

MEA seeks two four percent raises from commissioners

"The MEA is disappointed," declared president William Dworkin about the mayor's executive order for managerial pay raises issued August 31. He continued, "We are asking each city agency head to grant every manager two four percent increases."

The executive order allows agency heads to give raises of zero, two or four percent to managers in mayoral agencies. The raises are retroactive to July 1, 2000 and July 1, 2001, and will be compounded. Managers must be on the payroll when the raises are paid to receive them.

Mr. Dworkin said, "The only city employees that can receive less than two four percent increases this year are career city managers. We don't believe that any manager should receive less than the raises their subordinates get."



William Dworkin

Executive director Ed Perlmutter has written to commissioners of mayoral agencies asking them for the two four percent increases, "We support the mayor's increase of eight percent for agency heads and ask that you not penalize your managers. I know...that you would want to recognize the critical contributions which your managers have made."

At press deadline, Mr. Perlmutter also was preparing letters to officials in the Housing Authority, the Health and Hospitals Corporation, the Board of Education and the comptroller's office urging them to grant two four percent increases to their managers with the same effective dates as in the mayoral agencies.

Mr. Dworkin's negative reaction is based on a comparison to the increases negotiated in the civilian union contracts already settled and to the amounts granted in the August 31 executive order to commissioners of mayoral agencies. The civilian union contracts include two four percent increases, compounded, retroactive for most employees to April 1, 2000 and April 1, 2001, and an average one percent increase effective the last day of the contract, which is June 30, 2002, for most employees. Commissioners received two four percent increases, one retroactive to July 1, 2000 and the other retroactive to July 1, 2001.

The raises in mayoral agencies are supposed to be based on "merit and performance," but, as with the last increase effective July 1, 1999, no criteria for evaluating merit and performance are specified in the executive order.

Mr. Dworkin and Mr. Perlmutter were critical of the "merit"

provision of the executive order. Mr. Dworkin remarked, "If the mayor had genuinely wanted to grant merit increases, he could have used the funds available for the one percent adjustment which will be received by members of the civilian unions for any performance based payments to managers above the two four percent increases. Instead, managers will not receive the one percent at all."

Mr. Perlmutter declared, "The lack of standards in the executive order for evaluation of managerial performance not only ignores mayor Giuliani's own performance evaluation program but once again raises suspicions that favoritism, not merit, may form the basis for the amount of the raises commissioners will grant."

Green aide meets managers

As of press deadline, only Mark Green, a candidate in the Democratic Party primary, held September 11, after press deadline, had responded to letters the MEA's legislative committee sent to every mayoral candidate in May and June requesting meetings with them.

As a result, the legislative committee met with David Eichenthal, the chief of staff of the office of the public advocate, on August 24 for just under an hour. While the MEA does not endorse candidates, it attempts to ascertain their views on issues of importance to career managers.

Mr. Eichenthal said, "It will be more important than ever for the mayor to develop a relationship between city hall and managers because of the unprecedented turnover in citywide officials and city council members mandated by term limits."

Legislative committee chair Steve Ferrer elaborated about
continued on page 4



David Eichenthal, (seated, 2nd I), Mark Green's chief of staff, meeting with legislative committee members William Dworkin, Mary Richardson, Edward Perlmutter, (standing) Fredrick Ewald, John Boden, Steve Ferrer and Jerry McCormick.

Special Membership Meeting

Monday, September 24, 5:45 PM

Office of Veterans Affairs

346 Broadway • Room 801 • corner Leonard Street

MEA's expenses exceed its income

Treasurer Roy W. Durig was scheduled to present a financial report to the membership at the membership meeting of September 24, past press deadline, discussing the budget deficit and some options for eliminating it. The accompanying chart shows the MEA's membership, income from dues and expenses from 1997 projected through the end of 2001.

When interviewed for the December issue of *The New York City Manager*, Mr. Durig indicated there would be a deficit (the difference between income and expenses) for the year 2000 of between \$8,000 and \$10,000. The actual deficit was \$11,000 and the MEA had net assets at the end of 2000 of \$123,000.

During the same interview, Mr. Durig said the state of the treasury was "very good," and he continues to say so. But, Mr. Durig notes, "There is a steady decrease of net assets due to reduced income. The reduction of income for 2001 is caused by the loss of membership from retirements and unionization."

