



The  
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# Manager

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## MEA Keeps Fighting for Veteran Managers & Fair Implementation of PPL

*By Bendix Anderson*



*MEA Counsel Stuart Salles and MEA President Stu Eber (seated).*

**M**EA is weighing its options after a court decision dismissed its lawsuit against Mayor Bill de Blasio and other City leaders.

"The Court has considered the various arguments and find all of them to be without merit," wrote Judge James d'Auguste of the New York State Supreme Court in the County of New York in his very short decision Nov. 11, 2016.

MEA sued the Mayor after he announced a new Paid Parental Leave (PPL) benefit for city workers that would be paid for by taking vacation days and a scheduled raise away from veteran city managers, who are often more than 45 years old.

"It makes no sense for those who cannot use the benefits to pay for them while those who can use the benefits don't have to contribute to the payments," says MEA President Stu Eber. "We will continue to show the Administration that they have taken a

great idea – PPL – and spoiled it with a flawed implementation plan."

### **NEXT STEPS FOR MEA**

MEA plans to continue fighting for a fair implementation of PPL.

"We will not let it fly," says President Eber.

MEA plans to appeal the decision to the Supreme Court Appellate Division. "It would take us probably four months to submit all the papers," says MEA Counsel Stuart Salles. Then the Court would schedule a court date. The whole process would probably take a year.

MEA also encourages veteran managers affected by the city's PPL policy to take action.

"File an age discrimination complaint with the Federal Equal Employment Opportunity Commission," says President Eber. MEA distributed the EEOC complaint form to its members through email. Copies of the form and guidance on how to file was discussed At MEA's March 7 General Membership Meeting.

"While we hope the appeal in State Court will be successful, we see the Federal agency as another option for ending this unfair method to pay for PPL," says Mr. Eber.

### **THE FACTS OF THE CASE**

Early last year, Mayor de Blasio announced a PPL program for city workers.

Under the new program, City workers can take up to six weeks leave and still earn 100 percent of their regular 12 weeks fully paid when combined with existing leave.

Many managers were initially pleased -- MEA believes that City workers should have a PPL benefit. However, the majority of MEA members took issue with the City's method for covering the cost.

The Mayor's personnel order that created PPL cancelled a planned pay increase as well as accrual of two days of annual leave for managers with more than 15 years of experience.

The pay raise of .47% was previously granted by the city and set to go in effect July 2017.

MEA filed its lawsuit May 6, 2016, against Mayor Bill de Blasio, Comptroller Scott Stringer, and Schools Chancellor Carmen Farina in the New York State Supreme Court in the County of New York.

"The Mayor's elimination of previously granted pay raises and annual leave is arbitrary and capricious," according to the lawsuit, which called the new policy "a breach of contract."

The Court disagreed, saying that managers had no "contractual rights to prevent the City from modifying its policies."

MEA's lawsuit also said that the PPL "discriminates against older workers." Veteran city managers with at least 15 years of service will lose vacation days to pay for the PPL. Many of these senior managers are more than 45 years old and are less likely to benefit from the PPL.

The Court disagreed again, saying that "petitioners are not being placed in a less favorable position than younger employees."

# Bits & Pieces



## SPREAD SOME GOOD NEWS

By Linda A. Barnes, NYC MEA Executive Director

During 2016, our members were contacting us to share positive information. We are excited about sharing some of these successes with you. We believe this will help to exhibit that our ability to advocate for our members does indeed yield results in the long run. In some instances, we worked with our members for an extensive period of time.

The following success blurbs reflect real people, real MEA members. Their information has been kept intact, just as they communicated it to me. We have omitted their names and agencies to protect their confidentiality.

More than one year was spent working with and advocating for the manager and member who provided this comment: "It's been a bit hectic and I neglected to inform you. I am being promoted this morning to Executive Director. I owe you and MEA the gratitude you so richly deserve. I now await similar good tidings from my Deputy Director colleagues. Thank you."

