY TODAY

Workers at the Mohawk Valley Psychiatric Center and their supporters will picket at noon today outside the Utica State Office Building in downtown Utica to protest the planned closure of two adult inpatient wards at MVPC. Members of the Civil Service Employees Association and the Public Employees Federation will take part in the demonstration. State Sen. Joseph Griffo, R-Rome, and Assemblyman Anthony Brindisi, D-Utica, are expected to attend.

'Don't Zone Out'

*by the Civil Service
 Employees Association*

April 23 to 27 is National Work Zone Safety Awareness Week and April is Distracted Driving Month designated by the National Highway Traffic Safety Administration. There is no better time to remind drivers of recent changes to New York state law.

Earlier this year, CSEA successfully lobbied in support of a recent amendment to the state "move over law" to include amber lights, expanding the law to protect road workers. Motorists are now required when possible, to not only change lanes when they approach an incident where there is a vehicle with flashing red lights (such as police or fire) but also for amber lights (road workers). When it is not possible to move over or there is only one lane, drivers must slow down. The penalty is a moving violation, can carry three points and up to a \$150 fine.

"In an instant, distracted driving can kill and change lives forever," said CSEA President Danny Donohue.

With the recent upswing in smart phones, gadgets and communications devices in cars there has been an increase in injuries and deaths due to distracted driving. The University of Utah released a study proving reaction time while driving distracted is similar to being legally drunk. Since record keeping began in 1983, 45 CSEA members have lost their lives on the job in work zones.

What The Public Can Do

- Move over for amber lights
- Obey posted speed limits
- Put the phone down and drive
- Never send or read text messages while driving
- In work zones, be alert. Focus on your driving
- Help spread the word.

•Join the Don't Zone Out Facebook community and help build awareness at: www.facebook.com/DontZoneOut

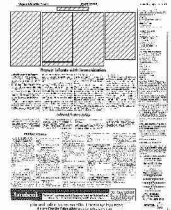
"The roadwork season is upon us. Scores of our members will be out on roads, bridges and highways. Our men and women are at serious risk for injury or death at the hands of drivers who ignore the law and blast through work zones unaware that lives are at stake, including their own," said Donohue. "Every driver in New York needs to know the dangers of distracted driving and what to do to make a difference."

Originally launched in 2010, the CSEA "Don't Zone Out" public safety awareness campaign for safer roads carries a very simple message to New York state drivers: Be careful driving through roadway work zones: "Don't Zone Out."

A new "Don't Zone Out" Facebook community of nearly 1,500 people helping to spread the message continues to grow and this summer, CSEA is partnering with minor league ballparks across the state through special "Don't Zone Out" themed nights with giveaways and a powerful video message: "Let's all get home safe/ Don't Zone Out."

Nationwide, in 2008 distracted driving killed almost 6,000 people and injured another 15,000. In 2010, the number fell to 3,000 deaths.

In a recent release, U.S. Transportation Secretary Ray LaHood gave credit to efforts across the country to end distracted driving such as the "Don't Zone Out" campaign. He said, while there is still much more to do, we are making historic progress when it comes to improving safety on our nation's roadways. He said through building awareness, we're saving lives, reducing injuries, and building the foundation for what we hope will be even greater success in the future.



CSEA to host health, safety conference

LAKE PLACID – Nearly 1,000 members of the state’s largest public employee union will renew their commitment to on-the-job safety at the Civil Service Employees Association’s Statewide Conference on Occupational Safety and Health this weekend.

The conference starts Friday and continues until Sunday at the Conference Center at Lake Placid.

CSEA members will join other unions of the AFL-CIO to mark Workers Memorial Day on Saturday. The event features a ceremony remembering workers who have passed away while doing their jobs. Workers Memorial Day was established in 1989 as an international day of remembrance observed on the anniversary date of legislation establishing the federal Occupational Safety and Health Administration.

CSEA was instrumental in the 1980 passage of the landmark Public Employees

Safety and Health Act, extending OSHA protections to public employees. More than 24 states do not have similar specific protections for public employees today. The union intensified its fight for safer work sites in 1992 after a disgruntled client murdered four CSEA members working at the Schuyler County Department of Social Services.

CSEA President Danny Donohue said in a press release that “safety on the job is one of CSEA’s top priorities and something we have to fight for every day.

“That’s especially true today, with misguided politicians trying to take away protections workers have fought long and hard to achieve,” he said.

“Despite the strides we have made, going to work is still too dangerous for too many people,” Donohue added. “We still wait for the year when we no longer have to ‘mourn for the dead’ on Workers Memorial Day.”



Legislature Fails To Agree To Fund County Home Matching Grant

By ERIC TICHY

etichy@post-journal.com

MAYVILLE — A resolution that would throw the Chautauqua County Home a \$1 million lifeline was tabled during the County Legislature's full-body meeting Wednesday.

The resolution calls for a \$500,000 appropriation from the county's fund balance to match an intergovernmental transfer, totaling over \$1 million.

The local share payment has been made the last several years, however, the legislature cut the funding during 2012 budget negotiations due to budget worries.

Before the vote, Rose Conti — CSEA Unit 6300 president — urged the legislature to consider the local share payment. As she has done in previous meetings, Conti reminded legislators of County Home residents and workers who would be affected by the facility's sale or lease.

The County Home is currently being marketed for private sale.

"Tonight I am asking that you not delay continuing to do the right thing for the residents of the Chautauqua County Home," Conti said. "I think we have taken a positive turn and I think we need to continue to do that."

However, once the resolution was up for discussion, Legislator Chuck Nazzaro, D-Jamestown, requested it be tabled after making a brief statement.

Nazzaro said he pushed to remove IGT funding in the fall due to budget restraints at the time, which included getting the county under its 2 percent tax cap. However, he noted the county's financial standing has changed since then.

"We are at a much stronger financial position, fund balance-wise, than what we thought we were at the end of 2011," Nazzaro said.

Kitty Crow, county budget director, announced last month nearly \$10 million in 2011 budget reconciliations. Most of that cash, she said, will go toward the county's fund balance.

Supporters of the IGT payment point to the surplus as validation of the local share payment.

But Nazzaro suggested the legislature revisit the resolution next month once Colleen Wright, the County Home's financial officer, had a chance to review what additional IGT funding would do for the home.

If approved, the County Home could receive as much as \$3.6 million in revenue, however, that would force the county to front nearly \$1.8 million of its own fund balance.

Any funding to the Dunkirk facility comes as Wright said the home would run out of cash by the middle of next year. She said the facility is expecting to face a \$3.75 million budget shortfall, which would deplete its fund balance.

COMMITTEE CRITICISM

The resolution was met with some criticism in committees last week, where Vince Horrigan, R-Bemus Point, suggested the IGT payment be placed on hold until a financial review of the County Home was complete.

George Borrello, R-Irving, also voiced concern over the payment and suggested the resolution be tabled during an Audit and Control Committee meeting.

An ad-hoc committee formed earlier this year tapped the Center for Governmental Research to perform the financial study on the County Home.

The resolution was tabled Wednesday, with Minority Leader Lori Cornell, D-Jamestown; Assistant Minority Leader Robert Whitney, D-Jamestown; and Tim Hoyer, D-Jamestown, voting no.

Crow said the legislature has until June 20 to make its local share payment to the federal government.

Conti warned before the legislature adjourned that the county would be "cutting it close" to approve any funding by waiting

until May to decide.

"I hope that you're prepared with an idea then and ready to go with plugging those figures in because I really believe it is the right direction to take," Conti said to Nazzaro.



Pension 'reforms' called anything but by unions

by COLLEEN M. FARRELL
 Editor

The passage of Gov. Andrew Cuomo's self-touted pension reforms last month is drawing criticism from local union members.

About a dozen of them stood in front of the office of Assemblyman Dennis Gabryszak recently to protest the new Tier 6 policy and his support of it.

"It's a dark deal for New Yorkers," Mike Deely, regional director of the New York State United Teachers, said. "Tier 6 is not pension reform. It's pension deconstruction."

The new plan replaces Tier 5, which was passed at the end of 2009. That attempt at reform by then Gov. David Paterson mandated that new state employees would have to contribute 3 percent of their salary toward their pension.

Before that, they only had to contribute for the first 10 years of employment. It also required that employees work 10 years instead of five to become eligible to receive a pension. The retirement age was set at 62 for most workers, as well.

Opponents of Tier 6 say not enough time has passed to judge whether Tier 5 needs to be replaced. They call the new plan "irresponsible."

Under it, employee contributions to the pension system will be 3 percent for workers earning \$45,000 or less and 6 percent for workers earning \$100,000 or more; employees must be employed for 10 years before having a vested pension benefit; and full benefits would not become available until age 63, rather than 62.

The legislation also offers the option of a 401k-style plan to non-unionized workers who earn more than \$75,000. They will be able to collect a pension after just one year — a sticking point for critics.

Deely and the other protesters say political appointees and elected officials will benefit from the deal and that allowing higher-paid workers the ability to withdraw their money earlier than their lesser-paid counterparts will destabilize the pension system.

Sharon Ivey from CSEA Local 403 said the legislation will end up raising the cost of pensions and cost municipalities over time.

"I'm mad, and I'm out here," she said. "I'm a taxpayer. I'm a middle class worker and I'm getting the shaft because of the things they do in the dark."

Gabryszak, who was not in his office during the protest, said that there is a difference between what was originally proposed by the governor for the Tier 6 401k plan and what was adopted.

"So what we are going to do is take a look and see exactly how that difference came about, what it means in terms of dollars, and, quite honestly, if there is a big disparity, there are a few things that need to be done," he said. "What we need to do is take a look at the 401k option put in the budget for those higher earners, see if we do need to make a change, or if it should be eliminated all together."

Gabryszak's support of the legislation surprised Donald Przybyl of Elma, who attended the protest.

"He's always voted for things that are good for working people," he said. "All of a sudden, he goes

and does something like this."

Cuomo's construction of Tier 6 reflects his constituents' concerns about escalating state costs and is an attempt to provide relief to taxpayers, Gabryszak added.

"Taxes have always been a concern for people in New York," he said.

"This is one of the higher taxed states, and this is one of the ways to try to reduce some of the burden on taxpayers."

Includes reporting by Matt Krueger.





REUNION OF THE TOY MAKERS — Lynn Schinzel of Orchard Park, a 21-year employee on toy assembly lines, catches up with Tony Johnson of Marilla who worked in receiving for 31 years. They both attended Saturday's Fisher-Price reunion at Danny's South Restaurant in Orchard Park.

Photo by Scott Schild
Purchase color photos at www.BeeNews.com

Psych Center supporters to rally

Workers at the Mohawk Valley Psychiatric Center and their supporters will picket at noon Friday outside the Utica State Office Building to protest the planned closure of two adult inpatient wards at the Mohawk Valley Psychiatric Center.

Members of the Civil Service Employees Association and the Public Employees Federation will take part in the demonstration.

State Sen. Joseph Griffo, R-Rome, and Assemblyman Anthony Brindisi, D-Utica, are expected to attend.



Union to mark Workers Memorial Day Friday

The Central New York Labor Federation, AFL-CIO, will host a Unity Breakfast Friday to commemorate Workers Memorial Day.

Workers Memorial Day is held annually around the world April 28 to remember those who have died, were disabled or made ill by their work.

The theme for this year's event is "Safe Jobs Save Lives. Keep the Promise Alive."

The breakfast also will honor two people and two organizations for being Worker Health and Safety Champions. They are: CSEA District 5, SEIU 1199 Upstate; Cathy Quinn-Kay, of the U.S. Department of Labor's Wage and Hour Division; and Wally Reardon, a worker and founder of Workers at Heights Health and Safety Initiative.

The breakfast begins at 8:30 a.m. at the Holiday Inn on Electronics Parkway in Salina.

Tickets are \$25 and are available by contacting Pat Rector at the Occupational Health Clinic, rectorp@upstate.edu, or 432-8899, ext. 127.



Residents rally

Many express concerns outside City Hall

By **SAMANTHA MCDONNELL**
 OBSERVER Staff Writer

The Chautauqua County Home is still a hot topic — especially with its residents.

Those residents, led by County Home Resident Council President Joe Carrus, organized a rally Wednesday evening outside Dunkirk City Hall. Carrus spoke during the rally, as did other residents who believe the County Home should not be sold.

County Home resident Fran Harper has been with the County Home for the past five years and plans to continue to stay there for five more years.

“They helped me straighten out my life. I was so depressed ... I thought my life was over. When I came to the County Home ... I couldn’t believe how beautiful the place was or how nice the people were,” Harper said.

See RALLY, Page A6

Relatives of residents came forward to speak on the issue as well. Robert Graves has a wife who resides in the County Home. His wife has been a resident since April 2011 and he spoke highly of the care received.

“The care there is above and beyond. People talk to (residents) like they’re still humans,” he said.

Even young residents spoke out regarding the sale of the home. Isabella Vasquez came to the rally with her neighbor, whose mother is in the County Home. Vasquez and her sister, Cierra, have visited the County Home with their neighbor. One of their favorite activities is to play volleyball with a balloon while visiting the County Home with Carrus.

“I would like to help the nursing home,” Vasquez said.

CSEA Unit 6300 President Rose Conti was at the rally in support of the residents. She thanked all those in attendance for their support.

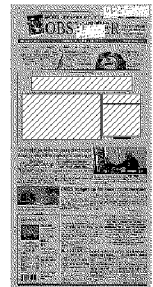
“I was kind of surprised when Joe said they were going to have a rally, they had a permit and they were coming down,” Conti said.

Conti said the County Home does belong to the residents and it should be left alone.

“Let’s find ways to make sure they stay home in their home,” Conti said.

Sue Baldwin gave examples of nursing homes throughout the state which have been sold and what has happened to those county homes.

Dave Wilkinson, chair of the Chautauqua County Labor



Coalition, said the issue of saving the County Home is not about money but morality.

Employees of the County Home also spoke out in support. Kim Martin said residents should be able to wake up each morning and not have to worry if the home will be sold.

Those in attendance at the rally were given flyers containing facts about the County Home. One was that taxpayers are not paying \$10,000 a day to operate it.

"We have proof that no taxpayers' money has been used in 2012 to support the County Home," Carrus said.

The fact sheet indicated that if taxpayers were to assist the County Home, the cost would be under \$3 a month per person.

Comments on this article may be sent to smcdonnell@observertoday.com.



OBSERVER Photo by Samantha McDonnell

CSEA Unit 6300 President Rose Conti spoke during Wednesday's rally at City Hall in Dunkirk. The Chautauqua County Home Resident Council planned the rally.



OBSERVER Photo by Samantha McDonnell
Isabella Vasquez speaks at the rally. Also pictured are Shirley Scott (left) and Cierra Vasquez (right).

Legislature OKs agreement over union sick-time issue

The Sullivan County Legislature's Personnel Committee approved an agreement Thursday settling a union complaint over a tightened policy on transferring unused sick time.

Catskills Concerns about
Bureau abuse spurred
CONFIDENTIAL a revised policy
approved in Feb-
ruary 2011. The
revision required
county workers to use vacation
and compensatory time first if
they wanted to transfer time to
fellow workers.

A tentative agreement with
the Civil Service Employees
Association, which represents
guards at the county jail, re-
verses that requirement.

Leonard Sparks



Red Turns to Gold



16805529H216

Hempstead Town Supervisor Kate Murray (second left) presents a check to American Heart Association Senior Regional Director of Communications Jessica DiMeo (left), Regional Vice President of Field Operations on Long Island Kathy Munsch and Erin King Sweeney of King Sweeney Strategies (right). The Town of Hempstead recently participated in National Wear Red Day. As a result of the collaboration between Supervisor Murray, CSEA Local 880, employees and visitors to Town Hall, Hempstead, raised \$4,000 for the Wear Red initiative.



Razzle Dazzle

Bad Bargain May Stymie 'Polite' Andy's Ambitions



By RICHARD STEIER

The news that a date had been set for a recall election in which Wisconsin Gov. Scott Walker will potentially be unseated as the fallout of the law he pushed through that state's Legislature limiting public-employee-union bargaining rights led one state official last week to draw a bittersweet parallel to Governor Cuomo's dealings with public workers during his first 15 months in office.

She cited the state-employee contracts last year that not only froze wages for three years but imposed furloughs and sharply increased employee health-care contributions, followed by his forcing a reduced Tier 6 pension plan on all future state and municipal employees. In the first case, Mr. Cuomo buckled the knees of state-union leaders by threatening them with up to 9,800 layoffs if they didn't go along; in the second, he seduced legislators into approving the scaled-back pension plan by agreeing to drop his opposition to their proposal for new district lines that amounted to an Incumbent Protection Map.

While the Governor waved the white flag on a good-government change he had pledged to fight for, she said, "We've set back collective-bargaining in New York State for 25 or 30 years. We just did it more politely than Wisconsin."

As a result, there's been no visible backlash for Mr. Cuomo over his bullying of public employees for two years in a row. (It actually amounts to three straight years of having their lunch-money stolen while they were slapped around for complaining about it if you count the imposition of Tier 5 at the beginning of 2010, albeit under a different Democratic Governor.)

Not Hurting Him With Public Yet

This Governor's picking on the unions has had no visible impact on his popularity with

the general public: a Quinnipiac poll released April 4 showed that while 68 percent of those surveyed weren't thrilled by the way in which the district lines were produced, that same percentage approved of his performance in office.

That doesn't mean, however, that he hasn't dug a hole for himself that might be difficult to climb out of during the next couple of years. Barring some catastrophic development, a lack of public-employee-union support won't deny Mr. Cuomo re-election. But if he wins a second term without first getting the approval of two-thirds of the affiliate unions of the State AFL-CIO that is the threshold for its endorsement, he doesn't figure to be spending much quality time on Air Force One beginning in 2017.

There's a lot of crossover power in getting the endorsements of the Rupert Murdoch empire and the Committee to Save New York, the business-funded organization that became the state's top lobbyist while pounding the drum for the Governor last year. But unless Mr. Cuomo has visions of succeeding where Ross Perot failed, his new friends won't be of much help when an opponent in the 2016 Democratic presidential debates raises the issue of how a New York Governor who claims to embody his party's values couldn't win labor's endorsement in his own state.