As also shown in the chart, Mr. Durig projects income from dues for 2001 at about \$300,000, which is \$22,000 less than last year, while expenses are projected at about \$320,000. This will reduce the MEA's assets to about \$100,000.

"We cannot continue decreasing our



Treasurer Roy Durig (standing r) makes a point to other committee members (seated) Georgia Williams, cochair Jim Durrah, Edward Yood, (standing) Lal Motwani and cochair John Boden.

assets indefinitely," Mr. Durig said, and he outlined three options to control the problem which can be adopted singularly or in combination: increasing membership, raising dues and/or lowering expenses. "As with many budgets," he continued, "many expenditures are fixed such as rent, and equipment rental and maintenance. There is not much room to trim the budget without reducing services to the members. The answer would appear to lie in the other two options."

Mr. Durig projects that income will increase by \$32,500 annually for each \$1 increase in the biweekly dues and by

\$2,340 for every ten new members who join.

At press deadline, a committee cochaired by executive vice president Jim Durrah and associate executive director John Boden was considering Mr. Durig's analysis and preparing recommendations for the board of directors and the membership.

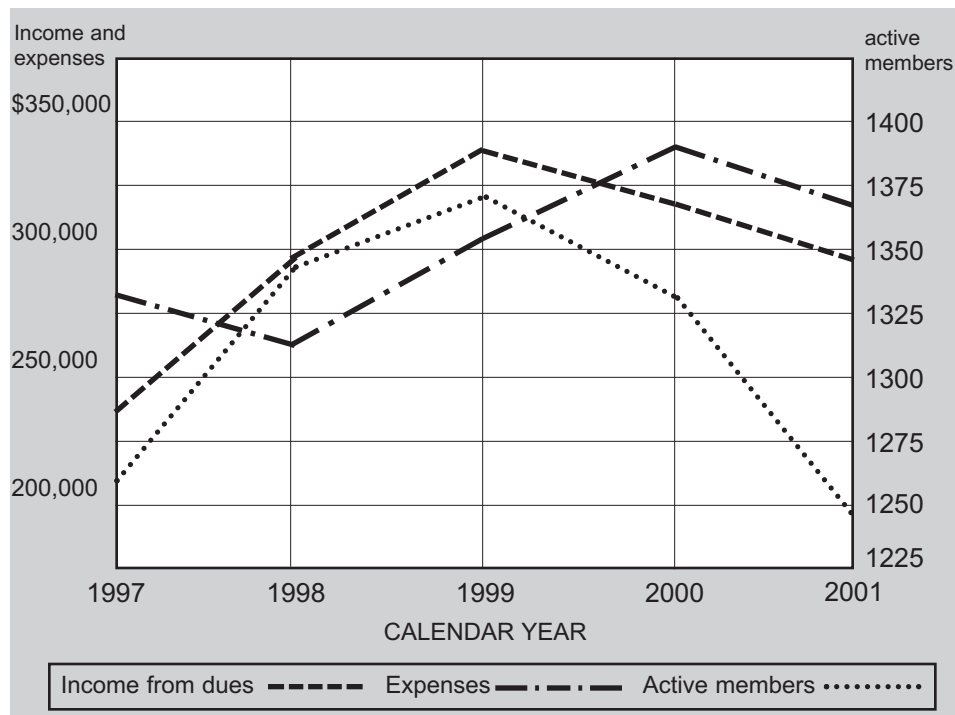
HHC managers join MEA

About 40 managers at Kings County Hospital attended a lunchtime meeting in July to learn about the MEA's history, advocacy for increased benefits and rights for managers, provision of assistance to individuals and benefits available only to members.

HHC chapter director Mary Richardson and MEA associate executive director John Boden made the presentations and responded to questions. "Many of the managers present had not heard of the MEA and were pleasantly surprised that the organization would come to them," Mr. Boden reported.

Ms. Richardson said that the MEA plans to visit every major HHC facility to promote the benefits of MEA membership. Meetings at Bellevue, Jacobi, Elmhurst and Queens Hospitals are being planned.

The meeting and a light lunch were arranged by Jessie Woodbury, a manager at Kings County and the HHC chapter's Brooklyn/Staten Island network representative. Fifteen new members from Kings County Hospital have joined the MEA as a result of the meeting.