### FAIRNESS & EQUITY

Five managerial employees reached out to us seeking fairness and equity for performing the same or similar job functions as many of their colleagues. About two years elapsed, but finally we received this message from one of the affected recipients: "It's been a long time in waiting, however, I am proud to say our leadership approved and endorsed a ten percent salary adjustment for each of us, effective December 8, 2016. I want to personally thank you for your support and assistance by writing letters on our behalf and reaching out to key individuals within (our) Department. Your assistance was invaluable and greatly appreciated".

From November 2015 until June 2016, President Stu Eber and I responded to concerns from this member related to title reclassification. After seven months, we received this note of appreciation from her: "I received notification that DCAS approved the classification of my title as an MIV Deputy General Counsel in the Office of Legal Affairs at (my agency). Thank you again for all of your assistance".

All of our membership services do not involve advocating for promotional or financial gain. Sometimes, our members just need someone to talk to, someone whom they can trust to understand. For example, this member stated: "I just wanted to hear that your office has the same view. I truly appreciate your expertise. Thanks for taking the time to educate me on this subject. Your judgment means a lot to me and many others! ... Thanks for ALL you do."

### MEDICARE REIMBURSEMENT

One of our retiree members evoked our professional, as well as emotional feelings. This 90-year old man had spent an exorbitant amount of time trying to resolve a long-standing benefits issue regarding a Medicare Reimbursement check for \$2,500. His payment had inadvertently been processed to another individual with exactly the same name. Our member pursued the correct Management Benefits Fund process, in order to get the matter resolved. Because of a communication breakdown among the member, banking officials and MBF representatives, the concern remained unresolved. We reached out on the member's behalf to MBF officials. MBF agreed to conduct a more extensive investigation, and within a few days the issue was completely resolved. After receiving his check for \$2,500, our member was so thrilled he decided to donate 50% of his payment to our

Career Development Program scholarship fund, to help other members and their dependents. Awesome!

Imagine working more than 30 years for the City and completing all the correct documents related to retirement. The big moment arrives, and after all the congratulatory hugs are done, you leave your place of employment for the last time. Now, all you have to do is wait for your first pension payment. Surprise, your managerial lump sum payment will not be forthcoming, because the City has determined that you owe it more than \$40,000! This is mind boggling and what one of our members experienced. Often our advocacy involves a collaborative effort with others.

### \$40,000 SAVED

In this situation, our member was a well-versed city employee with human resources expertise. This member's agency must be complimented for communicating extensively with us and Comptroller's Office to reach a satisfactory resolution. Our retiree member began owing the City over \$40,000 and ended owing nothing. Instead, she is now receiving payments. She expressed her thoughts this way: "I would like to thank you and the MEA for your tireless support, advocacy and time taken to assist me in bringing a fair and accurate resolution to my managerial lump sum payout case".

Our advocacy approach for our members allows us to delve into many work-related areas such as performance reviews, promotions, salary adjustments, title classifications and benefits.

Our members enjoy the advantage of all MEA benefits. If you are not a member, what's in your problem box?

*Why are you waiting to join?*

# A Personal Stake in Making Parks Great

## A Profile of MEA Member Martin Maher

By Vanessa De Santis

For decades Martin Maher has been inspiring colleagues and communities to care as much about New York City's parks as he does.

"For 32 years I've been the community engagement guy," said Mr. Maher.

This past January Marty was promoted to Brooklyn Borough Commissioner from his previous role as Chief of Staff – a role he had for 18 years.

Things have changed a lot from the time Mr. Maher started out in City Parks. He remembers early in his career going to community board meetings and hearing almost all complaints.

"Now you almost get applause when you walk into a room because the people are so appreciative."

Once sites of crumbling decline, New York parks have become popular places to while away a three-day

weekend. The cautionary tales of urban disarray have all but disappeared.

"People have really embraced their parks," said Martin Maher.

Marty's seen parks and the community grow more and more inextricably linked -- neighborhoods now use their parks more, enjoy them more but they also expect more from them. There are now, for example, a dozen cricket fields in Brooklyn. City parks come equipped with state-of-the-art playgrounds.

"Playground equipment is the best stuff we've ever had," said Mr. Maher. "It's really challenging and adventurous and it gives kids creativity."

