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MEA has a new director, attorney and bylaws

The MEA has hired Dr. Sandra Taylor Griffin to be its new executive director and Bob Felix as general counsel. New by-laws have been adopted which will require a mail ballot election beginning this fall for MEA officer.

"These changes will allow the association to continue its development as the powerful voice for municipal managers. Dr. Griffin is a leader with considerable work and volunteer experience with community development and advocacy organizations. Mr. Felix' private practice is devoted to increasing the rights of individuals fighting entrenched interests," said president Bill Dworkin.

Dr. Griffin was enthusiastic after the executive board unanimously approved her on March 5 to succeed Ed Perlmutter. "My entire career has been devoted to helping organizations gain power and recognition. The MEA is another opportunity for me to help people gain control over their work environment," she said. Her first day on the job was March 17.

Executive director Sandi Griffin

Mr. Perlmutter was the MEA's first executive director, serving in that position from July 1, 1994, to October 31, 2002. He said, "After 30 years in government, I learned that organizations need a change at the top every so often to bring in fresh views and visions. After eight productive years here, it is time for me to consider other opportunities. The MEA is a more dynamic organization now than when I arrived and it has an active executive board."

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General Membership Meeting

5:30 P.M. • June 18

HRA Central Office

180 Water Street • 12th Floor

(Entrance on John Street)

Budget battle claims few managers, so far

At deadline, May 23rd, the city budget remained unsettled for the fiscal year beginning July 1 and 2,000 mayoral agency employees were laid off on May 16. Another 2,500 may be terminated in the next few weeks.

Knowledgeable city sources have informed the MEA that the number of managers terminated May 16 was extremely small, around one percent of the total, which appeared to validate repeated assurances the MEA received that managers "would not be disproportionately disadvantaged." None of the terminated managers had contacted the MEA for assistance and the MEA does not know who they are.

No terminations have been scheduled in the Health and Hospitals Corporation. HHC administrators have told the MEA that Dr. Benjamin Chu, the president of the corporation, wants to avoid layoffs "at all costs" and that the new state budget may make that possible.

However some programs funded through the HHC and located on the premises of other city agencies may close. A manager in one of these programs has contacted the MEA for assistance and efforts to resolve this manager's situation are continuing.

Earlier in the year, mayor Michael Bloomberg had put the size of the city's projected budget gap at $3.9 billion. He demanded givebacks from the municipal unions that he valued at $600 million and sought billions of additional dollars in aid from state and federal governments. Mr. Bloomberg threatened 15,000 layoffs if he did not receive this assistance.

The city council held hearings on Mr. Bloomberg's preliminary budget in March and president Bill Dworkin was invited to testify. Before the finance committee on March 14, Mr. Dworkin called for greater cooperation between business, labor and governmental leaders to secure more state and federal assistance, selected tax increases and reduced contracting of city services to private vendors.

On May 2, the city issued 3,000 notices of termination to employees in mayoral agencies although the unions previously had presented a package they alleged was worth the $600 million the mayor was seeking. Mr. Bloomberg publicly rejected that proposal. A last minute negotiation between the municipal unions and the city did not produce an agreement and 2,000 employees from the 3,000 receiving notices were terminated on May 16.

On May 19, the state legislature overrode Governor Pataki's veto of a $2.7 billion package of new city taxing authority and other fiscal relief. The state action appears to have removed the financial rationale for the additional 10,500 layoffs the mayor said he was prepared to order under his "doomsday" budget. But 2,500 employees remain in jeopardy from the 15,000 facing possible layoff

President Dworkin (3rd left) at a city council committee hearing. Listening are representatives from the Board of Elections workers' union, the Civil Service Merit Council and a civic advocacy group.

MEA fights for retirees' accrued leave payments

Meeting at the comptroller's office are Gayle Horwitz, Sandi Griffin, Bill Dworkin, Gregg Brooks and Amedeo D'Angelo

The MEA continues to be frustrated by the city's failure to pay accrued leave to those managers who retired under last fall's incentive.

President Bill Dworkin explained, "City agencies have failed career managers. Scores of retirees have been waiting at least six months for the payment of the accrued leave that was due to them two months after retirement. Even at this late hour, the city continues to exhibit a lack of concern by not knowing how many agencies are sitting on paperwork for how many managers."

Under the legislation authorizing the retirement incentive, the city was allowed to spread payment of accrued leave over three equal installments to be paid two, 14 and 24 months after the person left staff

On May 20, the executive board authorized initiation of a lawsuit to force the city to comply with the law. "We are fed up with the city's inaction," Mr. Dworkin declared. "Many members have suffered irreversible hardship in that some were forced to draw from their deferred compensation accounts and others will be penalized by higher taxes when they receive two payments of accrued leave this year. We hope that the city will now take this matter seriously. We really don't want to litigate."

DCAS commissioner Martha Hirst, deputy Joseph DeMarco, president Bill Dworkin and Joyce Prevor discuss accrued payment problem. Chapter director Ron Wilkerson, James Hanley and Pam Silverblatt of the office of labor relations are not shown.

The process for paying accrued leave to managerial employees is more complicated than for sub-managerial staff because the city charter mandates an audit by the comptroller's office before managers can be paid. Each agency must prepare a submission which is then returned after audit to the agency for payment. It is at the agency level that almost all the problems have occurred and the city has not been responsive to MEA warnings and requests.

