

## City Trades Workers Suing Over Mayor's Prevailing-Wage Shift

Claim Job Reclassifications Violate Laws of Both City and State

### THIS IS A UNION TOWN



'THIS IS A UNION TOWN': AFL-CIO New York City Central Labor Council President Vincent Alvarez announces that a lawsuit is being filed on behalf of nearly 10,000 workers covered under Section 220 of State Labor Law accusing Mayor Bloomberg of having illegally deprived them of their right to have wage contracts determined using a survey of private-sector pay rates by the City Comptroller. 'The hard-working men and woman of New York City deserve better than that,' he said to cheers from the assembled union members and their leaders.

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By RICHARD STEIER |

The city skilled-trades workers whose right to have their salaries determined by the City Comptroller in conjunction with the prevailing wages for equivalent titles in the private sector was stripped away by Mayor Bloomberg will file suit to nullify his changes, top union leaders said April 18.

While the Mayor had maintained he had the power to end a 118-year-old practice simply by issuing an Executive Order, union leaders including the heads of the State AFL-CIO and its New York City Central Labor Council insisted the unilateral move was illegal on several fronts.

### A Plethora of Violations?

One of their attorneys, Harry Greenberg, told reporters outside City Hall that the Mayor's action "violates the New York State Civil Service

Law, the New York City Collective Bargaining Law, the State Labor Law Section 220 and a host of other statutes.”

Just as importantly, union leaders said, the Mayor acted without any of the discussion that a change of this magnitude should have warranted, giving some but not all of them a cursory heads-up on the same day that he signed the Executive Order.

“The hard-working men and women of New York City deserve better than that,” CLC President Vinnie Alvarez said to the cheers of a couple of hundred trades workers surrounding him on the City Hall steps, with another couple hundred assembled outside both the east and west gates of the complex.

“He chose to ignore the voice of working people,” State AFL-CIO President Mario Cileto said.

Joseph Colangelo, president of Civil Service Auto Mechanics Local 246 of the Service Employees International Union, raised the rhetorical ante several notches by declaring, “This is not Wisconsin, this is not Indiana, this is not Ohio! You cannot with the stroke of a pen flush down the toilet the process for getting wages and benefits for the workers of the city.”

### **Mayor ‘Confident’ It Will Stand**

When he announced the change April 11, the Mayor insisted it was not earth-shaking, noting that it merely placed the roughly 10,000 trades workers covered under Section 220 in the same bargaining structure that is used for 97 percent of the municipal workforce. Spokeswoman Julie Wood said that he was “confident [the changes] will hold up in court, since there’s no logical reason that the Comptroller should have the power to set their wages unilaterally.”

But Harry Nespoli, chairman of the Municipal Labor Committee as well as the president of the Uniformed Sanitationmen’s Association, pointed out last week that the remainder of the workforce is without current wage contracts, with some unions working under deals that expired more than two years ago.

Ironically, one union’s battle while working nearly a decade under an expired pact is viewed by some union leaders as the catalyst for the Mayor’s reclassification of the prevailing-wage titles into 14 new groups in the Competitive Class of civil service, with new pay scales to be set for each group as they come to the bargaining table.

### **Did Laborers’ Ruling Sway Him?**

Two weeks before he signed the Executive Order, five state Appellate Division Judges unanimously upheld a contract determination for Laborers Local 924 of District Council 37 issued by Comptroller John C. Liu that provided its 350 members with wage hikes of up to 50 percent over an eight-year period. The Bloomberg administration had questioned Mr. Liu’s finding that the Laborers performed duties similar to those of private-sector Mason Tenders and should have their compensation brought into line with that group, but the judges said that the Comptroller’s decision was “supported by substantial evidence.”

The Mayor’s spokeswoman has declined comment on whether that ruling was a factor in his taking future contract determinations out of the Comptroller’s hands.

Local 924’s president, Kyle Simmons, said the timing of the Executive Order was “suspect,” and claimed that seven years ago he had made a wage proposal to the city that would have been considerably cheaper, saying that over a three-year period he had offered to accept a wage freeze if the administration increased wages in the second year of the pact by a dollar an hour, or roughly 4.5 percent, and by 75 cents an hour in the third year.

### **Comptroller Surveyed Titles**

“We played by the rules,” Mr. Simmons said, only to have city officials insist that the local accept the same 5-percent wage increase agreed to by DC 37 for that same period. The use of the Section 220 process has been the means of resolving disputes when unions representing covered workers are unwilling to accept the citywide pattern. Until now, they were able to ask the Comptroller’s Office to conduct a survey to determine the prevailing rate for comparable titles in private industry. That became more complicated in instances in which there were different titles to examine, rather than comparing a municipal Electrician to the same title in private industry. In cases in which the Mayor’s Office disputed the Comptroller’s findings, it had the option of placing the matter before the city Office of Administrative Trials and Hearings.

Mr. Simmons said that after the Comptroller issued his determination in October 2010, Bloomberg administration officials were unwilling to

discuss a compromise, even though they worked out an agreement that same month for Sewage Treatment Workers represented by another DC 37 local, 1320.

Mr. Liu's office in response to the Mayor's change took issue with the claim that ending his role in the process would reduce the city's costs, pointing out that the city around the time of the two DC 37 decisions rejected another of his recommendations concerning Electricians in the Department of Environmental Protection that would have saved money over the eventual deal, which provided an 85-percent wage hike over 12 years. But most union officials have characterized the new system devised by the Mayor's Office as having the effect of depressing wages for the affected employees, even though Mr. Bloomberg has noted that it has no impact on the salary levels of those already on the job. Mayoral officials over the years have accused several Comptrollers of tilting their decisions to favor unions as a way of cultivating political support.

#### **'No Dialogue Whatsoever'**

Building and Construction Trades Council President Gary LaBarbera said, "One of the more disturbing things about this was there was no dialogue with labor whatsoever."

Teamsters Local 237 President Gregory Floyd, who represents about 2,000 of the affected employees, had been the only labor leader to say immediately after Mr. Bloomberg issued the Executive Order that he planned to challenge it in court. He said last week that his local will join with the other labor groups in their lawsuit rather than filing a separate action.

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