The anger of both locally-based unions like the United Federation of Teachers, District Council 37 and the Civil Service Employees Association and their national parents has not cooled in the three weeks since Mr. Cuomo went from urging union leaders to agree to pension reductions to strengthening his hand on redistricting to walking away from his vow to veto partisan lines in order to win over the Legislature on Tier 6.

That required breaking a campaign promise as well, and it stung all the more because he was weaseling away from a push for fair representation in order to screw over public em-



ployees for a limited short-term financial gain. As a New York Times article noted last week, the state will save just \$1.2 billion over the next five years as the result of Tier 6. And the maneuvering that went into getting the plan passed dispelled any illusions people might still have been harboring that Mr. Cuomo was really considering the state's long-term interests rather than his own political prospects.

Shortly after Tier 6 was approved, State Sen. Diane Savino remarked that however furious some labor leaders were with the Governor, he was likely to begin mending fences, first by courting private-sector building-trades unions with an economic-development plan that will devote billions of dollars to new construction.

A Whiff of Pottersville

But so far his biggest idea for propelling the state's economy forward seems to be promoting more gambling in New York. The success of the racino at Aqueduct is evidence of the short-term infusion of revenue, although it's not known how much that has been hurting the gambling business in other parts of the state, particularly Yonkers Raceway, which previously had the largest downstate slot-machine emporium.

There's also the question of how well this will play with the public at large, with its echoes of Pottersville, the nightmarish vision Jimmy Stewart's character in "It's a Wonderful Life" is offered of what Bedford Falls would have turned into if he hadn't lived there and helped build the community.

That brassy, glittering surface also symbolizes Mr. Cuomo's triumph of spin over substance since taking office. He's carved out an image as a guy who can get things done in a place known for being the graveyard of good

(Continued on Page 6)

intentions, but it's worth remembering that the on-time balanced budgets and the paring down of state spending have relied on beating up public workers while walking away from the issues that involved legislators' own selfish perquisites like ethics reform and nonpartisan district lines. There's something to be said for politics as the art of the possible, but it's not the same as genuine good government.

Tabloids in His Corner

Maybe Mr. Cuomo doesn't care. He's got a well-oiled propaganda machine working overtime to promote his agenda, aided mightily by the normally flag-waving tabloids. Two weeks after this newspaper reported that Tier 6 has a provision that skunks military veterans who want to buy back government service they missed while on

active duty in order to improve their pensions, neither the News nor the Post has mentioned that the new law charges them for the privilege at the same rate as city and state workers earning \$100,000 and above.

But then, both papers were of the opinion that Tier 6 didn't go far enough in reducing public-employee pension costs. That may reflect a belief that it's not important to keep government jobs attractive enough in terms of compensation to attract good people, mirroring their own hiring practices in recent years, according to veteran employees of both papers.

Learn From Mayor's Stumbles

But then again Mayor Bloomberg, who flim-flammed his way into being able to seek a third term based on assurances by the publishers of those papers and the New York Times that they saw no problem with ignoring the will of the voters, might be able to give the Governor some advice about the pitfalls of listening only to those on the top point of the pyramid. They can help you ride high in the polls long enough that it becomes intoxicating, but when something goes badly wrong, there isn't much of a reservoir of good will from the public to draw on.

There was some irony last week in the CSEA's running of a TV ad whacking Mr. Cuomo for creating a 401(k) plan open only to those earning at least \$75,000 a year, contending its portability made it a potential giveaway program for political appointees who had no intention of staying in government long enough to collect a pension.

Mr. Donohue and other public-employee-union leaders had breathed a sigh of relief when the final compromise on Tier 6 eliminated the offering of the 401(k) to new workers further down the economic scale, since they feared that would be the beginning of the end for traditional defined-benefit pensions. No doubt exhaling right along with them were private-sector union leaders here, since had that been adopted as a prime feature of the new pension plan, it would have become a model that every private employer in the state now offering a pension plan—40 percent of employers counting the public sector currently do so—could have cited as appropriate for their future employees.

Glaring Disparity in Sacrifice

Any complaining by the Governor that he bowed to the unions' wishes

on that element and is still getting hammered by the largest state-employee union isn't going to draw much sympathy, however. For two straight years, public workers to varying degrees have borne the brunt of the state's efforts to trim the cost of government, with those outside of it largely getting a free pass, unless you figure those earning \$1 million or more who are now paying slightly less in state taxes than they did when Mr. Cuomo took office are chipping in, given that he had promised to completely end the higher tax rate imposed by his predecessor.

From a short-term political perspective, Mr. Cuomo's won two big gambles: first that the state unions would cave rather than leave him sharing the impact of massive layoffs that would have drastically impaired the delivery of state services, and then in getting Tier 6 approved by doing his own retreat on redistricting and discovering that the protests over his moment of weakness got little mileage in the media. If he was willing to settle for matching his father by serving three terms as Governor and not seeking national office, he'd be in ideal position to do it.

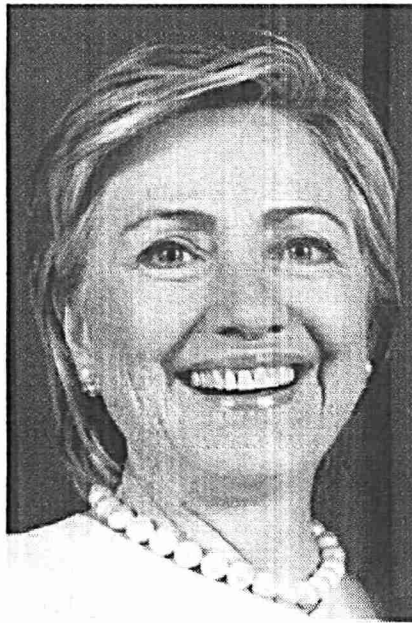
But all indications are he's taken the course he has because of a larger itch, and it has created a situation for him that is a kind of mirror image of Mitt Romney's problem in the upcoming November election now that he has done what he had to in order to secure his party's nomination.

And Then Along Comes Hillary

It may have been pure coincidence, but it certainly was interesting that the ink was still drying on the new state budget including Tier 6 when Bill Clinton told ABC News that he'd love to see his wife run for President in 2016. Nancy Pelosi quickly seconded that emotion, and of particular note was that so did Kirsten Gillibrand, the state's junior Senator seeking her first full term in the seat she inherited when Hillary Clinton left to become Secretary of State. The timing was especially juicy because Ms. Clinton's strongest public-employee-union backers during the 2008 Democratic primaries were the American Federation of Teachers and the American Federation of State, County and Municipal Employees, whose local affiliates have the greatest reasons to be angry with the Governor's pension fandango.

It's not inconceivable that Mr. Cuomo is governing based on what he believes is right rather than what will help him with the larger Democratic base. But whether motivated by gen-

uine principle or political calculation, the Tier 6 overdrive for the moment has made it a lot harder than it had to be for him to get where he wants four years from now.



RIDING HIGH IN APRIL .. Governor Cuomo's public-opinion ratings remain extremely high, despite his horse-trading away his promise of nonpartisan legislative district lines in order to get the Tier 6 pension plan approved. But the floating by her husband of Hillary Clinton's name as a possible contender for the Democratic nomination for President in 2016 was a reminder of how his chances of getting labor's support for that nomination were damaged by that maneuver.

Overtime Overhyped: DiNapoli Finds State Actually Cut It 11.8% More Than 60% Tallied By Workers in Short-Staffed Agencies Since 2007

By MARK TOOR

There's been a lot of screaming about state workers fattening their paychecks with overtime, but the number of overtime hours they worked actually decreased 11.8 percent between 2007 and 2011, according to a report released last week by State Comptroller Thomas P. DiNapoli.

In fact, during that five-year period

(Continued on Page 6)

overtime made up only 3.15 percent of the state's total payroll, said the report.

CSEA: Not Our Fault

The word from the Civil Service Employees Association is that if the state has problems with overtime, it's government managers who are at fault, not the workers. "The state is in control here," said CSEA spokesman Stephen Madarasz.

"Our report shows that while overtime has declined over the past five years, a few agencies remain the primary drivers of overtime spending in state government," Mr. DiNapoli said in a statement April 4.

Those agencies are the Department of Corrections and Community Supervision (2.2 million hours over the five-year period), the Office for People With Developmental Disabilities (nearly 3 million hours) and the Office of Mental Health (2.3 million hours). All are charged with running institutions that have minimum staffing levels. When the number of employees working dips below those levels, the agency orders other employees to work overtime.

Those three agencies accounted for more than 60 percent of the total number of hours worked in all agencies, which was 12.2 million. Of the top 20 overtime earners listed in Mr. DiNapoli's report, only one did not work for one of them.

No 'Overtime Kings'

"It's very discouraging when the

mainstream media plays this as a story of overtime kings and queens, which is insulting to workers," Mr. Madarasz said, adding, "Most of the overtime in institutions is required because they don't have enough staff."

The top earner was Robert B. Henry, a Security Hospital Treatment Assistant at Mid-Island Psychiatric Center. Mr. Henry worked 2,556 hours of overtime, earning \$123,511 in overtime pay on top of his base pay of \$61,830. It was his second year at the head of the list.

He was one of seven workers who logged more than 2,000 hours of overtime. Six of them worked at psychiatric hospitals and the seventh was a Nurse at Bedford Hills Correctional Facility.

At that level of overtime, Mr. Madarasz said, employees basically eat, sleep and work. "It means they're working 16-hour shifts day in and day out," he said.

'Run Risk of Injuries'

"At some point it becomes very counterproductive," he said. "You run the risk of someone getting hurt" while fatigued, and then having to be replaced by other workers called in on overtime.

When he was state Attorney General, Governor Cuomo complained that many state workers were allowed to pile up overtime in their last years to pad their pensions. Mr. Madarasz noted that the pension tiers actually limit the amount of overtime civilian workers can credit to their pensions. For Tiers 3 and 4, he said, any earnings more than 10 percent greater than the average of the previous two years are not counted.

CSEA distributed a fact sheet on overtime. Its points included:

- "Union contracts do not entitle workers to overtime. They only set forth the procedure for how overtime is distributed once management decides to utilize overtime work.

- "Many budget managers and accountants prefer to pay overtime rather than hiring enough employees to do the job.

- "One of the main reasons for overtime is understaffing.

- "Another of the main reasons for overtime is to cover for workers who are out due to on-the-job injuries.

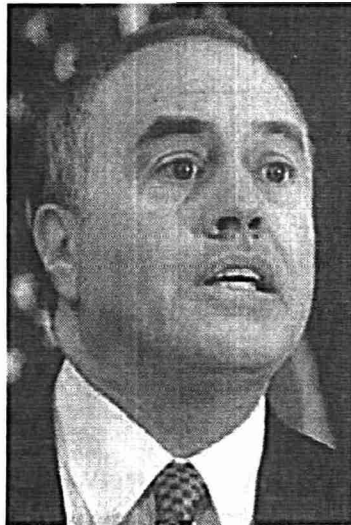
- "Overtime is often the result of unexpected emergencies, such as snowstorms, water-main breaks, broken traffic lights, fallen trees, etc.

- "Some employees welcome the chance to make more money but others, who would prefer to be home with

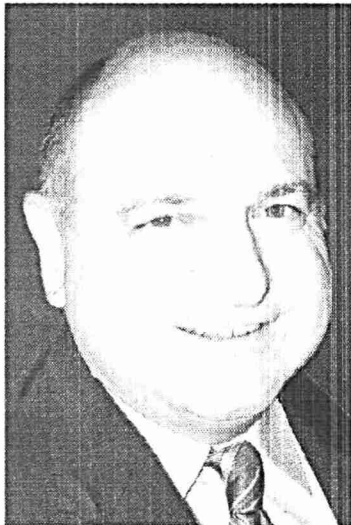


their families, are forced to work additional hours or shifts.

• “The greatest amount of overtime occurs at state facilities that are required to be staffed 24/7, such as mental-health facilities, prisons and juvenile-detention centers. CSEA has consistently advocated for additional staffing at these facilities in order to cut down on overtime and give workers much-needed relief from extended shifts, which can also contribute to injuries.”



THOMAS P. DiNAPOLI:
Overtime not being abused.



STEVE MADARASZ: Personnel shortages at fault.

Part of Limited 401(k) Plan Repeal Politicos' 'Bonus,' CSEA Tells Legislators

By MARK TOOR

The Civil Service Employees Association has one overriding goal for the State Legislature when it ends its break and resumes work next week: Repeal the Dark Deal.

The Dark Deal, as CSEA calls it, is a last-minute clause covering higher earners that was added to the Tier 6 pension bill reviled by public-sector unions. One of the provisions that drew the most heat was a 401(k)-style plan that was supposed to be offered to employees at all pay levels as an alternative to the regular defined-benefit pension. Workers leaving state service after as little as a year could take their 401(k) with them, an option not available to those in the defined-benefit plan, who need to work 10 years to become eligible for pension payments.

'An Outrageous Perk'

The unions fought the 401(k) option because they felt that depending on the stock market for pension benefits was too risky. In the early hours of the morning before the Legislature passed the bill, the option was restricted to those earning \$75,000 a year or more, but the one-year portability clause was unchanged. CSEA President Danny Donohue said this deal, "made under cover of darkness," set up "an outrageous perk...Legislators and political appointees being paid more than \$75,000 annually are in line to cash in for thousands of dollars every year!"

Under the option, the state contributes 8 percent of each person's pay to the fund, a minimum of \$6,000 a year, which Mr. Donohue called a "windfall" workers can take along and convert to cash when they change jobs.

The CSEA has bought radio, print and television ads in hope of making its point with the voters. One 30-second spot says: "In the dark of night, Governor Cuomo, State Senators and Assembly Members voted a perk for themselves and their political appointees at your expense: an extra 8 percent of salary every year. And in just one year they can take the money and run. So it's really a big cash bonus they didn't earn. The Governor, Sena-

tors and Assembly Members put politics before people. Call and tell them to fix this political boondoggle now."

'It's Downright Insulting'

CSEA spokesman Stephen Madarasz said that as far as the union is concerned, the repeal of the 401(k) provision is by far the most important issue before the Legislature. "No one in their right mind can call this pension reform," he said in an interview. "It's not in the public interest. It's just downright insulting to every working person out there."

Governor Cuomo's office declined to comment on the union's complaint.

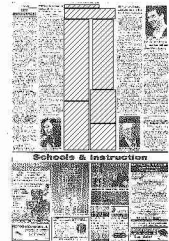
The CSEA ad campaign is indicative of a new militancy the union is showing as Mr. Donohue prepares to seek the presidency of its parent, the American Federation of State, County and Municipal Employees. After the Legislature approved Tier 6, CSEA announced that it was withholding political contributions and endorsements while it re-evaluates its relationships with legislators. That evaluation period is not over, Mr. Madarasz said.

The Public Employees Federation is not joining with the CSEA in its fight to repeal the bonus deal, according to spokeswoman Darcy Wells. "We opposed the 401(k) in principle because introducing it undermines the pension system's stability," she said in an e-mail. "Instead of everyone being pooled in the same fund, it separates some people out. But what's done is done, and we are not currently planning any effort to repeal it."

PEF's Priorities

PEF is supporting the passage of four bills:

- Ensuring safe patient-handling in health-care facilities. "This bill would address the problems associated with manual patient-lifting [by employees] by creating a safe-patient-handling task force within the Department of Health..." says a PEF memo supporting the bill. "...Facilities which have implemented safe-patient-handling programs have reported dramatic improvement in the rate of injuries,



workers' compensation as well as medical/indemnity costs, and absence due to injury."

- Requiring cost comparisons before the state enters into consulting contracts. "It provides that an agency shall not enter into a contract for consultant services anticipated to cost more than \$500,000 in a 12-month period unless it has conducted a review to determine whether or not state employees can provide the same function adequately for the same or lower cost," according to a PEF memo in support.

- Expanding the Freedom of Information Law to cover entities created by state agencies, such as the SUNY

(Continued on Page 6)

Research Foundation. "The shell of a separate corporate entity should not be used as an excuse to deny public access to information about how they use these funds," PEF writes.

- Extending an exemption from a law that limits the ability of state employees who were laid off to make appearances before agencies. "In the case of a layoff due to budgetary constraints or the elimination of a function, there is little to no chance that the employee orchestrated his termination to gain personal benefit... By extending the window to the exemption for employees laid off before April 1, 2014, this bill removes barriers that would otherwise diminish a former employee's ability to support his or her family."

And PEF opposes one bill, which would encourage public-private partnerships for transportation projects. It "would cede the Legislature's responsibility to protect the public's interest in developing critical infrastructure to a board of political appointees," PEF said in an opposition memo. "... Unlike traditional projects, these would not be awarded through competitive bidding but instead through a far-less-rigorous best-value standard which essentially allows the public entity to choose whomever they want."



DANNY DONOHUE: 'An outrageous perk.'



GOVERNOR CUOMO: A surprise sweetener for his staff?

The Truth About Overtime

Given hiring freezes and cuts in personnel in state government over the past few years, it would have been no surprise to learn that overtime costs were soaring: someone has to provide the necessary services, and when positions go unfilled, it is often necessary to work those employees who remain in a unit or an agency for many more hours.

Yet according to State Comptroller Tom DiNapoli, overtime hours in state agencies declined by nearly 12 percent during the past five years. That raises questions about the urgency of the limits on the extent to which overtime can be figured into the calculation of employee pensions that were imposed under the recently enacted Tier 6, as well as Tier 5, which took effect under former Gov. David Paterson.

Just as importantly, it shows that agency heads, including those who were in charge prior to Governor Cuomo's alleged transformation of Albany, are capable of managing their workforces and controlling overtime. The three agencies that among them accounted for more than 60 percent of the overtime budget between 2007 and 2011—the prison system and those caring for the mentally ill and developmentally disabled—essentially build overtime into their operations by staying at minimum staffing levels for delivering their services.

