



New York City & Vicinity District Council of Carpenters

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Mayor Illegally Cuts Benefits to Zero for City Workers, Violation of NYS Constitution and Two NYS Supreme Court Restraining Orders

NEW YORK, NY – The New York City District Council of Carpenters (NYCDCC) is seeking an injunction against the City of New York for violating the Taylor Law, specifically the Triborough Doctrine, by unilaterally reducing annuity and vacation time dramatically and eliminating paid sick leave for civil service carpenters. This case, as well as motions against the city for violating Labor Law §220 Prevailing Wage and the contempt charges for violating two Temporary Restraining Orders against these reductions, will be heard this July in New York State Supreme Court by the Honorable James D'Auguste at 80 Centre Street, New York. The outcome of this case has the potential to affect the stability of benefits for all workers employed by the city.

A press conference was held on July 13, 2017, at City Hall to inform the public about the infractions. Those in attendance included city council members Alan Maisel, Daneek Miller, Ritchie Torres, Ben Kallos, Fernando Cabrera, Mark Levine, Daniel Dromm, Elizabeth Crowley, and Barry Grodenchik; representatives and members from New York City Central Labor Council, Transit Workers Union Local 100, Municipal Labor Committee, NYC Building and Construction Trades Council, Teamsters Local 237, IUPAT Local 1969, SEIU Local 246, Local Union #3 IBEW, International Union of Operating Engineers along with other organizations; and friends of labor, Father Brian Jordan, and Bob Grogan.

During the press conference, NYCDCC Executive Secretary-Treasurer Joseph Geiger had a few questions for Mayor Bill de Blasio, “Another question for the Mayor, what we personally ask him is, what happens when you win in court? Have you just shown every future mayor how to cut benefits for all our teachers, police officers, firemen, and our housing authority employees while in bargaining process? If you lose, how will you explain being the first mayor being held in contempt of court for taking away the middle class of New York’s benefits?”

The Mayor’s Office of Labor Relations dismissed the protections outlined in the Triborough Doctrine, which is provisioned in the New York State Constitution, and cut Annuity from \$7.22 to \$0.22 per hour, vacation time from 27 days to 1 day per year, and paid sick time to zero for city carpenters. The Triborough Doctrine prevents an employer from changing terms and conditions of employment, which includes benefits, in exchange for no worker strikes. It requires employers to negotiate in good faith, therefore employers changing terms and conditions of employment after a contract expires, but before a new contract is negotiated, constitutes an Improper Practice under the Public Employees’ Fair Employment Act. NYCDCC Executive

Secretary Treasurer Joseph Geiger clarifies, “We are simply seeking to restore the essential benefits the men and women of this city so well deserve.”

The Mayor championed an expanded Paid Sick Leave Law, which created the legal right to sick leave for 3.4 million private and nonprofit sector workers, nearly 1.2 million of whom did not previously have access to this vital workplace benefit. “It’s peculiar that the Mayor would fight for paid sick leave for some workers and explicitly take it away from others.” Geiger says, “He essentially violated the very same paid sick leave law that he supported and fought for just a few short years ago.”

Since February, 2017, the New York Supreme Court has issued three Temporary Restraining Orders, ordering the city “to cease and desist from unilateral benefit reductions...and to immediately restore all benefits that have been reduced or eliminated.” Two of the issued TROs were violated.

Other organizations have come out against the City’s practice of cutting benefits. John Samuelsen, International President of the Transport Workers Union states, “The Transport Workers Union with our over 140,000 members, stand with and support the New York City District Council of Carpenters in its fight to protect the rights of its hard-working members. For too long, organized labor has been the target of overreaching and unfair policies that violate collective bargaining agreements and procedures. We support the rights of trade unionists to negotiate wages and supplements under the Labor Law, and not be subject to employer ordered unilateral changes that would attempt to undermine the collective bargaining process.”

Similarly, in a support brief submitted to the court by Municipal Labor Committee (MLC), an association of approximately 150 NYC municipal labor unions representing over 500,000 city workers, express, “The City’s recent attempt to circumvent the prevailing rate process so as to unilaterally impose diminished or eliminated benefits is revealed for what it is: anti-union retaliation.”

"The Triborough Amendment has protected workers and maintained labor peace during contract negotiations over the years," said Vincent Alvarez, President of the New York City Central Labor Council, AFL-CIO. "Any contract changes must be negotiated at the bargaining table in good faith, and the terms of the Triborough Amendment must be maintained. The working men and women of the New York City Central Labor Council, AFL-CIO will stand with our sisters and brothers to ensure that their hard-earned benefits are restored throughout this process"

The City’s actions will not be without consequence: civil service workers will feel the adverse effects of this unconstitutional and unconscionable assault upon their benefits. Many workers are coming forth to express the burden these reductions can create and the irreparable damage they will cause. Tom O’Connor, a member of the NYCDCC and a civil service carpenter, has a son who was born with a traumatic brain injury, has cerebral palsy, and is blind. He takes one day of paid time off each month to care for him. In his court submitted affidavit, he describes, “I have ‘banked’ the rest of my accrued leave time so that when my wife, relatives, and other caregivers are unable to fully provide for our son’s increasing needs, I can take paid time off

from work to help care for him.” If these reductions are approved O’Connor explains, “I will not be able to provide for my son’s and my own care while maintaining my job in good standing.”

Laura Rooney, member of the NYCDCC and a civil service carpenter with NYCHA and formerly the New York City Health and Hospital Corporation, is a single parent caring for her adult son who is autistic and suffers from learning disabilities. Rooney describes, “Because my son’s condition and needs are at once on-going and unpredictable, I need to be able to attend to him on a regular schedule and be able to respond to an emergency on a moment’s notice.”

These are only two of the many city workers who will be deprived of their well-earned benefits if the Mayor has his way. “This is really very, very simple. It is unfair to punish the men and women, 700 carpenters, who want nothing more than to work hard on behalf of this city while the folks in this building (City Hall) fight over the details of this contract.”, Councilmember Mark Levine remarked. “They should not be the victims while the rest of us work out the contracts. We are here to demand that these workers immediately get a fair contract, that the provisions of the Triborough Agreement be upheld, as has been the tradition of this city, and that the workers get the compensation, the benefits, and the dignities that they deserve.”

The New York City District Council of Carpenters and is a representative body comprised of eight individual Locals and 22,000 union members. The District Council functions as the voice for thousands of New York City's most dedicated and skilled Carpenters, Millwrights, Dockbuilders, Marine Divers, Core Drillers, Timbermen, Cabinetmakers, Floorcoverers and Industrial Workers.