Where mid-century city planner Robert Moses provided parks that simply didn't exist --now, city leaders look at existing parks for new ways they can be used. Martin Maher sees how parks can build better communities, preserve ecology,



buffer storm damage as well as serve as a free "Club Med" for all New Yorkers. "What we've done is give parks personality."

An MEA member since 1994, Mr. Maher has fond memories of how the organization has enriched his already rewarding work.

"I think the managers, particularly in parks, have definitely bonded because of the MEA," said Mr. Maher. "We have the great mission to make the City of New York better."



When she was a child Evelyn Marrero wanted to be Perry Mason – a fictional television lawyer who played fair and still won every case.

"That's what got me interested in law enforcement."

Evelyn got her start working at the Internal Revenue Service as a tax fraud investigator – work that would eventually lead to her current role as a Principal Financial Investigator at the Manhattan District Attorney's office.

Growing up when female professionals were mostly nurses and secretaries Ms. Marrero knew that to reach her career goal she'd have to set herself above the rest.

"In order to be taken seriously I had to really be on top of my game," said Ms. Marrero. "I made sure I got a good education, learned from the best and was extremely ethical in my work."

At the MEA's Holiday Scholarship Party last December, Ms. Marrero took home an Outstanding Achievement Award recognizing her involvement and influential work with the MEA. She's the MEA Municipal Chapter's Assistant Director who tries to fuse communication between agencies spread out over the City. The Municipal Chapter's comprised of many smaller agencies (Evelyn's agency at the Manhattan DA's office is one of them) and at times it can get unwieldy. "Since each agency has

different needs and concerns it's best to have your own Chapter."

It's one of the reasons Ms. Marrero is working to get the agency member numbers up – if an agency can reach 25 members, it becomes its own Chapter. Until that happens, Ms. Marrero keeps her Chapter up-to-date by summarizing important information from the monthly Board meeting in a newsletter-type email to all the Chapter members.

She's intensely engaged with MEA's Toastmaster International Club — T.I.P. — where she recruits new members and speaks compellingly about the merits of the not-for-profit educational program.

"Respect and integrity are the cornerstones of the organization – just like the MEA."

Respect and integrity are words that could easily apply to Evelyn Marrero herself, as well as, (perhaps not surprisingly)... Perry Mason.

## Chasing the Tax Cheats A Profile of MEA Member Evelyn Marrero

By Vanessa De Santis



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2016 MEA CHAPTER ELECTION RESULTS		
CHAPTER	CHAPTER DIRECTOR	ASSISTANT CHAPTER DIRECTOR
DYCD	Peta-Gay Campbell	Ebony Wilson
DOITT	Joseph Zucco	Maria Rodriguez
Municipal Chapter	Beryl Nyack	Evelyn Marrero
DHS	Sonya Russell	Cindy Teta
Comptroller	Michelle Centeno	Ernestine Rivers-Merritt
Corrections	Vacant	Vacant
Finance	Zena Spence	Vacant
DEP	Peter Kontogiannis	James Caggiano
NYCHA	Carl Walton III	Andre Cirilo
NYPD	Vincent Taddoni	Vacant
Buildings	Vacant	Vacant
DOE	Heidi Husser	Bernard Orlan
DOT	Valerie Coleman	Eileen McGuirk
HRA	Pamela Ross	Regina Russ
SCA	Renee Kraft	Padget Wynter
Probation	Gail A. Jones	Randy Williams
ACS	Colin Scantlebury	Paulette Barry
DCAS	Tina Ramsey	Raymond Schnetzler
Retirees	Adrienne Leaf	Sam Borkow
HPD	Darrell Sims	Mario Guerrero, Jr.
DDC	Michael Mitchell	Vacant
Parks	Laurence Major, Jr	Iris Rodriguez-Rosa
FISA/OPA	Eric Reitzel	Vacant
HHC	Diana Santos	Vacant
FDNY	Louis Cendagorta	Fitzroy Benjamin
DOHMH	Cynthia Mont-Bourbon	Ann-Marie Ashmeade
DSNY	Maria K. Petkanas	Chudi E. Chiejina