This means that any unusual occurrences—and sometimes some usual ones, such as shortages of personnel based on either absences or a higher-than-normal attrition rate—have to be compensated for by using workers on overtime. The argument for doing it this way rather than increasing staff is that it's cheaper because you're not stuck paying salaries and benefits for new workers when conditions return to normal.

Some chief executives also find this method of operation useful because it leads to some senior workers piling up high levels of overtime that bolster their salaries and pensions. This winds up being good fodder for dubious stories in the tabloids about workers getting fat off the system, in some cases getting overtime pay that far exceeds their base salaries.

It should be clear, though, that this is a management choice, rather than employees ripping off the system. As a Civil Service Employees Association spokesman said last week, the concept of "overtime kings and queens" more often than not is a media invention that Mayors and Governors, unfortunately, help to perpetuate.



Even Without New Contracts, Many Public Employees Get Raises

By DANNY HAKIM

ALBANY — Public employees are working without contracts in cities and counties across New York State, as labor negotiations stall because local governments say they cannot afford to raise wages.

But many union members are still taking home larger paychecks, thanks to a state law that allows workers to continue receiving longevity-based salary increases after their contracts expire.

The pattern is seen throughout the state. All labor contracts in Albany, New Rochelle and Yonkers have expired. So have seven of nine contracts in Syracuse, six of eight in Buffalo and most of the contracts in New York City.

And the same trend is unfolding at the county level. The New York State Association of Counties surveyed 17 counties at the request of The New York Times and found that 41 of 67 labor contracts had expired.

Each side blames the other for the holdup. But it is clear that in many cases, unions are strategically deciding they are better off stalling negotiations now, given the grim financial picture. That is partly because New York's 30-year-old Triborough Amendment guarantees that the terms of public labor contracts remain in place even after they expire.

In Westchester County, where all eight labor contracts have expired, the executive, Robert P. Astorino, a Republican, has sought to have union members pay a share of their health care costs. But in December, the county's largest union, the Civil Service Employees Association, balked and declared negotiations at an impasse.

And that is where negotiations remain — stalled. Before Triborough, "if you declared impasse, labor would be putting itself at considerable peril," said Stephen Madarasz, CSEA's spokesman, adding, "Before they used this principle, you basically had a situation where management could impose its will once a contract ex-

pired."

When times are good, the impact of the Triborough Amendment is blunted, because municipalities can afford to offer salary increases as part of contract negotiations. But when budgets are squeezed, as they are now, municipal leaders often seek wage or benefit concessions, which leave unions with little incentive to come to the bargaining table and negotiate in earnest.

"Most labor leaders, when they are negotiating with the executive branch, are realistic," said Mayor Mike Spano of Yonkers, a Democrat. "In this environment, there's going to be no greater benefit that's going to get offered to them, so why settle?"

Union leaders acknowledged that getting deals done was harder than it once was, though they denied deliberate efforts to halt the negotiations.

"It's a complicated time," said Mr. Madarasz, the CSEA spokesman. "We're still settling contracts, but they are probably taking a little bit longer and starting a little bit later. More municipalities are waiting until they are close to the deadline to start negotiations or starting after contracts expired."

The effect of the Triborough Amendment is significant: Edmund J. McMahon, senior fellow at the Empire Center for New York State Policy, a conservative research group, has estimated that longevity-based pay increases for teachers, guaranteed by the amendment even after contracts expire, add \$300 million to school budgets annually. Mr. McMahon is an advocate for repealing the measure, saying workers have enough protections elsewhere in state regulations.

"Triborough is most noticeable in an economic and fiscal environment like the present one," Mr. McMahon said. "It's less noticeable in a boom period."

There is one way cities and counties can sometimes freeze wages: when their finances deteriorate so badly that they are taken over by control boards, as

has happened in Nassau and Erie Counties.

"The ability to freeze wages is an essential tool for a control board," said Ronald A. Stack, chairman of the Nassau County Interim Finance Authority, adding that it "can help avoid more severe labor cost-saving measures such as layoffs or furloughs."

But in Nassau, unions are suing to prevent the control board there from imposing wage freezes for a second year.

Many other municipalities, finding their budgets strained by soaring pension and health care costs, are resorting to layoffs and service cuts to balance their budgets — or to try to bring unions back to the bargaining table.

In Rensselaer County, the executive, Kathleen M. Jimino, a Republican, cut 46 jobs last year after unions declined to switch to a less expensive health plan. This year, after she warned that she would again resort to layoffs, half of the city's contracts remain expired, but she was able to settle the city's largest labor contract.

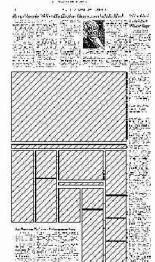
"This time they knew they could take us at our word," she said. "We would have to reduce jobs."

Ms. Jimino and Mr. Astorino are among a number of mayors and county leaders from both major political parties who have advocated for the repeal of the Triborough Amendment, which was named after a labor dispute at the Triborough Bridge and Tunnel Authority, arguing that the measure strips them of leverage during contract talks.

"Legislators in Albany like to continuously kick the can down the road," Mr. Astorino said. "The problem is, there is no more pavement left. It's all exploding right now."

But union leaders say the Triborough Amendment provides needed bargaining leverage for workers, compensating for a provision in state law that forbids strikes by public employees.

Christopher Policano, a spokesman for the American



Federation of State, County and Municipal Employees, said, "In the absence of Triborough, bargaining could become a meaningless exercise as the employer may simply insist on its position and implement it without facing any consequences."

"The employees would be completely disadvantaged," he added. "This thwarts the purpose of the labor law, which is to promote constructive bargaining."

Gov. Andrew M. Cuomo, a

Democrat who has taken on labor over several issues, has yet to express a position on the Triborough Amendment, but a top aide, Lawrence Schwartz, said last year that the administration would explore options, including proposing the suspension of the amendment. That would require the approval of the Legislature, and many lawmakers in both parties have received significant campaign contributions from public sector unions.

But the unions are not in a mood to cede further ground, after failing this year to block legislation that reduced pension benefits for future public workers. In a message to his members, Keith Olson, president of the Yonkers Police Benevolent Association, warned that if the governor was able to pass a proposal to reduce pension benefits for new workers, "he will surely be coming for something else (Triborough Amendment, etc.) next!"



PHOTOGRAPHS BY NATHANIEL BROOKS FOR THE NEW YORK TIMES

Jena Commerford, with the Department of General Services, at Washington Park in Albany. A law allows some workers to get raises after contracts expire.



Members of a police mounted unit in Albany. With tight budgets, many labor negotiations throughout the state have stalled.

Public workers get raises as talks stall

State law allows longevity-based pay increases despite expired pacts, drawing calls for change

New York Times

ALBANY — Public employees are working without contracts in cities and counties across the state, as labor negotiations stall because local governments say they cannot afford to raise wages.

But many union members are still taking home larger paychecks, thanks to a state law that allows workers to continue receiving longevity-based salary increases after their contracts expire.

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Please see **UNIONS A6** ▶

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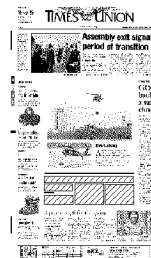
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SYRACUSE

A LITTLE PAIN, LOTS OF WARNINGS

MAYOR MINER'S BUDGET INCLUDES JOB CUTS AT SCHOOLS, NO TAX HIKE, PLEA FOR STATE BAILOUT

By **Tim Knauss**
Staff writer

Despite her many warnings about looming insolvency, Syracuse Mayor Stephanie Miner on Monday proposed a \$662 million city budget that increases spending 7.1 percent, requires no tax increase and even adds 21 jobs to the non-school payroll.

To be sure, there is some pain in the spending plan. The school district's proposed budget, which represents 55 percent of city spending, calls for about 150 job cuts and a school closing. Miner said she plans to accept the district budget without changes.

To avoid worse cuts, the school district plans to borrow \$25 million against future state aid. On the city side, a one-shot infusion of \$21 million in extra state aid allowed Miner to avoid harsh medicine this year.

But the crisis still awaits, she said. "We have escaped that for one year," Miner said. "What that does

is buy us another year to try to come together to try to find a solution."

The mayor proposed a city budget that increases non-school spending 4.3 percent. Miner, who took over as mayor two years ago, said in an interview that she has cut operating costs, but in the long run Syracuse cannot avoid a fiscal meltdown without increased help from New York

state.

"The idea that we could cut more I don't think is a realistic idea, unless we start to cut services," Miner said. "We are at the very bone."

Miner said she will support the \$366 million school district budget proposed by Superintendent Sharon Contreras, which calls for a spending increase of 9.5 percent, the elimination of about 150 jobs and the closing of Elmwood Elementary School. The school board is scheduled to vote on its budget April 18.

Monday evening, Miner presented to the Common Council her budget for city operations, which totals \$296 million for the year that begins July 1. Miner proposed adding 21 jobs to the city payroll, including 14 police officer jobs to be temporarily funded through federal grants.

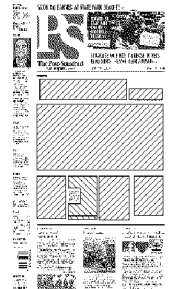
The council will begin budget

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hearings later this week and will vote on the combined school and city budget by May 8.

Miner's non-school spending plan represents an increase of \$12.3 million, but she has sought neither a tax hike nor an increase in water or sewer rates. The budget also does not require spending any of the city's rainy-day fund.

Instead, Miner is relying on a one-time advance payment — or "spin-up" — that will boost the city's state aid from \$71.8 million to \$92.6 million.



The extra money from the state does not have to be repaid, Miner said.

The boost in aid gives the city a year of breathing room to resolve underlying fiscal problems, Miner said. Although there are further steps the city can take to cut costs — including changes in health care benefits — Syracuse and other cities will need help from the state if they are to withstand the pressure of rising pension costs, she said.

“Municipalities need an infusion of money to help pay for pension benefits,” Miner said.

The city’s pension bill has spiked from \$2 million a decade ago to \$30 million next year, Miner said, with no relief in sight.

Miner said she has held “very productive discussions” with the governor’s office about the need for state assistance to cities.

During a visit to Syracuse two months ago, Gov. Andrew Cuomo warned that the state has its own fiscal problems to resolve. Cuomo offered no specific promise of additional aid, but said the state needs healthy cities.

“There is no future for a state when your cities are going bankrupt,” Cuomo said.

Besides pensions, one of the biggest burdens for the city is its generous employee health-care plan, projected to cost \$44 million next year. Historically, employees have contributed little to the cost, but Miner’s budget takes the first step in trying to change that.

For the 161 city employees not covered by union contracts, Miner has proposed a sharp increase in health premiums, with a five-tiered sliding scale based on salary.

The lowest-paid workers, earning \$42,000 or less, will increase their payments next year from \$180 to \$315 a year for individual coverage, and from \$360 to \$834 for family coverage. Employees making

\$100,000 or more, including Miner, will increase their payments from \$180 to \$790 for individual plans and from \$360 to \$2,085 for family plans.

In the year beginning July 2013, employee payments for all tiers will more than double next year’s rates.

The change will save the city about \$230,000 a year after the second year, but the real impact will come if Miner can persuade the city’s unions to adopt similar payments.

That may be difficult to do. The city held contract talks with each of the city’s unions last year, but succeeded in negotiating higher health-care premiums only with the firefighters’ unions.

“This is a learning process,” Miner said. “You can say to people, ‘there’s a crisis coming; let’s solve it.’ But until they feel the heat of that crisis, they won’t.”

Gordon Ruckdeschel, unit president of Civil Service Employees Association Local 834, said he agrees that health-care benefits must be restructured. But Ruckdeschel said Miner’s plan asks too much of low-paid workers and too little of those with higher salaries.

The average CSEA city worker earns just \$31,000, he said.

Miner said she remains optimistic about negotiating higher health-care payments from the unions as the financial crisis spreads to more cities.

For this year, however, Syracuse is in much better shape than Miner expected. She had drawn up a far harsher budget until the state aid spin-up was announced.

If it passes as is, the 2012-2013 city budget would be the first in five years not to use rainy-day savings to cover a gap in revenues. Since 2008, Syracuse has burned through roughly \$36 million of its fund balance to pay the bills.

The rainy-day fund, ex-

pected to hold \$32 million as of June, will not be needed to balance next year’s budget, Miner said. But structural deficits are likely to return the following year, she said.

Miner has recruited a three-person panel of experts to advise the city on financial matters. Monday she named two members: Bob Wilmers, chairman and CEO of M&T Bank, and Marc Shaw, senior vice chancellor of City University of New York.

Miner announced in January that the advisory board would be chaired by former Lt. Gov. Richard Ravitch. All three members are expected to visit Syracuse this month.

Contact Tim Knauss at tknauss@syracuse.com or 470-3023.

Highlights of Mayor Miner’s 2012-13 budget proposal:

- No increase in taxes or fees.
- The school district will cut about 150 positions, but the city’s non-school payroll will grow by 21 jobs, including 14 police officers.
- 161 non-union city workers will pay significantly more for health care. Worker contributions will increase by as little as \$135 to as much as \$1,725 per year depending on salary and type of coverage. Contributions double again the next year.
- Combined city/school spending is \$661 million, up \$44 million or 7 percent, with pensions and health care driving the increase.
- City closes its budget gap using one-time \$21 million advance in state aid.

A pension problem

Mayor Stephanie Miner said Monday that rising pension costs are pushing Syracuse toward insolvency. Here's how pension costs have increased over seven years:

In millions of dollars	
2006-07	\$12.3
2007-08	\$14.5
2008-09	\$15.3
2009-10	\$14.3
2010-11	\$19.7
2011-12	\$21.1
2012-13	\$30.1 *

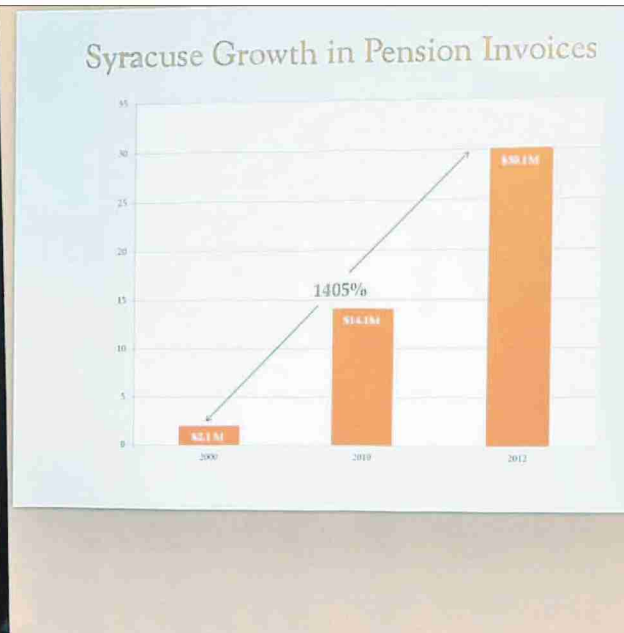
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Source: City of Syracuse



Gary Walts / The Post-Standard

"MUNICIPALITIES NEED an infusion of money to help pay for pension benefits," Syracuse Mayor Stephanie Miner said.



SYRACUSE MAYOR STEPHANIE MINER unveils her 2012-13 city budget, which she said postpones a financial crisis for a year. She said the city needs more help from the state.

Commentary

It's an impasse despite concessions

By **JOSEPH J. CARRUS**

Referring to the Publisher's notebook in the OBSERVER (March 23) "Emotions key to Home campaign," you attacked CSEA's request of pay raises and the failure of CSEA to grant "concessions" at the Home.

The CSEA union did grant concessions. I have their proposals to County Executive Greg Edwards before me as I write. The union offered in February 2012 to make it a four-year contract with the following changes:

- Longevity checks and step increments would alternate years. Employees entitled to longevity checks (eligibility is achieved after 10 full years of service) would received them every other year rather than yearly as in the current contract. Step increments would alternate years, also.

- CSEA agreed to Tier 3 prescription prices.

- Agreed to give up layoff language.

- Agreed to options of insurance choices for the existing Preferred Provider Insurance or high deductible Insurance paid for by employees.

- No wage increase for 2012 or 2013.
- A 3 percent increase for 2014 and then again in 2015.

Negotiations are at an impasse.

I feel that the CSEA union proposals are reasonable at a time when government people, corporation executives and athletes are not cutting their salaries, in spite of a failing economy.

The CSEA has helped the aides and personnel at the Home attain a decent wage. What price do you put on care for the vulnerable? The elderly? The disabled? Some of these people have handi-

caps. Some have fallen victim to Alzheimer's disease. Some have simply fallen prey to old age. These people are our mothers, fathers, grandparents, aunts, uncles, neighbors, co-workers ... people who have paid taxes all their lives!

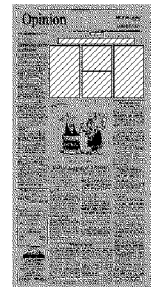
On my nursing unit, 2A, at the Home where I reside there may be up to 44 residents at any given time with only four aides to provide care. That means one aide must care for more than 10 residents! What wage would you pay them? Aren't they entitled to a living wage?

Why are we trying so hard to keep our County Home as is and not sold to a for-profit buyer? A recent study, dated Nov. 29, 2011, shows that the nation's largest for-profit nursing homes have a lower quality of care due to fewer staff nurses and aides as compared to non-profit or government owned nursing homes. That's the finding of a new UCSF led analysis of quality of care in nursing homes around the country. This study focused on staffing and quality of care at 10 of the largest for-profit chains.

The proposal/stipulations for the buyers of the Home to safeguard care will be discarded after the purchase of the Chautauqua County Home; the buyers will do what they want in order to make a profit. Who's going to be the "watch-dog" to see that the proposals are kept? Furthermore, even if the Home is sold there will be no tax cuts, according to Greg Edwards, County Executive.

If God is with us to keep the Home as is, who is against us?

Joseph J. Carrus is president of Resident Council of the Chautauqua County Home.



Psychiatric staff fights state cuts

BY DANIEL BEEKMAN
NEW YORK DAILY NEWS

BRONX Psychiatric Center workers picketed outside the beleaguered facility last week to protest layoffs and bed closures ordered by Gov. Cuomo.