Local 1180 may seek rights to some HHC Managers

The MEA has learned that Local 1180 of the Communications Workers of America is considering resurrecting its long dormant request to gain representation rights to the title of coordinating manager, which is used exclusively in the Health and Hospitals Corporation.

Local 1180 sought representation rights to the title over a decade ago. However, a stipulation was signed in 1991 that awarded the union rights to the assistant coordinating manager title. In exchange, the union agreed to forego attempts to organize the coordinating manager title for at least another two years.

After the two year period expired, Local 1180 went to the Office of Collective Bargaining—a neutral third party funded jointly by the city and the unions to resolve jurisdictional and substantive disputes—to reinstate its request. But OCB suspended a decision pending the outcome of the attempt by the Organization of Staff Analysts to gain representation rights for administrative staff analysts. That process concluded January 16 of this year when OSA and the city signed a negotiated stipulation granting OSA representation rights to about 425 administrative staff analysts.

Local 1180 believes that the duties of coordinating manager are not managerial, are similar to the duties of employees in titles that it already represents and that OCB should award the title by “accretion.” This was exactly the path taken by OSA since it already had represented the administrative staff analyst’s two subordinate titles of staff analyst and associate staff analyst.

If Local 1180 pursues the matter, a decision is not expected from OCB in the immediate future. The MEA was critical of the city’s failure to inform the administrative staff analysts of OSA’s activity and of the employee’s right to testify before OCB in accordance with OCB’s rules and hopes that the city will do better this time. While many administrative staff analysts greeted union representation positively, many others were disconcerted because they had no prior knowledge of the potential for change and considered themselves to be managers. The MEA will try to inform the membership of any discussions between OCB, the HHC and the union.

MEA policy, as set by the board of

directors, recognizes the “legitimate right” of the municipal unions to organize employees assigned to the managerial class, reiterates that all managers “have the right to testify” before OCB and “should have the right...to indicate to their agencies...whether they believe their titles and jobs should remain” managerial.

Consistent with a legal opinion received some time ago, the MEA cannot intervene formally in the process.

There are about 130 MEA members in the title of coordinating manager. Local 1180 currently represents several thousand city employees, including those in supervisory clerical titles.

Twelve students win scholarships



President William Dworkin holds ceremonial check presented to scholarship winners Heather Larkin, Monal Patel, Cedrick Rice and Critesha Wharton. Nivedita Balgobin (r) represented her sister, Bhumika, the awardee, at the September 5 ceremony.

Twelve children of MEA members who are or will be attending college were the recipients of MEA scholarships at a ceremony at the association’s office on September 5. Four scholars, the sister of one other and many parents attended.

Committee chair John Boden reported that 12 eligible students applied for a scholarship and all were given either \$500 or \$250. The scholarship winners, their selected colleges, member parents and parents’ agency are as follows:

Bhumika J. Balgobin, SUNY Stony Brook, Gitanjali, HHC; Marisa S. Bernstein, U. of Delaware, Joel, Board of Education; Tali Chess, Brandies U., Irving Rosenstein, Police; Alexandra J. Keogh, Arizona State, Thomas, HHC; Michael W. Landau, U. of Michigan, Joseph, Environmental Protection and Heather M. Larkin, Barnard or Rochester Institute of Technology, Evelyn, Human Resources Administration.

Also Amanda T. Moskowitz, Cleveland Institute of Music, Joyce Prever,

Human Resources Administration; Monal D. Patel, CCNY, Dipak, Environmental Protection; Cedrick Rice, LaGuardia Community College, Teresa, HHC; Tamar C. Rubin, Queens College, Jonathan, Office of the Comptroller; Nicola Thompson, CCNY, Anne, Civilian Complaint Review Board and Critesha A. Wharton, Queensborough Community College, Mazie, HHC.

Mr. Boden said that two grandchildren of members applied, but they are not eligible under the current rules. He expects that the committee will revise that aspect of the rules.

A number of students indicated that the applications were received too late for them to obtain the required letters of support from school officials. Mr. Boden suggested that attempts would be made to mail applications to members in April rather than during June.

In addition to Mr. Boden, the members of the committee are Roy Durig, Mary Richardson, Ronald Wilkerson, Georgia Williams and Edward Yood.

MEA prepares position paper to present to the new mayor

The managerial, compensation and professional development committee, chaired by Stephen Ferrer acting director of the Administration for Children's Services chapter, is putting the final touches on a draft of a position paper stating the MEA's proposals for the new city administration.

