



# The Chief

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## Say Unions Can Ride Out Assault on Jobs, Benefits

Panel Eyes State of Labor  
By DAVID SIMS



**THE NAME'S THE THING:** Al Viani, the former president of Local 371 and ex-chief negotiator of District Council 37, said at a roundtable discussion on civil service that the most-obvious sign of unfair treatment of unions in the media was in how they were characterized. 'Most of the media are large corporate entities,' he said. 'When they refer to a union president, he or she is a union boss, but a Wall Street chief executive officer is a CEO, or a company president.'

*The Chief-Leader/Andrew Hinderaker*

For all the doom and gloom about public employees from elected officials and editorial boards, for all the billions in contracts to private consultants and the threats of candidates to take on unions, the prevailing sentiment during a discussion on "the state of civil service in New York City" at District Council 37 Oct. 27 was that organized labor can weather the coming challenges.

DC 37 Executive Director Lillian Roberts, City Councilman James Sanders Jr., State Sen. Diane Savino and former Local 371 President and chief DC 37 negotiator Al Viani spoke at a roundtable discussion moderated by Daily News civil service columnist Lisa Colangelo and organized by

the union's civil service committee, which is headed by Local 371 President Faye Moore.

### 'An Assault on Civil Servants'



**LOOK ELSEWHERE FOR SAVINGS:** District Council 37 Executive Director Lillian Roberts said at a panel discussion on civil service that private contracting, rather than public-worker wages and benefits, is the biggest financial burden on the city. 'The Mayor is calling for savings, and we're giving him our suggestions but he's not listening because we're telling him to get contractors out of our jobs,' she said. 'They are pointing to us and using us while they steal the money.'

*The Chief-Leader/Andrew Hinderaker*



**LAST ONES STANDING:** State Sen. Diane Savino, a former Local 371 vice president, said at a District Council 37 panel discussion on civil service that unions were becoming easier targets partially because of a decline in membership. 'The private sector of the workforce is now 6 percent unionized. You're not seeing that same level of solidarity because other people no longer have it,' she said. 'You're the last ones standing; you're also the most organized because your rights are in statute, and that makes you a bigger target.'

*The Chief-Leader/Andrew Hinderaker*

All agreed that the current barrage of attacks on organized labor was typical of an election season in tough economic times. Discussion also revolved around more under-the-radar subversions, like the Department of Citywide Administrative Services' plan to reclassify numerous titles while reducing provisional workers, and the city's multi billion-dollar contracting budget.

"What you're seeing from coast to coast is an assault on civil servants, due-process rights, pension benefits and health-care costs," said Mr. Viani, now a full-time labor arbitrator. "Politicians use public services as a whipping boy to get themselves elected. It's exacerbated when the country is in an economic crisis."

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Citing his experience during the city's 1975 fiscal crisis, he said such efforts were cyclical rather than permanent. "Lo and behold, the cycle's turning and we hear the same thing: excessive wage increases, excessive benefits," he said.

The difference is that while the 1975 crisis was cataclysmic, the current situation is not, he explained, but it is still being capitalized on by city and state administrations to launch measures like Tier 5 pensions and assaults on Teacher seniority rights.

#### **'Deficits Today Not Comparable'**

"Back in 1975 the city was faced with being unable to redeem more than \$6 billion in short-term debt. A \$13-to-\$14-billion deficit today would be equal," he said. "Today's \$2 billion deficits are a nickel, and they're projections. The bean-counters will always underestimate the income and over-estimate the expenses."

Ms. Savino, a former Local 371 vice president, said that on issues like the DCAS plan or seniority rights, unions had to be careful to keep their legislators educated, as "civil service is a very arcane section of law; very few legislators understand it."

She especially focused on the DCAS plan, which seeks to reclassify many competitive titles as non-competitive, eliminating the need for exams. "What the City of New York did is they saw this as an opportunity to undermine the civil-service system, to obtain 'flexibility in the workforce,'" she said. "It's the ability to appoint who they want, when they want."

#### **A Tactical Counter-Move**

As the head of the Senate's Civil Service and Pensions Committee, Ms. Savino helped pass legislation that would have reduced the probationary period for non-competitive employees to one year rather than five, because, she said, "The city and state are trying to get around the idea of creating permanent employees after one year."

But the legislation was vetoed by Governor Paterson at the request of Mayor Bloomberg. "They're not that dumb; they know what we're up to," Ms. Savino laughed.

Ms. Roberts said of the five-year plan, "probably when it's concluded itself it'll be a better system," but she is worried that the civil-service tenets of "merit and fitness" could be degraded by a de-emphasis on testing.