The union workers waved signs and shouted slogans at Waters Place and Eastchester Road in Morris Park, claiming the cuts are hurting their Bronx patients.

"Stop the layoffs! Keep the Bronx safe!" hollered Roslyn Akinware, 50, a mental hygiene therapy assistant from Co-op City.

The state Office of Mental Health has closed two wards with roughly 50 beds at Bronx Psychiatric and plans to downsize about 80 full- and part-time workers on May 31, said Abraham Benjamin, CSEA Local 401 President.

"Cuomo wants to balance the budget on the backs of people in

the Bronx," Akinware said.

OMH will "aggressively market" downsized staff to find them new government jobs, said a spokesman, noting that New York manages more psychiatric beds than any other state.

The Cuomo administration is shedding beds throughout the state to save money and transfer more patients to community homes run by private nonprofits.

"Inpatient psychiatric hospitalization is appropriate for some individuals, but for most people, treatment and recovery are better accomplished in the community," said the OMH spokeswoman.

But Benjamin claims the closures will cost the state money because many Local 401 members will end up working overtime.

Bronx Psychiatric is already understaffed and layoffs will exacerbate the problem, he said. The Daily News reported in January that Bronx Psychiatric safety officer Charles Young last year earned \$119,031 in overtime.

The center includes 360 inpatient beds and an outpatient program. OMH closed a Bronx Psychiatric ward for elderly patients last fall and closed a ward for female trauma victims last month.

Many patients from the shut-

tered wards are now housed with younger patients and male patients, said Benjamin, describing the situation as dangerous.

Some patients from the closed wards are moving to group homes and outpatient programs.

Andrew Coates, an Albany doctor and an authority on psychiatric policy who treats mentally ill patients, said the shift from hospital to community care makes sense.

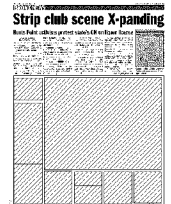
But OMH is moving too fast, he said. It previously gave 12 months notice before closing a ward or psychiatric center, but last year changed the notice period to from 30 to 60 days.

"Abrupt closures without sufficient community infrastructure are irresponsible policy," said Coates, a Public Employees Federation union member.

Outpatients with insufficient care often end up in jail or the emergency room, he said.

The state recently called off the closing of Kingsboro Psychiatric Center in Brooklyn after legislators objected. It had planned to send patients from the 290-bed facility to South Beach Psychiatric Center in Staten Island.

dbeekman@nydailynews.com





Bronx Psychiatric Center workers protested bed closures and layoffs at the facility that were ordered by Gov. Cuomo. Photo by Daniel Beekman

OPINION: READERS HAVE THEIR SAY

'Attacked' filmmakers respond

By **ROY and KAREN HARVEY**
OBSERVER publisher John D'Agostino in his March 23 column "Emotions key to Home campaign" attacked our film, "Don't Sell Our County Home" and the unions.

Contrary to what the publisher implied, Snowshoefilms was not engaged by unions to make the film. We have produced other independent films such as our 2009 series, "Save Westfield Memorial Hospital Emergency Room."

In looking into the County Home story, it was evident that the local media was largely devoted to the county executive's version of the story. We sought to understand the whole story, interviewing County Home residents and staff, union leaders, the county executive, and the public.

The publisher quotes an unnamed legislator who says, "Seeing this video and seeing the fear on the faces of those County Home residents really opened (his) eyes to what the CSEA is willing to do." The legislator implies that the documentary and CSEA is exploiting residents fears, when in fact it is the county executive who needlessly alarms not only County Home residents, but county taxpayers.

As we indicated in the documentary, inter-governmental transfer matching funds for the Home were scuttled, costing the Home nearly \$1 million; the gas well (not hooked up) cost nearly a half-million. To make up the difference, the County Home dips into its reserve fund. It continues to operate on its own as an Enterprise Fund Project and gets no share of county taxes in 2012.

Does the local press report that no local taxes are being used to operate the County Home? Did they check the county budget? Have the local press reported the potential conflicts of interest within county government? If the local press accepts the figures handed out by the county executive, they are reporting the spin not the real story.

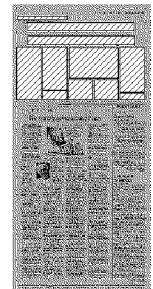
Do the local press report the well-documented fact that for-profit nursing homes are understaffed by underpaid and sometimes under-skilled caregivers? Is it reported that residents at for-profit homes are often neglected, abused, robbed and worse? Is it reported that profits will leave the area and taxes projected from a for-profit owner will possibly be deferred by yet another IDA PILOT?

Where is it reported that the negative economic impact of reducing living wages to minimum wage will increase the number of unemployed, welfare recipients, food stamp and Medicaid rolls in Chautauqua County?

Positive economic options exist: publicly run assisted living residences, a public-private partnership, expanded physical therapy, and many other ideas the County Home staff and the good people of Chautauqua County can come up with by using their creativity to determine a better outcome.

One thing the local press is consistent about is the non-stop ad hominem attack on the unions. The unions consistently defend the right of the Chautauqua County Nursing Home residents — the elderly, disabled and veterans to have quality care.

Roy and Karen Harvey of Snowshoefilms reside in Chautauqua.

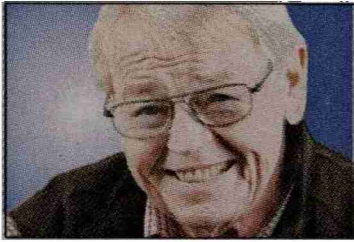


“We sought to understand the whole story, interviewing County Home residents and staff, union leaders, the county executive and the public.”



OBSERVER Photo

An ad hoc committee, led by Legislator John Runkle, left, is looking into the future of the County Home.



John McLoughlin

McLOUGHLIN: TAKE 2

CSEA ads are blatantly misleading

Right about now, it is pretty much a given: If you see it on television, then it has to be true. But wait a doggoned minute. What about CSEA's TV ad having to do with Tier VI, the reduced-benefits retirement plan for civil servants just enacted?

Here is CSEA, getting all huffy in the ad, upset as all get-out, because the Cuomo people have afforded non-union public employees making \$75 grand the very thing that was flatly rejected by the union for its members. "Boondoggle," the ad cries out.

One of my favorite public employee unions in all of New York state is telling us that Cuomo & Co. are ripping off the taxpayers by giving these better-off political appointees a 401(k)-type retirement plan with "portability," the right to withdraw the 8 percent contribution from the state after just 12 months on the job and take it elsewhere — like to the bank. "A big cash bonus," screamed the ad. But this 401(k) stuff — "defined contribution" are the magic words — is exactly what was rejected by the unions, opting instead to continue with the "defined benefits" plan state

workers have come to know and love. The benefits, of course, are reduced somewhat — 40 percent less, says the union, half that, say others — but still defined.

It's kind of like Peyton Manning getting himself all in a snit because the Saints offered Drew Brees \$90 million after Manning turned it down.

Who knows? Maybe CSEA (among my favorite unions) intended the TV ad as a kind of brain-teaser, a challenge to see if you are up on current events, to see if we've all been paying attention. It's a kind of "what's wrong with this picture" lesson in civic affairs.

Remember just several weeks ago when CSEA and the other public employee unions joined in sponsorship of another TV spot that seemed to suggest that CURRENT public employees — we were even shown pictures of them — would suffer grave harm if Tier VI were to pass? You knew, of course, that something known as the constitution protects current folks and that only FUTURE employees would be harmed (a battle for the hearts and minds of high school sophomores, if you will, who have been dreaming since childhood of becoming a public employee and retiring at 62, only to have that dashed). But the unions swore there was no intentional misleading.

Now comes this latest ad, and how can I continue to regard CSEA as one of my favorite seven or eight public worker unions in New York state when there seems to be just a hint of fudging in the message, ripping the poor governor for giving some folks the very thing the unions rejected?

"Your problem is you cannot see the forest for the trees," said Steve Madarasz, CSEA spokesperson (one of my favorites for a

public employee union).

Q: But Steve, your union could have chosen to go with the 401(k).

M: Yes, but there is a big difference between someone who comes in from Wall Street to work for the governor for a few years at \$75,000-plus and is pretty savvy about investing and one of our members who is making \$28,000 working most of their lives for the DOT. You cannot compare the two.

Q: But isn't your rejection of the 401(k) like a put-down of the ability of state workers and others to do their own investing?

M: Look, we all like to think that we're geniuses when it comes to the market, when the truth is we all need help.

See TAKE, page B3

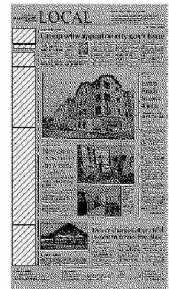
Q: But isn't a 401(k) pretty much what all corporations are giving their employees now, because they cannot afford defined benefits?

M: I hardly look upon big corporations as models of responsibility to their workers. They are more about multi-million-dollar payoffs to their CEOs than being concerned for the rest of the workforce. And mark my words, when the public finally recognizes this big payoff to political appointees who get to cash in at taxpayer expense, there is going to be a huge uproar.

So no apologies from CSEA for what seems to be a "pants on fire" advertising campaign from these latter day "mad men." Wait a minute! Somebody's trying to tell me something. What? These CSEA ads are helping to pay my salary?

On second thought, these spots appear to be perfectly legit. My bad.

John McLoughlin is a veteran Capital Region journalist, now at NewsChannel 13. Reach him by email at JMcLoughlin@WNYT.com.



Cuomo's Job-Hiring 'Reforms' Torpedoed Under State Budget Unions Still Incensed Over Agency Cuts, Loss Of Contract Oversight

By MARK TOOR

Provisions of the state-budget agreement reached comfortably in advance of the April 1 deadline strengthen Governor Cuomo's grip on state government, although not as much as he would have liked, with legislators rejecting proposals that would have weakened the civil-service merit system.

Union leaders had said Mr. Cuomo's original budget contained provisions that would have brought back the bad old days of patronage. The language would have allowed the hiring of people for competitive posts without examinations; permitted the state to hire hundreds of people for technical jobs limited to a five-year lifespan, and allow agencies to create additional promotion lists that among other things could move people from one department to another.

Overshadowed by Tier 6

The deal was almost anti-climactic, coming two weeks after Mr. Cuomo had persuaded Senate Republicans to approve his Tier 6 pension plan, telling them that if they did so he would back off his promise to veto district lines they designed with the hope of ensuring the future of their majority. Assembly Democrats, whose larger majority was also protected by the lines, opted to go along.

Not long after, the Civil Service Employees Association, in response to

(Continued on Page 7)

Tier 6, cut off endorsements to legislators while it re-evaluates its political relationships. Union officials found plenty more to complain about in the budget agreement, including a plan to shift care of juvenile offenders from secure facilities upstate to community-based treatment programs in New York City.

'Fiscally Responsible Budget'

"For the second straight year, New York State has worked and created a balanced budget based on fiscal responsibility, job creation, government

efficiency, and the premise that we must invest in our communities," Mr. Cuomo said in a statement March 27. He, Assembly Speaker Sheldon Silver and State Senate Majority Leader Dean Skelos bragged that the budget was stuffed with economic-development projects that would create private-sector jobs.

This \$132.6-billion budget, which is \$135 million lower than last year's, was Mr. Cuomo's second. Like the first, it was completed on time, after a quarter-century in which budget accords ran late, sometimes by as much as four months. This promptness failed to impress CSEA President Danny Donohue.

"Governor Cuomo, Senator Skelos and Assembly Speaker Silver have a self-serving sound-bite agreement that ignores the horrendous consequences it will inflict on working New Yorkers," he said in a statement.

'Self-Congratulatory Nonsense'

He continued, "New Yorkers should understand that the Governor's claims of job creation are just a lot of self-congratulatory political nonsense because devastating cuts in state agencies will lead to real job loss in communities across the state and will undermine services that real New Yorkers depend on every day. The Governor needs to understand that the loss of a job is the loss of a job—it's devastating and it's on his head."

The tone of the Public Employees Federation was more measured, but the message was largely the same.

"We are encouraged the Legislature defended the civil-service system against the Governor's attempt to undermine the constitutional principle of merit and fitness," its president, Ken Brynien, said in his statement. "The budget also removes language that would have authorized the closing of Kingsboro Psychiatric Center and adds important funding for SUNY-operated hospitals.

School Aid Partially Restored

"However, in many other ways, this agreement continues the trend toward the government abandoning its responsibilities for the care and protection of people with mental illness and developmental disabilities."

Mr. Cuomo trumpeted his 4-percent increase in aid to school districts, which comes to \$805 million. But it restores only 62 percent of the \$1.3 billion he cut from school aid last year, and districts are also reeling from the



2-percent cap on annual increases in property taxes, which fund most schools outside of the city.

The budget provides a \$5-billion break for wealthy New Yorkers while underfunding services such as education, said speakers at an Albany rally sponsored by the 99% New York Coalition, whose members include the Professional Staff Congress, the United Federation of Teachers, the NAACP, Housing Works, Coalition for the Homeless and the Alliance for Quality Education.

The "centerpiece" of the budget, according to the Governor, is New York Works, which includes \$1.2 billion for rebuilding roads and bridges and a task force to coordinate \$16 billion the state is spending on capital projects next year. The budget also includes a \$22-billion, five-year capital plan for the Metropolitan Transportation Authority, although it doesn't address the MTA's chronic lack of operating funds.

The original budget language sought to grant the Cuomo administration the authority to move money around among agencies, authorities and programs, supposedly as an efficiency measure while it works on streamlining government and consolidating agencies. Legislative leaders pushed back against this as a power grab aimed at diminishing their authority. "The transfer language in his budget proposal essentially reduces Three Men in a Room to One," said Alison Jenkins of Environmental Advocates of New York.

Here Are the Limits

The final budget agreement limited this power to so-called back-office functions. It specifies information-technology services as well as "procurement, real-estate and facility management, fleet management, business and financial services, administrative services, payroll administration, time and attendance, benefits administration and other transactional human-resources functions, contract management and grants management."

Mr. Donohue, again unimpressed, said, "They can color it any way they want, but the Legislature has also given away its oversight authority for state agencies to the executive, and that's just not good government."

Mr. Cuomo also succeeded in limiting the authority of State Comptroller Thomas P. DiNapoli to review contracts for state agencies before they are approved. The budget agreement eliminates the Comptroller's Office review, referred to as pre-auditing, for centralized contracts let by the Office

of General Services for supplies, equipment and services.

"It is a mistake to erode this independent oversight," Mr. DiNapoli said in a statement. "Eliminating review of contracts potentially worth over billions of dollars undermines the accountability and transparency New York taxpayers deserve. Checks and balances are essential to fiscal responsibility."

A Question of Efficiency?

The administration had said that it wanted pre-audits waived for reasons of efficiency, saying it was an unnecessary layer of approval that slowed government action. "It takes state agencies around nine months to award contracts and my office on average 13 days to approve these contracts," Mr. DiNapoli said then. "I think it is clear where the inefficiencies are." He offered to work with Mr. Cuomo's people to improve the process.

Under the agreement, OGS will have the authority to declare contracts centralized and avoid review of some of the state's most complex, most expensive agreements. **Contracts that are awarded without competitive bidding also would be exempt from pre-auditing.** Mr. DiNapoli retains authority, granted by the state constitution, to audit all contracts once they are let.

On juvenile justice, a **CSEA** statement charged that a third of the residents at secure facilities had committed violent felonies and "New York City does not have existing programs to handle this population."

"There are real public-safety concerns that need to be addressed here," Mr. Donohue said. "It makes no sense whatsoever to put felons—violent, repeat offenders—back into the very neighborhoods where they got in trouble in the first place, without any evidence that they will be properly supervised."

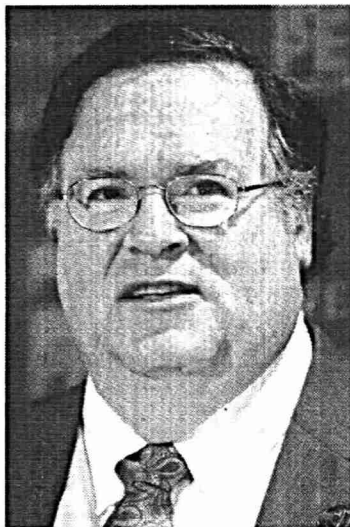
City officials said they are working on setting up programs for placing the almost 400 juvenile offenders now in state custody. Nonprofit organizations have submitted proposals to create non-secure placement facilities, and the city expects to have them operating by September, Ronald E. Richter, Commissioner of the Administration for Children's Services, told a City Council hearing March 29. ACS will issue a plan in spring of 2013 for limited-secure facilities, he said.



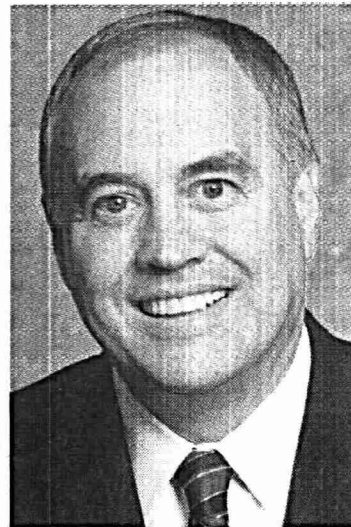
DANNY DONOHUE: Sees 'horrendous consequences.'



GOVERNOR CUOMO: Building up the private sector.



KEN BRYNIEN: State 'abandoning' mentally ill.



THOMAS P. DiNAPOLI: Took bite out of his authority.

3 agencies account for L-OT-sa extra pay

BY GLENN BLAIN

NEW YORK DAILY NEWS

ALBANY – Three agencies made up a whopping 60% of total overtime payouts by the state last year, a new report shows.

The state Department of Correction and two agencies dealing the mentally ill and developmentally disabled accounted for more than \$281.5 million of the state's total \$469 million overtime bill, according to the report

by state Controller Thomas DiNapoli.

“While overtime has declined over the past five years, a few agencies remain the primary drivers of overtime spending in state government,” DiNapoli said.