Executive director Edward Perlmutter explained, "The strategy is to have a report ready to present to the new mayor right after the November election so we can discuss our ideas with him early in his term."

Mr. Ferrer said the paper would suggest a separate pay plan for managers below the level of agency first deputy commissioner that would incorporate annual across the board wage increases for managers with satisfactory or higher evaluations and longevity pay. Elected officials, deputy mayors and high level agency executives would not be covered by this plan and would receive salary increases by some other mechanism. The draft suggests merit raises based on a mandatory performance evaluation system consistent with the current written policy. New minimum salaries for all managerial pay levels are also proposed.

Additional proposals in the draft that have monetary impact are tuition reimbursement for job related managerial courses approved by the Department of Citywide Administrative Services, improvements in terminal leave to equal those provisions enjoyed by submanagerial staff, payment of professional fees, uniform allowances and prompt payment of salary increases to managers who are promoted.

Yourman hearing Sept. 28

In the six months since the United States Supreme Court refused to hear the city's appeal from the Court of Appeals ruling in favor of the managers who are plaintiffs in the *Yourman v. Giuliani* lawsuit being supported by the MEA, the plaintiffs have been taking depositions to bolster their contention that the city had a policy of suspension or pay deduction to discipline managers. At the same time the city has been asking some of the plaintiffs questions to support its claim that no such policy has ever existed.

Under the Fair Labor Standards Act, it is necessary for the plaintiffs to show that the city had this policy in order for them to win pay for the hours of overtime they worked. The suit was filed April 1, 1991, for the period between April 1989 and the fall of 1993.

District Judge Loretta Preska has directed that the parties finish discovery by September 28. Then she will decide if there will be a jury trial on the question of fact—was there a policy of suspension and pay deduction for managers—or if she will issue a summary judgment. Joan Stern Kiok, the attorney for the plaintiffs, "expects and hopes" that the case will be concluded by the end of 2002 whichever procedure is used.

Ms. Kiok reported that the city is "unwilling to settle" because "there is a lot of money involved, over \$20 million in *Yourman* and the two related cases, *Feaser* and *Carter*." In addition, there are pending cases involving police sergeants and captains, among others, which could cost the city even more money. However, Ms. Kiok notes, "It is not impossible that there will be a settlement."

The committee will also propose establishment of a formal adverse impact procedure to allow managers to appeal disciplinary actions or to redress complaints.

The committee has been working since the beginning of the year and will have a final draft for the officers and staff by the end of September. In addition to Mr. Ferrer, the members of the committee are Eleanor Armstrong, Deanna Hart, Jerry McCormick, Joe Ramaglia, Anthony Rini and Georgia Williams.



Some of the members of the committee meeting to draft the MEA's position paper for the next mayor are secretary Joe Ramaglia, Eleanor Armstrong, chair Steve Ferrer, Edward Yood, Jerry McCormick and executive director Ed Perlmutter.

Green aide...continued from page 1

managerial evaluations and pay for outstanding performance, president William Dworkin and newsletter editor Bob Pfefferman discussed the need for the managerial issues task force while executive director Ed Perlmutter suggested that the MEA would like to meet with Mr. Green, should he be elected.

Mr. Eichenthal reacted favorably to Mr. Perlmutter's suggestion and commented, "Mark likes talking to people who work for the city. Some of the most important things he learned about education and policing, he learned from talking to teachers and cops. He will have to have the support of the managers to implement his programs."

Mr. Perlmutter stated, "I was very impressed by Mr. Green's knowledge of city government and his recognition that employees have a great deal to contribute to any new city administration. Mr. Ferrer noted, "I was gratified to hear that Mr. Eichenthal felt that Mr. Green would be available to meet with MEA officials if he wins the election."

New York City Managerial Employees Association
225 Broadway - Suite 1407 • New York, NY 10007
Phone: (212) 964-0035 • Fax: (212) 964-6458
Recorded Message: (212) 964-5593
e-mail: nycmanager@aol.com • net: www.nycmea.org
Closing date: September 6

William H. Dworkin....President
James C. Durrah.....Executive Vice President
Roy W. Durig.....Treasurer
Joseph Ramaglia.....Secretary
Georgia A. Williams....Special Advisor
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Bob Pfefferman.....Editor