She also voiced concern at the recent assaults on Teacher seniority from Mr. Bloomberg and Schools Chancellor Joel I. Klein, who are attempting to remove the "last-in, firstout" layoff provision through the State Legislature. "I will fight to the death on seniority. That's why the union exists—to take favoritism out of it," she said.

#### **Bedrock of System**

Mr. Viani agreed that seniority is the bedrock of the civil-service system, and that all of the city's attempts to add extra points on exams are just ways to get around that system.

"The only true measure that everybody could understand, that's not subject to manipulation, is seniority. People understand seniority: 'I've got to wait my turn,'" he said.

He dismissed the argument, oft-cited by the Mayor, of being able to remove bad Teachers as especially ridiculous. "This is now being used as a wedge to eliminate 'lifetime employment,' which is nonsense because lots of Teachers are dismissed every year," he said.

All four panelists hammered the city's high contracting-out budget, the repeated subject of DC 37 "white papers." The \$780-million CityTime timekeeping system, derided by unions, elected officials and even the Mayor as a boondoggle, was cited as a prime example of private spending out of control.

#### **'Make Them Justify It'**

With future such projects, "we're gonna have to make sure that this need can't be met by the people we already have. We're going to have to find ways for them to justify this, and hearings are in order," said Mr. Sanders, chair of the Council's civilservice committee. "They're trying to make the word civil service into a bad word, and we need to watch this."

Ms. Savino recalled the city's Timekeepers, who used to maintain the system "at a fraction of the cost" and without computers. "Why did government make the decision that we should eliminate what would be an entry-level job, rising to a mid-level job? There was no reason to eliminate the Timekeepers and replace it with a government boondoggle."

Ms. Roberts said that Comptroller John C. Liu's audit and criticism of the project had been crucial, with

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the city halting funds and transferring the work to city employees. "That's one way to bring these programs to an end," she said, complaining that the Mayor's office largely ignored the union's recommendations on cutting the city's \$10- billion contracting budget.

### **Raps Sanit Demotions**

Labor's future looks like hostile territory, with the city likely to continue demanding Tier 5 pensions and the probable election as Governor of Andrew Cuomo, who has stated his desire to rein in the political power of unions.

Ms. Savino said that the recent plan to demote 100 Sanitation Supervisors was a chilling vision of the city's new approach to bargaining.

"They didn't have to demote anybody. The shortage of workers is their own fault; it's because of their hiring freeze. You're supposed to know how many workers you're going to need," she said. "You've demoted people and stripped them of income, just for the fact that you can. If they had asked those 100 Sanitation Supervisors, are you willing to do out-of-title work until this crisis is over, do you think anyone would have said no?"

Mr. Viani said there was always one way to fight perceived unfairness. "The state constitution does provide that applications to fill civil-service jobs should be on the basis of merit and fitness. The resolution is through the courts, because those rights exist."

### **In Praise of Taylor Law**

He also emphasized that whatever problems they might face, the Taylor Law was an invaluable resource for public-sector workers, even if they might deride its no-strike clause. "If someone wants the right to strike, that's all very good theoretically," said Mr. Viani, who helped mediate the end of the 2005 transit strike. "But if you're the tax-assessors union and you go on strike, you'd have New Yorkers celebrating in the streets."

Ms. Savino called the Taylor Law "the most successful piece of labor law that has been passed in the country" and said she wouldn't encourage any changes. "Would you trade the ability to strike for the Triborough Amendment? I'm not inclined to open up this law," she said, referring to the provision that prohibits public employers from altering labor contracts after they have expired.

But despite the Taylor Law's protections, there are still ways for unions to get swindled, she said, pointing to the state employee unions' deals with Governor Paterson on Tier 5 pensions.

"They got an agreement from the Governor not to lay anyone off and he said 'this is all we need,' " she said. "Then he turned around and said, 'this is not enough.' If I'm Lillian Roberts or Harry Nespoli and I'm watching this go on in New York State, why would I make the same deal?"

### **Won't Be Stampeded**

Ms. Roberts said she wouldn't be cowed by media blitzes on the topic by the Mayor and the editorial boards. "It's a pre-negotiation attack because they don't want to give us anything. They want to get the public on their side, but they're gonna catch hell with us," she said. "I just don't want us to go to sleep thinking that we are the problem."

Mr. Sanders, a former member of Local 371, warned that unity among labor groups would be crucial to future battles. "Unions have pursued their own self-interests; they've been too narrow. Legislators have to take their fair share: we too have been cowed by this onslaught," he said. "We're going to have to go back to the old days, to some degree to barricades, that an insult to one is an injury to all."



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