While OT costs increased nearly 4.5% from 2010, it remains well below the 2007 figure of \$474 million, the report found.

Employees worked a total of 12.2 million overtime

hours in 2011, an 11.8% decrease from 2007. The state workforce, meanwhile, has declined by 2.7% over the same period.

Overtime, according to DiNapoli, accounted for 3.2% of the state's total payroll between 2007 and 2011.

Stephen Madarasz, a spokesman for the Civil Service Employees Association, said the report shows state agencies do not have enough workers to do the job.



“The dirty little secret is that the Division of the Budget would always rather pay overtime rather than have more employees on the payroll,” Madarasz said.

A spokesman for Gov. Cuomo shrugged off DiNapoli’s report.

“The agencies identified are the largest institutional agencies. Of course they have highest overtime,” said Cuomo spokesman Josh Vlasto. “Much more importantly, overall payroll costs are down.”

The Daily News reported in January that 19 of the state’s top 20 overtime recipients came from correction, the Office for People with Developmental Disabilities and the Office of Mental Health.

Robert Henry, a treatment assistant at Mid-Hudson Forensic Psychiatric Center in upstate New Hampton, was the state’s overtime king for the second consecutive year, raking in

\$123,512 in overtime pay on top of his base salary of \$61,830.

Henry, who has pulled in more than \$1.1 million in extra pay during the past 13 years, was one of four state workers to make more than \$100,000 in OT alone during 2011.

Each of the state’s top 20 overtime earners made more in OT than they did from their base salaries.

With Kenneth Lovett
gblain@nydailynews.com

NEW YORK

4 state workers get 6-figure OT pay

The Associated Press

Four New York state workers made six-figures last year — in overtime pay alone.

State Comptroller Thomas DiNapoli released the list of top overtime earners as a way to show where state government can be operated more efficiently.

The list includes a \$61,830-a-year security employee at the Mid-Hudson Psychiatric Center, who made \$123,511 more for working 2,556 overtime hours last year. A \$69,226-a-year security officer at Bronx Psychiatric Center made another \$119,031 in overtime pay.

A nurse at Bedford Hills Correctional Facility received \$115,373 in overtime on a \$58,468 salary, and a secure care worker at Sagamore Children's Psychiatric Services program was paid \$100,563 in overtime on a salary of \$44,762.

Another 16 state workers made between \$76,000 and \$88,000 in overtime.

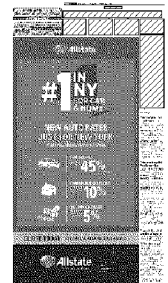
Overall, the state paid \$469 million last year to cover 12 million hours of overtime work.

Although the size of the workforce is smaller and overtime pay is dropping, DiNapoli said there's still a concern for taxpayers.

"Our report shows that while overtime has declined over the past five years, a few agencies remain the primary drivers of overtime spending in state government," DiNapoli said. "All agencies should continue to carefully monitor overtime use to ensure that it is justified, reduced where possible, and to ensure that necessary work gets done efficiently and effectively."

DiNapoli said the workforce last year was nearly 3 percent smaller than in 2007 and overtime costs have dropped 12 percent since 2007.

The Civil Service Employees Association union said state managers rely on overtime pay because of understaffing. The union said the greatest overtime is at facilities staffed 24 hours a day, where employees have a hard time getting management to give them time off instead of overtime pay.



THE TRIBUNE • APRIL 5, 20

Hempstead Town Laces Up For 2012 March For Babies

Hempstead Town Supervisor Kate Murray, along with a group of volunteers, CSEA Local 880 and representatives from the March of Dimes, have kicked off the town's participation in the annual March for Babies walk to benefit the March of Dimes. For 14 years, the Town of Hempstead has been involved with March for Babies, along with CSEA Local 880 (Hempstead Town's Employee Labor Union), a longstanding partnership that has grown each year.

The 2012 March for Babies is scheduled for Sunday, April 29 at Eisenhower Park. In preparation for the walk, a group of volunteer team leaders will be actively raising funds, spreading awareness and registering participants. At the kickoff meeting, team leaders had a chance to see how their time and support helps to motivate the community and raise awareness in the fight against premature birth.

"Children are our future and in order to protect our future we need to come together and raise awareness about the effects of premature birth," said Murray, the honorary chairperson for the March for Babies Walk. "I am proud of our continuing relationship with CSEA Local 880 and the March of Dimes in the fight against prematurity."

Each year more than half a million babies are born too soon. The mission of March of Dimes is to improve the health of babies by preventing birth defects, premature birth and infant mortality. The Town of Hempstead is proud to announce its involvement in the fight against premature birth.

"Hempstead Town and CSEA have joined together for a variety of causes in the past, we are proud to show our continued support to the March for Babies," said Charlie Sellitto, President of CSEA Local 880. "As the rate of premature births increases it is important to raise awareness to our community and show how important it is to motivate one another and come together in the fight against this growing issue."

Since 1970, March of Dimes March for Babies has raised over 2 billion dollars in support of this growing cause. This year, more than 7 million people will join their family members, friends and coworkers across the country in a March for Babies.



"We're not giving up. We're just postponing it."

Dan Dougherty

local CSEA president on the consideration of putting off a new contract for the Auburn school district workers the union represents



School union rejects freeze

**CSEA proposal to defer
raises defeated by two votes**

Kelly Voll
The Citizen

AUBURN | The Auburn school district civil service employees rejected a pay freeze for 2012-13 at a Tuesday meeting with a 20-18 vote.

"It failed," said Dan Dougherty, president of the Civil Service Employees Association. "The vote failed — by two."

The wage freeze, under which the union would have given up a 2.9 percent increase for 2012-13, would have been accompanied by a freeze in the members' health insurance contribution, currently at 11.5 percent.

Had the freeze passed, the CSEA contract, currently scheduled to expire June 30, 2013, would have extended until June 30, 2014, and the union would have received a 2.9 percent raise in 2013-14 and would have paid 12.5 percent of health insurance premiums.

Since the union voted the freeze down, the CSEA contract will expire June 30, 2013, and members will get a 2.9 percent raise for the next school year and pay 12.5 percent of health insurance premiums.

Dougherty said he is not sure why the vote was so close, nor why it failed.

"I have no idea," he said. "I was surprised it was that close."

Dougherty said although he is disappointed in the vote's results, he can't tell people how to vote.

Auburn business administrator Lisa Green said about \$44,000 could have been saved for the 2012-13 budget year had the freeze been approved.

Staff writer Kelly Voll can be reached at 282-2239 or kelly.voll@lee.net. Follow her on Twitter at [CitizenVoll](https://twitter.com/CitizenVoll).



EDITORIAL

Making threats, keeping promises

The Civil Service Employees Association says it will stop endorsing candidates and contributing to political campaigns because the state Legislature has agreed to implement a new pension policy for newly hired public workers.

Gov. Andrew Cuomo says the new pension plan will save \$80 billion in pension costs over a period of 30 years. That may be an overly optimistic prediction, but the fact is that municipalities are going broke paying their share of benefits to retirees. Something had to give, and a less generous public pension plan with the option of a 401(k) type retirement program for new workers is a fair way to address the problem.

We don't have anything against union workers. We really don't. Many of them are our friends and neighbors. But when any organized group is able to steer public policy solely for the benefit of its membership it makes for a bad system of government.

The CSEA represents about 300,000 members in New York. That's an awful lot of people who collectively carry an awful lot of clout. But that shouldn't mean that elected representatives need to do everything the CSEA tells them to.

The population of the state is nearly 20 million, meaning that the CSEA represents less than 3 percent of New Yorkers. Shouldn't the other 97 percent have some say in Albany, too? After all, the governor and the Legislature have a responsibility to all of them.

So the CSEA wasn't able to stop pension reform, and now it's threatening to stop funding campaigns. That sounds just fine to us.

Imagine if every special interest group stopped paying politicians for their votes.

New Yorkers might then be able to enjoy a representative democracy the way it was intended.

— THE AUBURN CITIZEN



Public Workers Rushed to Join Pensions Before Albany's Cutbacks Took Effect

Were the reductions significant? Yes, if judged by a flood of applicants.

By THOMAS KAPLAN
and KATE TAYLOR

ALBANY — Thousands of public employees across New York State rushed to sign up for pensions over the last several weeks, seeking to lock in generous retirement benefits before cuts approved by the State Legislature took effect on Sunday.

At the New York City Employees' Retirement System, for example, more than 12,000 workers applied last week to enroll in the pension system — more than 40 times the typical weekly number of applicants. And the New York City Board of Education Retirement System received nearly 9,000 applications over the last two weeks, after enrolling only 122 new members in all of February.

"It's just common-sense economics here," said Stephen Madarasz, a spokesman for the Civil Service Employees Association, the state's largest union of public workers. "You're looking at an enormous difference in benefits."

Lawmakers approved the changes last month, requiring most employees who joined the pension system beginning on April 1 to contribute more to their pensions while reducing how much money they are promised when they retire.

Public-employee unions, which had unsuccessfully fought to dissuade the Legislature from reducing pension benefits, campaigned using social media and traditional forms of outreach to persuade workers to sign up before the benefits dropped. The New York State United Teachers asked local union leaders to alert their members.

The Public Employees Federation sent an e-mail alert to thousands of workers and posted on its Facebook page. And District Council 37, the city's largest municipal employees' union, used lunchtime meetings with its members, as well as Facebook, Twitter, public access television and a variety of media appearances to reach its members.

Many city and state workers are automatically enrolled in a pension system, but others, including some with part-time jobs, choose whether to sign up. Some have not done so because partici-

pating in the system requires making a regular employee contribution to the pension fund. "We encouraged them to get in now so that they wouldn't have to work longer, receive less," said Lillian Roberts, the executive director of District Council 37.

But Edmund J. McMahon, senior fellow at the Empire Center for New York State Policy, a conservative research group, suggested that the flood of applications was driven partly by hype and fear, rather than by a rational assessment of what he described as incremental changes to public employee pension plans. The unions, he said, "are talking about it as if it's the difference between having a pension or no pension, which is ridiculous."

New York is among dozens of states that have sought to reduce pension benefits to workers as the economy has

Continued on Page A25

slowed the growth of tax revenues and the size of pension-fund assets. State and local governments nationwide say they are struggling to pay retirement benefits promised to employees.

Gov. Andrew M. Cuomo, a Democrat, joined forces with Mayor Michael R. Bloomberg and local government officials from around the state to urge the Legislature to reduce pension benefits, arguing that the existing system had become unaffordable. The reductions do not affect employees who enrolled in the pension plan before Sunday.

The Teachers' Retirement System of the City of New York, for example, saw a spike in applications from workers like teachers' aides, who, unlike teachers, are not automatically enrolled in the system. Matthew Laskowski, a public information officer for the system, said it had received close to 5,000 applications since the pension legislation was passed.

Pension system officials still have to check applications to make sure the employees are eligible, but both sides of the pension issue said the surge in appli-

cations demonstrated that the recent changes to the pension system were significant.

"The numbers speak for themselves in terms of the response," said Mario Cilento, the president of the New York State A.F.L.-C.I.O., which opposed the pension cuts. He said workers across the state recognized, and wanted to avoid, a "drastic reduction of benefits."

The largest surge in pension enrollments came in New York City, because the last time the Legislature reduced pension benefits, in 2009, it largely excluded city employees. That meant that for city workers, the gap between the pension for those who enrolled by Saturday, and those who enrolled Sunday or after, was particularly large.

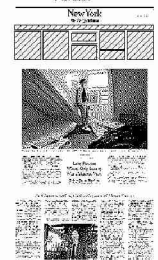
Final data on pension enrollments were not available on Monday, but officials in the city and in Albany said all signs pointed to a sharp increase.

The city's Board of Education Retirement System kept its office open longer on weekdays and opened the past two Saturdays to accommodate the influx of pension applicants. And the city's Employees' Retirement System also opened on Saturday, a first, said Karen Mazza, the system's general counsel, and accepted faxed applications until 11:59 p.m.

Outside of New York City, 4,075 public employees signed up to join the state pension system from March 1 to March 29, according to the state comptroller's office. That was nearly triple the 1,399 people who registered in March 2011.

The New York State Teachers' Retirement System also saw an uptick; a spokesman estimated that the system recorded more than 1,500 new enrollments last month, compared with 1,035 in March 2011.

A spokesman for Mr. Cuomo's budget office said the spike in pension enrollments would not



have a measurable impact on the state's pension system. The bulk of the projected savings from the pension changes are expected over the long term — \$82 billion over 30 years for the state and local governments, according to the Cuomo administration. But only \$1.2 billion is expected to be saved over the next five years.

Budget experts were divided on whether the deluge of last-minute applications would have much of an impact on New York City's finances.

"No question it's going to take some bite out of projected savings," said Doug Turetsky, the chief of staff for the city's Independent Budget Office. But he said it was too soon to tell what

the ultimate cost would be, because some of those who signed up recently may not end up working for the city long enough to receive a pension.

Carol Kellermann, the president of the Citizens Budget Commission, said she did not expect the rush of applications to have significant budget implications for the city, in part because the affected employees are mostly lower-paid.

"It's school aides — it's not police and firemen or teachers, who have the higher salaries and the bigger pensions," she said.

Thomas Kaplan reported from Albany, and Kate Taylor from New York.

More staff, new director at troubled youth facility

BY DAVE GYMBURCH

Staff writer

TOWN OF ANNSVILLE — The Taberg Residential Center is making progress in staff training and working conditions after prior union claims of injuries to staffers, say state and union representatives, but the union says more needs to be done.

Among changes since the union claims became public in January have been additional staffing at the state-run female detention facility, and personnel changes including its director, said Susan Steele, spokesperson at the state Office of Children and Family Services.

"In the past few months we have hired 14 — one youth counselor and 13 Youth Division Aides at Taberg," said Steele. She said that to her knowledge they are "additional hires," on top of existing staffing; the center now has 54 Youth Division Aides, not counting some out on workers' compensation, she said.

The center's new acting director is Lori Clark, and assistant director is Suzanne Tulino, said Steele; the former director was Rich Hogeboom, and the former assistant director was Ellen Tryon. Steele noted, "we took a number of actions...personnel changes...increased training...additional staff." She said, "we're optimistic with the results.... Things are definitely better....

We're moving forward." The site has "not had any major incidents recently," she added; training included "de-escalating situations," she said.

Meanwhile, state Civil Service Employees Association spokesman Mark Kotzin said there has been "progress.... We're encouraged," but "more needs to be done." To his knowledge, there have "not been any employee injuries resulting in work losses... since changes were instituted" at the center. He said "things have improved dramatically...since we made our initial complaints." Steps included the state sending supervisory staff from Albany to assist in training, he said.

However, among pending issues, the union had filed a complaint against the state OCFS and the center, claiming workplace violence prevention laws were not followed, Kotzin said; it was filed with the Department of Labor's Public Employee Safety and Health Bureau. The union believes a PESH citation soon will be issued, he said, and if so it will require formal documentation including potential workplace hazards, risk assessments, and how to mitigate them. It would be "not something...done right away," and would be a "lengthy process," he remarked.

Steele would not comment "until something is issued" by PESH. The PESH bureau had no immediate comment this morning.

In January, state Sen. Joseph A. Griffo, R-47, had called for better safety measures at the center. He and Assemblywoman Claudia Tenney, R-115, New Hartford, toured it to speak with program directors and workers after reports of increased injuries to staff and personnel during interactions with the residents. According to the union, 18 of 33 Youth Division Aides, as well as the facility director, were out of work due to injuries suffered in attacks from residents.

Less than a week after Griffo had addressed the safety conditions, another staff member was assaulted. Troopers said there was a "disturbance" on the afternoon of Jan. 17 among the residents, and staff members went to go break it up. During the incident, an employee was struck by a thrown chair. He suffered a laceration to his nose, troopers said.

Kyasjia Baker, 17, was charged with third-degree assault and obstructing governmental administration, both misdemeanors.

The Taberg Residential Center is a limited-security facility that provides counseling, education and other services to girls ages 13 to 18 who have been sentenced in Family Court for various crimes. Prior to 2011 changes, it was an all-male campus. It can bunk a maximum of 25 youths.



IN MY OPINION

Concerns raised about union issues

By **BETTY LENNON**

At the recent Northeast Central Labor Council Legislative Breakfast, attended by Sen. Betty Little and Assemblywomen Janet Duprey and Teresa Sayward, a number of concerns were expressed.

The recent teacher-evaluation process was discussed. Teachers were already evaluated yearly. The success of a student in school is one of the key components. The state evaluation does not include the capability of the student to succeed or how his/her home environment may affect success.

Graduation in four years may not be possible for all; it may take 5 years. GEDs should count toward graduation.

The 2 property-tax cap has negatively impacted local schools, as kindergarten, accelerated programs, music, art and physical education/athletics could be cut.

Dissatisfaction was expressed on the passing in the middle of the night of state Tier 6 pension legislation. All three of our legislators did not approve of the process of how/when it was passed.

Considerable discussion occurred that we are aware of the economic reality and have given, whether it be Plattsburgh Public Library employees reducing their work week and forfeiting raises, many school employees giving up negotiated raises and some state unions not receiving a raise for a few years and having their health-insurance increase (as everyone's is) and in

the recent Civil Service Employees Association contract losing five days pay.

Kathy Garrison, CSEA Capital Region president, talked about tax equity and fairness. She mentioned that while vesting stayed at 10 years, it appears that those management appointees that will be in the 401K can vest in one year.

I indicated we were "racing to the bottom." The rich are getting richer, and corporations need to give their fair share, i.e. General Electric not paying any taxes.

"Wage protection theft" legislation recently passed the Senate. There needs to be transparency and accountability. If there is a need to increase the reporting time, it should be moved from one to two years not one to six years.

We need to protect the Wick law. Studies that examined actual construction projects show the Wicks Law saves taxpayers money, and the reason is simple: It increases competition and cuts out the middleman.

We need local jobs for local people, John Donoghue, on behalf of the Plattsburgh/Saranac Lake Building Trades, told the legislators. When a prevailing-wage job is bid, it must be awarded to the lowest responsible bidder. That means the awarding entity has inquired and has proof that the bidder is indeed responsible by law.

