

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

By MARK TOOR | Posted: Monday, June 25, 2012 4:30 pm

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 Democrats 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.