That project will be built with public monies that were intend-

ed to be of benefit to the local communities and the residents of the area in question. These projects need local-hiring rules in place to ensure the money stays in the area where it was intended, so the community benefits and the construction worker can then pay his or her bills, including taxes, buying a car, groceries etc.

When construction workers come from another state or out of the area, they take the money they have earned here and spend it where they live. They don't use our hospital, pay school taxes, county taxes, spend locally or raise their families here. When private jobs are put out for bid, using local construction workers should be taken into consideration because they will be the same people that will most likely be using the facility or services that will be provided.

The question should be asked if the low bidder provides any benefits to their worker or do they leave that up to public assistance (taxpayers) to provide for them.

One question that should be asked for both prevailing rate and private work is why there is such a monetary difference in the amount of the bids between the top four bidders.

Several of the speakers mentioned that union goals are community goals.

Everyone does better when everyone does better.

Betty Lennon is president of the Northeast Central Labor Council.



Juvenile facilities could face closure

JON CAMPBELL

Albany bureau

ALBANY — An agreement in the new state budget brings detained New York City youths closer to home, putting several upstate facilities — including the one in Rush in Monroe County — at risk of closing.

Backed by Gov. Andrew Cuomo and Mayor Michael Bloomberg, the plan would relocate low-risk New York City children from upstate juvenile detention centers to new programs within the city's borders.

The state would transfer \$76.6 million over the next two fiscal years to help pay for the program, which would be administered by the city.

"For those that are dangerous, they should be in locked facilities with appropriate care," said Elizabeth Glazer, Cuomo's deputy secretary for public safety. "But for those who are lower risk, all of the science shows that if you want to reduce offending, they should be close to home and treated with the appropriate programs."

The "Close To Home Initiative" would only apply to New York City youths being held in the state's seven "non-secure" and five "limited secure" facilities, all but three of which are outside the city. Detainees in the state's four "secure" youth prisons would not be eligible for relocation under the new program and would remain under state custody.

Language in the 2012-13 budget, which lawmakers are passed Friday, would give broad authority to the Cuomo administration to close or consolidate facilities that are no longer needed.

Of the 357 youths held in the limited or non-secure centers at the end of 2010, 204 were from New York City.

Among New York's low-risk youth prisons are state-owned residential centers in Rush; Highland, Ulster County; Red Hook, Dutchess County;

and two in Lansing, Tompkins County.

The budget language does not specify which facilities may close, but lays out criteria for targeting buildings for closure based on capacity and proximity to other centers.

The state's largest public employees union, the Civil Service Employees Association, has taken issue with the Cuomo administration's characterization of the detained youths that would be affected by the new system. Twenty percent of New York City juveniles in non-secure facilities and 33 percent in limited secure buildings have committed violent felonies, according to figures obtained by the union through a Freedom of Information Law request.

The union also objects to the language allowing for the upstate facilities to be closed, which would likely result in layoffs.

"There are real public-safety concerns that need to be addressed here," CSEA President Danny Donohue said in a statement.

"It makes no sense whatsoever to put felons — violent, repeat offenders — back into the very neighborhoods where they got in trouble in the first place, without any evidence that they will be properly supervised."

Senate Majority Leader Dean Skelos, R-Nassau County, acknowledged that there may be some jobs lost upstate as a result of the new system, but said the focus should be on the children. Many

of the 12 affected facilities fall within districts held by Senate Republicans.

"The concern legitimately is about these kids, and we want to make sure that part of their hopeful rehabilitation will be where there is family involved," Skelos told reporters Thursday. "I think it's a good move."

Assembly Children and Families Committee chairwoman Amy Paulin, D-Scarsdale, Westchester County, said there "wouldn't be any change to the security" or supervision of the detainees. It's simply a mechanism to get them closer to home, she said.

"These are young people, and the families should be involved in the rehabilitation," Paulin said. "This will enable us to strengthen the way we treat young people who have gone astray."

Under the plan, the state would be able to transfer custody of the New York City youths in non-secure facilities after Sept. 1. The limited-secure residents could be moved as soon as April 1, 2013.

Glazer said the focus of the program was bringing down the rate of crimes committed by young New Yorkers.

"What this approach does is ensures that we have the right program for the right kid at the right time, and all of those things together will reduce crime," she said.

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BUDGET BILLS OK'D

The state Legislature adopted a \$132.6 billion budget Friday that limits state spending to a 2 percent increase and raises school aid by \$805 million.

The usually contentious budget battle in Albany was largely collegial this year and ended on time for the second consecutive year — both since Gov. Andrew Cuomo took office in January 2011.

For a look at winners and losers in the state budget, see Sunday's print editions and online at DemocratandChronicle.com.

Cuomo Asserts CSEA Reprisal Over Tier 6 Should Be Investigated

By MARK TOOR

Governor Cuomo last week attacked the Civil Service Employees Association for suspending endorsements and contributions for state political candidates in response to the Legislature's passage of his Tier 6 pension plan, suggesting the move implied a pay-for-play arrangement that perhaps should be investigated by the State Attorney General or state prosecutors.

"This unprecedented action is a direct result of the political deal between Governor Andrew Cuomo and the state legislative leadership, Senate Republicans and Assembly Democrats, trading the future retirement security of working New Yorkers for legislative redistricting lines," CSEA president Danny Donohue had said in a March 19 statement explaining why the union was withholding support.

'Re-Evaluate Our Relationships'

"This action is necessary to give our union the opportunity to re-evaluate our political relationships and make judgments about the criteria we use in determining who has earned and deserves our support," he continued. "...CSEA will also use this time to consult with our brother and sister unions and other allied community organizations about how we can collectively address the disrespect and disenfranchisement of working people by our state's elected officials.

"New Yorkers should understand that lawmakers' actions did not result from meaningful debate and good judgment—it resulted from political expediency—and it will have harmful consequences to people and communities now and for a long time to come."

Assembly Speaker Sheldon Silver, one of those legislative leaders to whom Mr. Donohue referred, said, "I have no reaction to that. I think the public and CSEA and anybody else is free to always assess who is worthy of their support, and support should not come as a result of a vote yes or a vote no on any particular bill." Unions public and private have given Democrats like Mr. Silver, who are generally supportive of labor, money and endorsements as well as grass-roots organizing help from members.

The CSEA wasn't the only union to

make clear its displeasure with legislators for approving Tier 6. The two largest Teacher unions in the state, the United Federation of Teachers and its upstate sister, New York State United Teachers, boycotted a conference of

(Continued on Page 7)

Latino legislators even though UFT President Michael Mulgrew was among those being honored there.

Would Offend Union Members

Mr. Mulgrew told the New York Times that after the "sleazy, middle-of-the-night back-room deal" on Tier 6, his members "wouldn't want to seem me a week later standing there with a person who voted for that, accepting the award from them."

Mr. Cuomo and Mayor Bloomberg, the other prime champion of Tier 6, between them contributed \$72,000 to the Somos el Futuro conference to make up for the funds that were withdrawn by boycotting unions.

The Legislature passed a version of Tier 6—modified but still highly unpopular with public-employee unions—in the early hours of March 15. Mr. Cuomo told State Senate Republicans, who are desperate to hold on to their majority, that he would approve redistricting lines they drew in a partisan fashion. He had earlier pledged, repeatedly, to veto lines drawn to protect incumbents and party majorities. Once the Senate accepted his offer, Democratic lawmakers said, their majority in the Assembly was helpless to defeat or force major changes in his proposal.

Cuomo: Should Be Investigated

Mr. Cuomo responded to CSEA's message in a radio interview, saying the union had a right to support or not support any candidate but that it might be breaking the law if it ties its contributions to a single issue.

"If you are linking political contributions to a specific vote, you may get a call from the Attorney General, a District Attorney or JCOPE [the new state ethics board]," he said. "...As you know, there should be no campaign contributions for specific votes."

That may be news to Mayor Bloomberg, who said Feb. 29 that he would make contributions to state legislators who voted for Tier 6. And last year, he gave more than \$10,000 to each of four lawmakers who lost support or contributions from conservatives for voting in favor of the same-sex-marriage bill.



The Governor's call for a probe nonetheless drew support from the city's tabloids, which had strongly supported a harsher version of Tier 6 than the one that was enacted.

Papers in Glass Houses...

A New York Post editorial said: "Since the pats in Donohue's pocket disappointed him, he's halting the flow of union campaign cash. Such arrangements constitute crimes. And while Donohue's specific remarks probably fall short of an indictable offense for lack of specifics, it certainly violates the spirit of ethics laws in the state."

The owner of the Post, News Corporation, has had some top executives resign and other employees arrested over allegations of illegal wiretapping and bribery of British police commanders.

The Daily News editorialized that the unions and lawmakers had long had an arrangement under which unions gave lawmakers campaign contributions in return for pension protections. When Tier 6 came up, the News said, "the unions pulled out all the stops, demanded obedience from their financial helpmates and forced Cuomo to retreat to the tune of 30 billion taxpayer dollars. Even at that, the labor leaders were furious and, in their rage, they laid the game bare. In some contexts, connecting money and particular governmental actions is, well, criminal."

The Joint Commission on Public Ethics said it could not comment on the issue. But David Grandeau, former executive director of the New York State Lobby Commission, said that Mr. Cuomo may have a point—but that point is not restricted to the CSEA and the Tier 6 vote.

"I'd encourage the Governor to continue encouraging ethics agencies to continue to look at quid pro quos in return for campaign contributions," he said. But, he added, "I don't know that I would target any one group...It's dangerous to start an investigation of any one violator." Limiting an investigation to CSEA or any other single group, he said, could lead to charges of vindictiveness or payback.

In fact, he said, Mr. Bloomberg's political contributions and countless others raise the same questions as CSEA's. A full investigation could open up "a virtual Pandora's box," he said. It's difficult to prove a quid pro quo "unless you have a wire in the room," he said, but data-mining efforts by JCOPE that compare dates of contributions and dates of votes might yield meaningful results. "Maybe we

can finally get an answer to whether money buys legislation," he said.

CSEA 'Doing Nothing Wrong'

CSEA spokesman Stephen Madarasz said the papers were taking Mr. Cuomo's "nonsensical utterings" on the radio show at face value. "There's absolutely nothing wrong with what we're doing here," he said in an interview. "Danny Donohue's message is we're not going to accept politics as usual."

He estimated the union's political contributions at \$130,000 last year, but added, "This isn't really about money. Everyone wants an endorsement. We have 300,000 members who live in every community in the state." In addition, he said, politicians want the union to encourage members to volunteer and to get out the vote.

Mr. Madarasz could not say how long CSEA's hiatus from politics might last. In addition to conversations with other unions and groups that advocate for working people, he said, CSEA wants to see how the Legislature performs on other issues of interest, such as amending state securities law to allow public pension funds to sue Wall Street over investment losses.



GOVERNOR CUOMO:
Shocked, shocked! by fallout.



MAYOR BLOOMBERG: May
be rooting against probe.



MICHAEL MULGREW:
Makes displeasure known.



DANNY DONOHUE: A reac-
tion to unsavory deal.

FOR THE RECORD

Holy mackerel, Andy!

Governor Cuomo unleashed another weapon of mass distraction from his sell-out on honest redistricting to get a Tier 6 deal that one union official called "a political Mr. Potato Head" to express righteous indignation that the Civil Service Employees Association was freezing campaign contributions to state legislators to protest the measure's passage.

During an appearance on Albany's Talk 1300 AM radio, he proclaimed, "If you are linking political contributions to a specific vote, you may get a call from the attorney general or the district attorney or JCOPE," referring to the new state ethics enforcement agency. "There should be no campaign contributions for specific votes."

If we didn't know better, we would have sworn the Governor was outside the country last year when Mayor Bloomberg contributed more than \$10,000 to the campaign funds of each of four upstate State Senators who risked the wrath of their constituents by supporting the bill legalizing gay marriage. Or when the Mayor recently pledged similar financial assistance to those who were willing to buck the unions and vote for Tier 6. If "campaign contributions for specific votes" are illegal or unethical, it would seem like Mr. Cuomo should be calling in the bloodhounds to be taking a bite out of the Mayor's hindquarters.

Then we realized there was one major difference: the Governor himself was the prime mover on the gay marriage bill and Tier 6. And so if the Mayor would be subject to legal sanctions, might not that leave Mr. Cuomo as an

accessory to his crimes, at the least? And that couldn't possibly happen, because we know the Governor is too virtuous to get involved in anything improper.

With last week's warm weather came the return of Occupy Wall Street to Zuccotti Park, accompanied by the return of the NYPD, which arrested 73 people. The arrests were followed by familiar charges that officers had been overly aggressive.

Mayor Bloomberg had no sympathy. "If you want to get arrested, we'll accommodate you," he told reporters two days after the arrests. "But if you want to express yourself, that's not the best way to express yourself."

But OWS rallied with its supporters on the City Council, including Ydanis Rodriguez, Jumaane Williams, Letitia James, Stephen Levin and Melissa Mark-Viverito, at Zuccotti Park March 19 to urge the police to show restraint in dealing with the demonstrators.

"The protesters from Occupy Wall Street are not terrorists, yet the NYPD is treating them as just that," Mr. Williams said. "Force should be an act of last resort, rather than a tool to antagonize and suppress a peaceful movement."

"No one can deny the excellent work the NYPD has been doing in lowering crime and preventing terrorism," Mr. Rodriguez said, "and we ask that the Mayor and Commissioner Kelly continue that work, but not at the expense of our First Amendment rights."

"Our policy has been consistent," police spokesman Paul J. Browne said in an e-mail. "We accommodate

peaceful protest, and those who break the law face arrest. We also enforce park regulations that include curfews when the park is closed

"... In contrast to the civil-rights movement of old, these demonstrators want to break the law as a form of civil disobedience, but don't want to get arrested," he continued. "There's no 'Letter from a Birmingham Jail' coming from this group... [T]he police showed remarkable restraint considering the level of provocation. Four officers were assaulted, including one by a demonstrator who grabbed the officer's testicles and tried to steal his gun."

The Zuccotti Park demonstration March 18, which drew as many as 700 protesters, was peaceful until 11:30 p.m., when police announced they were closing the park and would arrest anyone remaining inside for trespassing. "By 12:20 a.m.," The New York Times reported, "a line of officers pushed against some of the remaining protesters, forcing them south on Broadway, at times swinging batons and shoving people to the ground."

Uniformed Sanitationmen's Association President Harry Nespoli March 20 was unanimously approved by the executive board of Joint Council 16 of the International Brotherhood of Teamsters as a vice president, Council President George Miranda said.

Mr. Nespoli, who is also chairman of the Municipal Labor Committee, was previously a trustee of Council 16, which consists of 33 locals representing 120,000 members working in New York City and vicinity as well as Puerto Rico.



Health facility fight heats up

Employees urge
Ontario County
supervisors to
keep nursing
home open

By MIKE HIBBARD

mhibbard@fittimes.com

CANANDAIGUA — Clad in yellow T-shirts and holding up signs, employees of the Ontario County Health Facility last night urged county lawmakers to keep the nursing home open.

Dozens of employees, as well as some nursing home residents, made the request at Thursday's meeting of the county Board of Supervisors. Before the meeting, workers also picketed in front of the county courthouse.

On the picket line and at the meeting, workers held up signs saying "Don't let our residents face relocation stress," "Residents first" and "Care before \$."

They were referring to a potential partnership between the county and Thompson Health Systems that could lead to the closure of the county nursing home, with residents being moved into an expanded facility on the Thompson campus.

Officials from the county Civil Service Employees Association believe residents of the county health facility wouldn't get the same care in another nursing home.

■ See FACILITY on Page 4A

"Our residents receive quality care every minute of every day from a well-trained, professional, caring, consistent staff," said Steve Healy, president of the county CSEA unit. "High staff turnover rates at private facilities jeop-

ardize quality care for the residents. Residents have built strong relationships with staff. They rely on routine. They look forward to seeing the same people every day. They enjoy familiar surroundings and the familiarity of home."

One of the nursing home residents who attended the meeting was 89-year-old Arlene Dillon.

"I want to stay in my home," she said. "I love every part of it and every person there."

With expenditures far outweighing revenues, the health facility on County Road 46 in Hopewell has been losing money for years. The deficit was \$1.8 million last year and about \$3 million in 2010.

County officials said if the nursing home continues operating as is, it will lose close to \$4 million this year and as much as \$5 million by 2016. They added that the facility, built in the mid-1970s, is outdated and needs major capital repairs.

The potential deal with Thompson Health hinges on a state Health Efficiency and Affordability Law grant sought by Thompson.

If the grant is received, Thompson would use the money to build a new

skilled-nursing and Medicaid-assisted living facility, likely as a renovation and expansion to the 188-bed M.M. Ewing Continuing Care Center on the Thompson campus in Canandaigua.

The state is making \$450 million in grant money available this year, with the money to be spent by 2014. The grants were expected to be awarded by the middle of this month, but to date there have been no announcements.

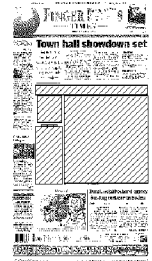
A task force set up to look at the county nursing home said other options include renovating the current home or building a new one at the county's expense. County officials estimated the price tag for a new facility would be around \$30 million.

The county also could sell the facility to a private provider or simply close it.

The nursing home employs about 120 people, many of whom either marched on the picket line or attended the meeting.

County officials have said if the county decides to partner with Thompson, every effort will be made to transition county nursing home employees into the Thompson site.

Employees, however, said the residents would be



hurt most by any move. They said transferred residents have mortality rates two to four times higher than residents who are allowed to stay in place.

They added that relocation stress syndrome causes a resident's health to deteriorate, increases health risks and lowers cognitive and physical functioning.

"Moving the residents from the county complex to a new location puts each and every one of them in jeopardy," Flo Tripi, CSEA Western Region president, said in a press release. "It's a proven fact that when nursing home residents are moved, some will die. This is called relocation stress syndrome and it is a medical fact."

Three workers spoke at last night's meeting. One of them, 17-year employee Heather Russell, said county officials should look out for the elderly population as much as younger people.

"This county supports youth and education through FLCC. Why is it so hard to ask for support

for the health facility?" she said. "I don't care if a resident has lived there 10 days or 10 years. They have paid their dues. How about investing in their future?"

Also at last night's meeting:

• **UNITED WAY** — The board heard from county Treasurer Gary Baxter, chairperson of the United Way campaign for county employees. He was joined by Rhoda Childs, executive director of the United Way of Ontario County, and former Hopewell Supervisor Mary Green, a United Way volunteer.

Baxter said for the first time this year, county employees can make an "e-pledge" through the Internet. This year's campaign kicks off Monday.

Baxter added that even though donations in the county were down last year, county employees gave 18 percent more than the previous year.

Green also asked board members to encourage their town employees to donate.



Mike Hibbard photos / Finger Lakes Times



Numerous employees of the Ontario County Health Facility picketed in front of the county courthouse in Canandaigua Thursday before the Board of Supervisors meeting.

Signs carried by members of the Civil Service Employees Association included phrases like "They're moving fast hoping WE won't notice!"; "Let me stay with my friends at the Ontario County Health Facility" and "Seniors count too!"

NY state to let NYC take its juvenile delinquents

By MICHAEL VIRTANEN

Associated Press

ALBANY (AP) — New York lawmakers are poised to approve Cuomo administration plans for transferring 240 juvenile delinquents in state detention to programs or facilities closer to their New York City homes.

Amendments contained in the budget agreement reached by legislative leaders and the governor for the coming fiscal year authorize state payments to city social services for those teens now in five upstate detention centers that are classified as “limited secure” and seven state facilities classified “non-secure,” including three in New York City.

The measure, which lawmakers will vote on Friday, authorizes \$35.2 million for reimbursements in 2013 and \$41.4 million the next year.

Another 130 juvenile delinquents from outside the city will stay in state centers, some of which are expected to close. The 253 juveniles who committed more serious or violent crimes and are now held in the state’s four upstate “secure” detention centers will remain there.

New York City Mayor Michael Bloomberg called it a public policy victory.

“We have been pushing to overhaul the state’s juve-

nile justice system so that our young people can more easily transition back into their communities and productive lives,” he said.

Gov. Andrew Cuomo has echoed concerns raised by Democratic state legislators from the city about sending teens far from their families to upstate youth prisons with high recidivism rates. His “Close to Home Initiative” is meant to address that.

“The governor’s following 10 years of research and practice that shows what works to reduce re-offending and promote healthy kids and healthy communities,” said Elizabeth Glazer, his deputy secretary for public safety. “That’s to make sure kids have the right programs at the right time, that those who pose a danger are in locked facilities with appropriate services, and those who are not are close to families, schools and communities that can help them become law-abiding citizens.”

Another important provision will require probation officials to use scientifically validated “risk assessment instruments” and provide them to judges who decide where to send youths and will have to explain why they diverge from those findings, Glaz-

er said.

The Civil Service Employees Association, which represents many staff members at the state detention centers, said it will cost the jobs of dedicated and qualified workers. The group also questioned whether it will save money and noted 20 to 30 percent of the juveniles subject to transfer committed violent felonies.

Union President Danny Donohue questioned whether sending them back to the neighborhoods where they got in trouble in the first place without any evidence that they will be properly supervised.

The program applies to youths under 16 designated delinquents by family courts after committing a misdemeanor or felony. City social services officials will have to submit plans to the state Office of Children and Family Services, which will evaluate availability of education, medical and mental health services, drug treatment and community supervision.

OCFS Commissioner Gladys Carrion has closed 22 state detention centers and group homes since 2007, while pushing community-based alternatives. The state institutions’ population has dropped over the past 12 years from 2,313 to 636, according to OCFS.

Revisions in the budget agreement will hold off changes for “limited secure” facilities until after April 1, 2013, and require additional public hearings on that. Authority for closing state detention cen-



ters, subject to 60-day notice, will expire a year later.

William Baccaglini Jr., executive director of The New York Foundling, said city officials requested bids several weeks ago from social service organizations to take the non-secure placements. Glazer said those transfers could start Sept. 1.

Baccaglini, a former

OCFS official, estimated the state cost per detained youth at about \$180,000 a year and said his group can handle the new placements for about half the cost, partly because there's no overhead from a big bureaucracy and he can more easily negotiate work rules with staff. He is bidding to establish one 24-bed facility for the city.

ELDER CARE

Staff, residents rally to save health facility

Officials got a wave of opposition Thursday to closing the Ontario County Health Facility

By **JULIE SHERWOOD**

jsherwood@messengerpostmedia.com

CANANDAIGUA — Arlene Dillon has lived at the Ontario County Health Facility in Hopewell for three years, and the 89-year-old says it's home. With a little help from a walker and flanked by facility employees, Dillon rose to the microphone Thursday to plea for the facility's survival.

"I want to stay in my home. I just hope to stay where I am," Dillon urged in a strong voice that rang in the chamber before the Board of Supervisors.

No decisions were planned or made Thursday on the fate of the 98-bed nursing home. But a report unveiled last month by a county-led task force recommended closing the facility and providing community-based services and/or collaborating with other providers to offer long-term care.

The county will lose about \$3.8 million running the Health Facility this year; losses are projected to exceed \$5 million in 2016. One option is partnering with Thompson Health — which, pending a state grant, plans to renovate and expand its long-term care facility, M.M. Ewing Continuing Care Center in Canandaigua. Though county officials have promised a phased-in approach to transferring residents out of the county home, if it comes to that, many who spoke out Thursday pointed to the damage that can occur when elders are forced to move.

Transferred residents have

mortality rates two to four times higher than residents who are allowed to remain in place, said several people who spoke from the crowd that carried signs with messages such as: "Don't split up our family," and "Seniors count too."

The facility employees 120 union workers who are under the Civil Service Employees Association 7850.

A union news release distributed at the meeting accused the county of fast-tracking the plan to shut down the facility, "to blow this deal past the public before members of the community have a chance to object."

Employee Heather Russell, a Finger Lakes Community College student and team leader for the facility's licensed practical nurses, said she wished the county would show the same support for preserving the facility as it does for expansions at the college.

"These residents have paid their dues," she said, adding the county owes it to them to keep open their home. Addressing the supervisors, Russell said: "Ontario County, invest in our history as well as our future."





JULIE SHERWOOD/MESSENGER POST

Arlene Dillon, a resident of the Ontario County Health Facility, was one of several residents who joined facility staff Thursday in urging the county keep the facility as is.

State to let NYC take its juvenile delinquents

ALBANY — New York lawmakers are poised to approve Cuomo administration plans for transferring 240 juvenile delinquents in state detention to programs or facilities closer to their New York City homes.

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The measure, which lawmakers will vote on today, authorizes \$35.2 million for reimbursements in 2013 and \$41.4 million the next year.

Another 130 juvenile delinquents from outside the city will stay in state centers, some of which are expected to close. The 253 juveniles who committed more serious or violent crimes and are now held in the state’s four upstate “secure” detention centers will remain there.

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“We have been pushing to overhaul the state’s juvenile justice system so that our young people can more easily transition back into their communities and productive lives,” he said.

Gov. Andrew Cuomo has echoed concerns raised by Democratic state legislators from the city about sending teens far from their families to upstate youth prisons with high recidivism rates. His

“Close to Home Initiative” is meant to address that.

“The governor’s following 10 years of research and practice that shows what works to reduce re-offending and promote healthy kids and healthy communities,” said Elizabeth Glazer, his deputy secretary for public safety. “That’s to make sure kids have the right programs at the right time, that those who pose a danger are in locked facilities with appropriate services, and those who are not are close to families, schools and communities that can help them become law-abiding citizens.”

Another important provision will require probation officials to use scientifically validated “risk assessment instruments” and provide them to judges who decide where to send youths and will have to explain why they diverge from those findings, Glazer said.

The Civil Service Employees Association, which represents many staff members at the state detention centers, said it will cost the jobs of dedicated and qualified workers. The group also questioned whether it will save money and noted 20 to 30 percent of the juveniles subject to transfer committed violent felonies.

Union President Danny Donohue questioned whether sending them back to the neighborhoods where they got in trouble in the first place without any evidence that they will be properly supervised.

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Revisions in the budget agreement will hold off changes for “limited secure” facilities until after April 1, 2013, and require additional public hearings on that. Authority for closing state detention centers, subject to 60-day notice, will expire a year later.

—The Associated Press



Teen offenders' transfer likely

ALBANY INITIATIVE: NYC youths in upstate prisons will go closer to home

ASSOCIATED PRESS

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Upstate youth prisons may close under budget plan

By Jon Campbell

Albany Bureau

ALBANY — An agreement in the new state budget would bring detained New York City youths closer to home, putting several upstate facilities at risk of closing.

Backed by Gov. Andrew Cuomo and Mayor Michael Bloomberg, the plan would relocate low-risk New York City children from upstate juvenile detention centers to new programs within the city's borders.

The state would transfer \$76.6 million over the next two fiscal years to help pay for the program, which would be administered by the city.

"For those that are dangerous, they should be in locked facilities with appropriate care," said Elizabeth Glazer, Cuomo's deputy secretary for public safety. "But for those who are lower risk, all of the science shows that if you want to reduce offending, they should be close to home and treated with the appropriate programs."

The "Close To Home Initiative" would only apply to New York City youths being held in the state's seven "non-secure" and five "limited-secure" facilities, all but three of which are outside the city. Detainees in the state's four "secure" youth prisons would not be eligible for relocation under the new program.

Language in the 2012-13 budget, which lawmakers are expected to pass Friday, would give broad authority to the Cuomo

administration to close or consolidate facilities that are no longer needed. Of the 357 youths held in the limited- or non-secure centers at the end of 2010, 204 were from New York City.

Among New York's low-risk youth prisons are state-owned residential centers in Rush, Monroe County; Highland, Ulster County; Red Hook, Dutchess County; and two facilities in Lansing, Tompkins County.

The budget language does not specify which facilities may close, but lays out criteria for targeting buildings for closure based on capacity and proximity to other centers.

The state's largest public employees union, the Civil Service Employees Association, has taken issue with the Cuomo administration's characterization of the detained youths that would be affected by the new system. Twenty percent of New York City juveniles in non-secure facilities and 33 percent in limited-secure buildings have committed violent felonies, according to figures obtained by the union through a Freedom of Information Law request.

The union also objects to the language allowing for the upstate facilities to be closed, which would likely result in layoffs.

"There are real public-safety concerns that need to be addressed here," CSEA President Danny Donohue said in a statement. "It makes no sense whatsoever to put felons — violent, repeat offend-

ers — back into the very neighborhoods where they got in trouble in the first place, without any evidence that they will be properly supervised."

Senate Majority Leader Dean Skelos, R-Nassau County, acknowledged that there may be some jobs lost upstate as a result of the new system, but said the focus should be on the children. Many of the 12 affected facilities fall within districts held by Senate Republicans.

"The concern legitimately is about these kids, and we want to make sure that part of their hopeful rehabilitation will be where there is family involved," Skelos told reporters Thursday. "I think it's a good move."

Assembly Children and Families Committee Chairwoman Amy Paulin, D-Scarsdale, Westchester County, said there "wouldn't be any change to the security" or supervision of the detainees. It's simply a mechanism to get them closer to home, she said.

"These are young people, and the families should be involved in the rehabilitation," Paulin said. "This will enable us to strengthen the way we treat young people who have gone astray."

Under the plan, the state would be able to transfer custody of the youths in non-secure facilities after Sept. 1. The limited-secure residents could be moved as soon as April 1, 2013.

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Probe into probation report

BY ANN GIVENS
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Nassau District Attorney Kathleen Rice is investigating whether a supervisor in the county probation department failed to file a report that a man later arrested in an armed carjacking had violated his probation.

Jerry Laricchiuta, president of the Nassau Civil Service Employees Union, said at a news conference yesterday that the supervisor tossed a March 5 report detailing numerous violations by Edwin Flores and then ordered the officer to sign off on a new report last Wednesday, the day after Flores, 20, of Hicksville, was arrested. The violations would have been enough to put Flores, on probation for gang assault, back in jail, he said.

"If you get violated, you're sent to a judge and you are arrested," Laricchiuta said.

John Byrne, a spokesman for Rice, confirmed the probe. John Fowle, who heads the Nassau Probation Department, did not return a call or an email seeking comment.

Prosecutors said Flores and Remick X. Menjivar, 18, of Freeport, took a 2006 Infiniti at gunpoint from a man in Hicksville on March 21. Flores drove away in another stolen car and Menjivar later crashed the Infiniti into a wall at the Harold Fayette Elementary School in North Merrick as he tried to elude police, prosecutors said. They are both being held without bail.

Three officers were injured as they tried to arrest Menjivar.

"If the process had been followed through like it should

have been, this might not have happened," said James Carver, president of the Nassau Police Benevolent Association, who attended the news conference.

Laricchiuta said the probation officer, whom he did not name, originally wrote that Flores had violated probation by missing appointments, failing to attend anger management courses and consorting with gang members. But on March 22, the day after Flores was arrested, the officer's supervisor ordered her to sign another report suggesting that Flores had been previously cited for "absconding" — just failing to show up for probation meetings, said Laricchiuta.

Flores' defense lawyer, Stuart Austin, of Mineola, said he was not aware of the allegations.



around new york

New front in Cuomo's fight with labor unions

week in review

Kyle Hughes
 NYSNYS News

ALBANY – Gov. Andrew Cuomo's fight with labor unions broke new ground this week, with the governor suggesting unions could face investigations for using campaign money to bribe legislators. He made his comments after **CSEA**, the biggest state local government workers union, reacted to last week's passage of Tier VI by suspending political endorsements and donations. Other unions led by the NYSUT teachers union suspended their financial support for Somos, the Latino legislative weekend held every year in Albany.

In an appearance on the Fred Dicker radio show Tuesday, Cuomo said "any union is free to support whoever they want or choose not to support. However, I would – if you are linking political contribution to a specific vote, you may get a call from the attorney general or the district attorney or JCOPE, so – but in terms of general ideological support, that's fine. But as you know there should be no campaign contributions for specific votes."

Asked if he was taking about "quid pro quo, which could be seen as buying a vote," Cuomo replied: "That's exactly right."

Cuomo's comments raised eyebrows because of the common practice

of special interests to funnel cash to legislators and statewide officials they support. One of the carrots held out to state legislators in 2011 before they voted to approve Cuomo's gay marriage legalization bill was the promise of big campaign donations from gay rights supporters across the U.S.

Monday, CSEA President Danny Donohue announced the union "will immediately suspend all state political endorsements and contributions. This unprecedented action is a direct result of the political deal between Gov. Andrew Cuomo and the state legislative leadership, Senate Republicans and Assembly Democrats, trading the future retirement security of working New Yorkers for legislative redistricting lines. This action is necessary to give our union the opportunity to re-evaluate our political relationships and make judgments about the criteria we use in determining who has earned and deserves our support. It is also important to consider how our support is valued.

"CSEA will also use this time to consult with our brother and sister unions and other allied community organizations about how we can collectively address the disrespect and disenfranchisement of working people by our state's elected officials. New Yorkers should understand that lawmakers' actions did not result

from meaningful debate and good judgment – it resulted from political expediency – and it will have harmful consequences to people and communities now and for a long time to come. CSEA will seek better ways to hold elected officials accountable and ensure that the voices of working people will be heard and addressed in New York state."

More fallout from the Tier VI vote came when unions informed the Somos legislative weekend organizers that they were pulling their financial support for the event, which runs through Sunday in Albany.

"Unfortunately, given the disheartening votes taken against the interests of educators and students by the members of the Task Force, I feel it inappropriate for me to participate in this event this year," NYSUT President Richard Ianuzzi wrote. Assemblyman Felix Ortiz, the chairman of the Assembly Puerto Rican/Hispanic Task Force. "Last year, the state Legislature slashed \$1.3 billion in aid for schools and passed a property tax cap that has resulted in increased staff reductions and program cuts in school districts across this state. And, just last week, the state Legislature passed a Tier VI retirement plan that requires greatly increased contributions for future workers while significantly reducing their benefits. In the end,

this plan will result in greatly reduced retirement security for future workers."

Cuomo and New York City Mayor Michael Bloomberg quickly announced they would provide \$72,000 to help cover the costs of the Somos conference.

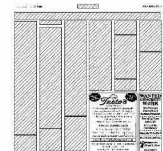
SPECIAL ELECTIONS: Special elections were held for a handful of open Senate and Assembly seats this week.

One of the most closely watched races was to replace former Sen. Carl Kruger (D-Brooklyn) who faces prison in a corruption scandal. Republican David Storobin is leading Democrat Lew Fidler with a recount expected.

In another big race, Buffalo City Council member Mickey Kearns, a Democrat running on the Republican line, defeated Chris Fahey, a top aide to Rep. Brian Higgins. Kearns ran a campaign tying Fahey to Assembly Speaker Sheldon Silver, an unpopular figure in western New York.

In the 100th Assembly District that includes parts of Ulster, Dutchess and Orange counties Democrat Frank Skartados defeated Republican John Forman. The seat was held by the late Newburgh Republican Thomas Kirwan.

In the 103rd Assembly District (Dutchess and Columbia counties) Democrat Didi Barrett led Republican Richard Wager, 5,804 to 5,650. Some 1,657 absentee bal-



lots have yet to be counted.

In the 93rd Assembly District (Yonkers) former Senate Democratic counsel Shelley Mayer defeated Republican Donna Nolan to succeed Republican turned Democrat Mike Spano, now mayor of Yonkers.

REPUBLICANS LINE UP: Republicans held their state convention, setting up a primary to pick a candidate to run against Sen. Kirsten Gillibrand.

Their June 26 primary will see a face-off between Nassau County

Comptroller George Maragos, Manhattan lawyer Wendy Long, and U.S. Rep. Bob Turner. All got at least 25 percent of the delegate vote at the GOP gathering in Rochester – Maragos, 27 percent; Long, 48; and Turner, 25.

Gillibrand, who was recently named one of the most liberal members of Congress, got her start by running as a conservative Democrat to defeat U.S. Rep. John Sweeney, and quickly switched gears after she was appointed to the Senate to fill out the term of

Sen. Hillary Rodham Clinton.

A February Quinnipiac Poll found Gillibrand with a 47 percent approval rating.

Democrats met in New York City Monday to endorse Gillibrand for her first full six year term in the Senate.

"Senator Gillibrand has proven herself to be a force in the U.S. Senate as an extraordinarily effective fighter for all of New York's families," Chairman Jay Jacobs said.

Town aims to tighten sick leave standards

Orangetown fears abuses hurt operations, drive costs higher

By Alex Taylor
artaylor@lohud.com

ORANGETOWN — Town officials are poised to adopt a stricter sick leave policy that would crack down on abuses by town employees.

Town Supervisor Andy Stewart said Thursday that a standard set of guidelines was needed because too many sick days were being taken, undermining operations at Town Hall and affecting the budget.

Under the town's open-ended sick leave policy, Stewart said, some of Orangetown's roughly 300 employees were improperly using sick days to take time off.

"If people are sick, we want them to stay home and get healthy," Stewart said a few hours before the Town Board workshop meeting where members discussed the new policy. "In some cases, people view sick days as something else. That is fraud."

While the total cost of sick leave abuse is difficult to estimate, the number is substantial, Stewart said.

He cited a 2011 independent study of the Orangetown Police Department that found that, on average, an officer took 11.3 sick days in 2009. When an officer takes a sick day, another has to

work overtime, driving up costs.

Under the current Civil Service Employees Association contract, senior town employees max out with 21 sick leave days per year, while police officers have 19.5.

Employees can also stockpile days off and cash them in at retirement.

This week, the town supervisor's office circulated a memo to Town Board members focusing on several get-tough measures to identify and discourage abuse. The policy was developed with input from department heads and the town attorney's office.

The memo suggests implementing quarterly reports from department heads detailing the use of sick leave, overtime and workers' compensation; monthly sick leave calendar reports; and annual staff evaluations for all CSEA employees.

Several town officials spoke in favor of adopting the new policy at Thursday's meeting.

James Dean, superintendent of highways, said he already used many of the guidelines to identify abuse such as employees repeatedly calling in sick on Fridays and Mondays.

"I think it's a good policy," Town Board member Paul Valentine said. "I can't believe there wasn't one, and that only some department chiefs were on it and not others."

See SICK, Page 4A



Unions v. NY Youth

Blocking vital juvie-justice fix



RUSSELL SYKES

SOON after he was elected governor 16 months ago, Andrew Cuomo made a point of publicly touring a state juvenile-detention center in the Mohawk Valley, west of Albany. The Tryon boy's detention center no longer had any juvenile residents but was staffed at a taxpayer cost of \$15 million a year.

Cuomo's visit to the empty center sent an important and valuable message — New York can't afford to operate so wastefully. His latest state budget followed up with a solution that is better for taxpayers, for low-risk juvenile offenders and their families and for society as a whole. It would reduce reliance on upstate facilities and house more offenders closer to home, mostly in facilities run by city government.

The governor wants to close or reduce staffing at empty and low-capacity facilities and use the savings to restructure the juvenile-justice system to be more cost-effective and successful. What could make more sense?

Yet the Civil Service Employees Association is out to derail the reform. The state government's largest union is focused on preserving the jobs of its dues-paying members, rather than on promoting a better juvenile-justice system.

That's not a surprise — it's what unions do in their self-interest. More appalling is that the **CSEA's** opposition may be gaining some traction in the Legislature, with certain members reportedly looking to delay or water down the reform.

Sorry: This short-sighted effort to preserve some CSEA jobs would be a disservice to taxpayers and New York's youth alike. Housing juvenile delinquents

closer to home is a proven policy that also means significant savings. Sensible reform should trump special interests.

New York spends \$266,000 a year per inmate at the existing facilities. Yet research clearly shows that the most effective placements are in community-based facilities — whether non-secure group homes or small, limited-secure facilities — located fairly close to the young detainee's community and family.

Simply put, youthful offenders detained closer to home are markedly less likely to become repeat offenders after release. It's better for these citizens and better for society, as well as for taxpayers.

Good ideas have a way of creating unlikely partnerships. Here, the national Right on Crime initiative, coordinated by the conservative-led Texas Public Policy Foundation, is allied with progressive and centrist juvenile-justice reformers such as Citizens' Committee for Children, the Legal Aid Society and the Correctional Association of New York.

Texas, Missouri and other states have moved in the direction suggested by Gov. Cuomo. Will CSEA pressure let Texas be more humane than New York?

Recidivism rates go down for youth housed closer to home for many reasons. Proximity allows for more family visitation and participation in treatment, and for better attitudes on the part of youth themselves. It makes it far easier for local volunteers, employers and educational institutions to develop working relationships with the detainees, and provide mentoring and vocational opportunities.

The approach does not coddle these youths, nor does it jeopardize safety, as some claim. It just works better and costs less.

Unfortunately in the final ugly hours of budget horse-trading, the opposition of a single powerful organization like CSEA can delay good ideas. Politicians are adept at pointing to watered-down results as landmark achievements.

We don't need another round of dysfunctional Albany politics, with union special interests overriding common sense, fiscal prudence and the best interests of at-risk youth.

Russell Sykes is a senior fellow at the Manhattan Institute's Empire Center for New York State Policy.



Shannon DeCelle

A \$15 million-a-year waste: Gov.-elect Cuomo toured the empty Tryon boys' detention facility in 2010 to highlight the need for reform.



Wall St.: Hurts Business Climate

Unions: Let Us Sue To Recoup Pension Losses

By MARK TOOR

The State AFL-CIO and its public-employee affiliates pushed last week for an amendment to the Martin Act, which governs prosecutions of securities fraud in the state, to allow public pension funds to recover money they lost because of cheating by investment firms.

Sound familiar? It might, because the unions and some legislators have been trying to do this for years. The funds lost a total of \$100 billion—up to 30 percent of their assets—between 2007 and 2009 as a result of the Wall Street meltdown. The unions contend it wasn't simply bad luck, it was fraud.

Unpopular With Money-Men

Changing the law to allow for pension-fund lawsuits has brought "ferocious opposition from Wall Street," Assemb. Rory Lancman, a Democrat who is sponsoring the Institutional Investor Recovery Act, told THE CHIEF-LEADER. "In fact at the end of the last session, defeating the bill became their number-one priority." Tort-reform groups have also lined up against the bill, which is sponsored in the Senate by Republican Thomas W. Libous.

The Martin Act is considered a powerful prosecutorial tool because it does not require the State Attorney General to prove fraud, but simply negligence. However, it provides no means for investors who were defrauded to recoup their losses.

"Wall St. greed and fraud decimated public and private pension funds, but under current law, there is no practical means to recover losses and damages," said Mario Cilento, president of the State AFL-CIO, at a March 13 press conference held by union leaders and several supporters in the State Assembly. "The labor movement supports ongoing efforts to allow these funds to sue fraudulent actors directly."

Shifting Focus to Investments

Assemb. Peter Abbate, who chairs the Committee on Government Employees and is a key sponsor of the bill, alluded to the current battle over

the Tier 6 pension proposal, saying, "All the focus on the issue of pensions has been on the benefit side of the equation. We need to look at what happened on the investment side. It simply doesn't make sense that the pension funds have no practical way to recover investment losses caused by fraud."

"Fraudulent and unethical financial practices on Wall Street cheated pension funds of their investments and undercut the retirement security of millions of New Yorkers and other Americans," said Ken Brynien, president of the Public Employees Federation.

"The public needs to remember that much of the current pressure on the retirement fund is not a result of overly generous benefits, it's a result of the Wall Street collapse in 2008 and the greedy schemes that led to it," said Danny Donohue, president of the Civil Service Employees Association.

"Companies that scammed New York taxpayers should be held accountable."

"If I were a Wall Street billionaire, I'd love the idea of having somebody else pay for my mistakes," said Michael Mulgrew, head of the United Federation of Teachers. "We need Martin Act reform to help make sure that the firms who engaged in reckless behavior pay for their mistakes,

(Continued on Page 9)

rather than dumping that burden on the workers."

Tougher Than Securities Laws

The Martin Act is stricter than Federal laws on securities fraud, which were weakened by Newt Gingrich, a Republican presidential candidate, in 1995 when he was Speaker of the U.S. House of Representatives.

Mr. Gingrich and his allies in the conservative Contract with America movement were concerned that investors could file suits with general allegations of fraud and then require companies to produce reams of documents and testimony, an expensive process that can be used to force a settlement. The 1995 law, signed by President Bill Clinton, requires that lawsuits allege specific instances of



fraud.

Further, the Federal statute of limitations is shorter than the Martin Act's, and Federal law rules out suing individuals or companies that assisted the fraud.

The Martin Act was strengthened at the end of December when the state's highest court, the Court of Appeals, ruled 6-0 that the law allowed citizens, not just the State Attorney General, to file claims against investment firms.

'Time for Accountability'

"I read the decision as an invitation to the Legislature to expand the Martin Act itself and allow investors to recoup losses as a result of fraud or malfeasance," Mr. Lancman told the New York Law Journal after the decision.

He told this newspaper that business groups have been fighting the bill because "they don't want to be held accountable." Ten companies and groups filed memos with the State Legislature opposing the bill. They say it would bring a flood of lawsuits, making the state less competitive for businesses.

"Private parties would have the same ability as New York's top law-enforcement official to pursue causes of action alleging fraud without showing that the alleged wrongdoer intended to commit fraud," said the Lawsuit Reform Alliance of New York, a tort-reform group. The bill, it said, "would make New York a breeding ground for class-action lawsuits, potentially costing thousands of jobs and millions in tax revenue."

Say Bill Goes Too Far

"Some have argued that the act 'grants powers to the New York Attorney General unknown in other states' and 'allows almost anything to be called fraud, and in particular does not require prosecutors to offer proof of criminal intent in court,'" said the Securities Industry and Financial Markets Association, which argued that Federal law already provides sufficient means of relief.

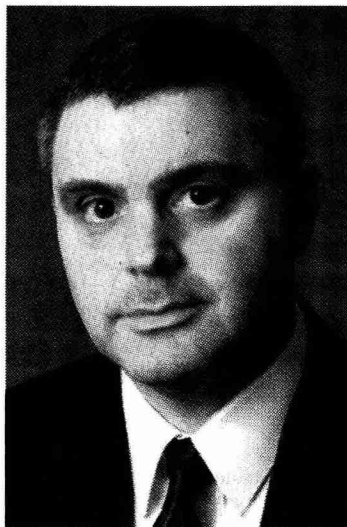
The Business Council of New York State said the bill would "increase the legal exposure of the business com-

munity..The enactment of this bill would allow the plaintiffs' bar to initiate multiple lawsuits, further eroding the state's economic climate."

Even so, Mr. Lancman said he believed the bill had a good chance of passing this session. "Now we have a lot of momentum," he said. "The unions and the New York Association of Counties have both come out for it. Usually they're on opposite sides of an issue."



RORY LANCMAN: Would hold crooks accountable.



MARIO CILENTO: Wants right to sue fraudsters.

Their money's worth

The head of the state's largest public employee union has exposed his attitude toward the Legislature: When he buys lawmakers, he expects them to stay bought.

Furious that Gov. Cuomo won passage of pension reforms, Civil Service Employees Association President Danny Donohue announced that his union "will immediately suspend all state political endorsements and contributions" – as a "direct result" of that single vote.

"There's no way we're going to accept business as usual with what they pulled," Donohue told the Daily News.

His union has been generous with Albany, pouring almost a quarter-million dollars into campaign accounts over the past two years. The expectation, of course, was that the Legislature would be commensurately generous in return by favoring union members with pension protections, if not sweeteners, funded by taxpayers.

For as long as anyone can remember, the I-

pay-you, you-pay-me bargain held – until Cuomo called for scaling back benefits for future workers and offering them the option of 401(k)-style retirement savings plan.

At that, the unions pulled out all the stops, demanded obedience from their financial help-mates and forced Cuomo to retreat to the tune of 30 billion taxpayer dollars.

Even at that, the labor leaders were furious and, in their rage, they laid the game bare. In some contexts, connecting money and particular governmental actions is, well, criminal. As Cuomo pointed out:

"If you are linking political contributions to a specific vote, you may get a call from the attorney general, a district attorney or JCOPE" – the state's Joint Commission on Public Ethics.

Rest assured that, sooner or later, the unions will open their wallets again. When they do, the task will be to see which good little boys and girls get allowances.



Union lobbies to protect at-risk jobs

By Rick Miller
 Olean Times Herald

LITTLE VALLEY — Cattaraugus County lawmakers have scheduled a meeting for Monday to hear the concerns of some of the 24 Community Services clinical employees who are scheduled to lose their jobs in October.

About 25 members of the Cattaraugus County Civil Service Employees Association (CSEA) union held an informational picket outside the County Center on Court Street in Little Valley while legislators held committee meetings inside. Collectively, the unit has 161 years of experience.

County Legislator Linda Edstrom, R-Olean, chairman of the Human Services Committee, announced Wednesday the meeting would be held at 5 p.m. in the

county administrator's conference room at the County Office Building in Olean.

Ms. Edstrom spoke Wednesday night with union members on the picket line, including two therapists who would lose their jobs if Community Services begins contracting clinical mental health services in the fall. The 2012 county budget calls for the 24 workers' employment through September. At that time, county officials hope to have alternate services in place.

County officials are currently evaluating two responses from its request for proposals to run clinical mental health services to about 1,600 county residents. Olean General Hospital submitted one bid, while the Cattaraugus County Council on Addiction Recovery Services Inc. submitted another, said CSEA

union officials, who had not seen the proposals.

Among the concerns are the extent of satellite offices in other parts of the county and in schools, as well as client concerns over the possibility of new therapists. There is no guarantee of jobs for any of the current therapists and support staff, a union official said.

"This is a chance for our therapists to express their concerns" to the the committee, Rose Teachman, CSEA Local 1000 president said of Monday's meeting with the Human Services Committee.

The informational rally was set up as a show of support for Community Services employees, she added.

(Contact reporter Rick Miller at rmiller@oleantimesherald.com)





Rick Miller/Olean Times Herald

Cataraugus County Civil Service Employee union members picket Wednesday night outside the County Center in Little Valley as County Legislature committee met inside. The picketing was meant to support Community Services employees in the mental health clinic. The county has received proposals from two organizations to provide those services.

Union stops political cash

ALBANY (AP) — A traditionally powerful public employees union is cutting off its political support following last weeks' agreement to create a new, less lucrative pension for future state and local government workers.

The Civil Service Employees Association said Monday it will suspend its campaign contributions and political endorsements as it seeks to re-evaluate its political relationships and consult with other unions.

The deal is expected to save state and local taxpayers \$80 billion over 30 years and avoid possible insolvency for some local governments.

The CSEA has long been a major force in state politics and has been close to the Assembly Democratic and Senate Republican majorities.

CSEA President Danny Donohue says the Legislature struck the deal with Gov. Andrew Cuomo out of political expediency rather than sound policy.



Union stops political cash over pension deal

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— *The Associated Press*



Union suspends \$\$ for pension-cutting pols

ALBANY — New York's biggest state employee union suspended all political contributions and endorsements yesterday to punish legislators for supporting a cost-saving pension overhaul.

Danny Donohue, president of the powerful Civil Service Employees Association, accused majority Senate Republicans and Assembly Democrats of "trading

the future retirement security of working New Yorkers for legislative redistricting lines."

The 300,000-member **CSEA** contributes millions of dollars to state candidates and provides massive manpower through phone banks and other operations.

Assembly Speaker Sheldon Silver (D-Manhattan), who pushed Gov. Cuomo's bill to cut retirement bene-

fits for future government workers through his house, said "support should not come as a result of a vote 'yes' or a vote 'no' on any particular bill."

Donohue said CSEA needs "to re-evaluate our political relationships and make judgments about ... who has earned and deserves our support."

Erik Kriss



Union suspends campaign contributions

BY TED PHILLIPS
ted.phillips@newsday.com

ALBANY — Angered by last week's vote to reduce pensions for future workers, the largest state employees union said yesterday that it was suspending campaign contributions and candidate endorsements.

"This action is necessary to give our union the opportunity to re-evaluate our political relationships and make judgments about the criteria we use in determining who has earned and deserves our support," Civil Service Employees Association president Danny Donohue said in a statement. "It is also important to consider how our support is valued."

The move by the union, which represents about 66,000 members, was a direct result of the deal between Gov. Andrew M. Cuomo and legislators to create a less generous pension plan called Tier VI for future employ-

ees, Donohue said.

What impact the suspension will have — and how long it will last — remains to be seen. CSEA spokesman Stephen Madarasz said the suspension was "indefinite" but that the union would still be part of the political process.

CSEA gave about \$130,000 to candidates in 2011, according to Bill Mahoney, legislative operations and research coordinator of the watchdog organization New York Public Interest Research Group. That made it the 39th largest donor in the state. However, the different public employee unions together played a larger role, contributing \$21 million in the 2010 election cycle — or 8.5 percent of giving.

"By themselves I wouldn't say the CSEA completely changes the way things work, but if it serves as an omen, it might significantly change how 2012 elections look," Mahoney said.

Representatives from two

other large unions said that legislators' vote on Tier VI would be considered when they make endorsements but that they weren't joining in a suspension.

"If . . . [political candidates] have received our support in the past, this is going to make it harder for them to get that support in the future, but it won't necessarily make it impossible," said Sherry Halbrook, spokeswoman for the 56,000-member Public Employees Federation.

Carl Korn, a spokesman for 600,000-member New York State United Teachers, similarly said the union would look at a range of issues, including Tier VI, when deciding whom to support in the fall.

Other observers said that if unions withdraw from the election cycle, they risk losing their influence. "It's a double-edged sword," said Democratic political consultant George Arzt.