The MEA wrote to deputy mayor Marc Shaw on February 8, 2002, requesting that the Department of Citywide Administrative Services monitor the agencies submissions and to DCAS commissioner Martha Hirst on March 26, 2002, expressing concern. Neither took action.

Early this year, after hundreds of retired managers had not received their first payment, the MEA wrote to commissioner Hirst again. Mr. Dworkin and chapter directors Joyce Prevor and Ron Wilkerson met with Ms. Hirst and James Hanley, commissioner of labor relations, on March 5. Despite the MEA's request, neither DCAS nor OLR surveyed the agencies to find out how many submissions were still in agency personnel sections. The only tangible result of the meeting and subsequent follow-up phone calls was a memo issued by Joseph DeMarco, deputy commissioner of DCAS, asking agency personnel directors to make these submissions "a priority."

On May 16, Mr. Dworkin and executive director Sandi Griffin met with Gayle Horwitz, chief of staff for comptroller William Thompson, Jr., Gregg Brooks, a deputy comptroller, and Amedeo D'Angelo, bureau chief for administrative services. They advised the MEA that the comptroller's office had approved 356 submissions from the agencies and "was current" in auditing those now being sent by the agencies. Their office had a backlog as high as 175 but they reported that additional staff from other sections was temporarily assigned to eliminate it.

The MEA was encouraged to learn that those managers who had received their first payment would receive the subsequent payments on time as their "cases were now logged into the system" and no further audit would be necessary. But the MEA was disturbed that about 75 submissions returned to the agencies for clarification were still at the agencies and had not been returned to the comptroller.

Ms. Horwitz and Mr. Brooks said that there is no written procedure that agencies can follow when preparing these submissions which could cause agencies not to submit all the needed information or to not submit it in the most convenient format. They indicated an interest in writing such a procedure, called an accounting directive, but that it would take several months and would not be a solution for the current matter.

The comptroller's representatives agreed to consider several suggestions made by the MEA including making partial payments of accrued leave pending completion of the audit and auditing leave balances of managers periodically while they are still on staff so the task would be less onerous at retirement.

Retirees search for savings

As a result of a mailing the MEA sent to retirees, at least 47 retired members will participate in an effort to identify opportunities for city budget savings and to develop formal proposals that could be presented to city administrators.

Several retiree organizations are participating in this effort which was inspired by a city demand that municipal unions agree to a 50 percent reduction in funding for welfare fund programs for retirees. If the unions accede, the MEA is concerned that the same reduction will be applied to retired members of the Managerial Benefits Fund.

More information about this project can be obtained from Joel Fishelson or John Mazzarella at 212-686-1229.

Union seeks coordinating and administrative managers

Coordinating managers and administrative managers in the Health and Hospitals Corporation and in mayoral agencies have received surveys designed to determine if employees in those titles should be eligible for collective bargaining representation by Local 1180 of the Communications Workers of America, AFL-CIO.

Local 1180 has filed a petition with the New York City Office of Collective Bargaining (OCB), a neutral third party empowered by the collective bargaining law to decide such matters. Employees in the two titles are now part of the managerial pay plan and are not eligible for collective bargaining or union representation.

"The surveys were sent to each coordinating manager and administrative manager so we can ascertain the facts about what each does on his or her job," explained a person at OCB who is involved in the process, "then a determination will be made according to criteria specified in the law. The individual's preference is not taken into account."

MEA attorney Bob Felix elaborated, "The law presumes that all employees are eligible for collective bargaining. The courts have ruled that criteria for exempting employees from collective bargaining must be applied conservatively and narrowly and that the burden of proof is on management."

Executive director Sandi Griffin reported, "We have received calls at the office and questions at chapter meetings. We have advised members to respond to the survey truthfully and accurately."

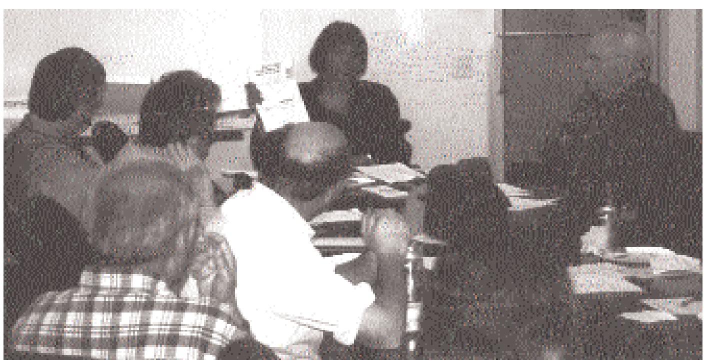
The MEA understands that the city and Local 1180 are expected to meet in June to review the surveys and to determine which administrative manager positions they can agree are managerial and which are not. OCB may hold a hearing on those positions that remain in dispute and the individuals involved may be asked to testify at that hearing. A similar process is expected to begin in August for coordinating managers.

When pressed by the MEA, the OCB source agreed to accept written communications from any coordinating manager or administrative manager who may wish to add to the facts presented in the individual's survey to show how the individual's job meets the requirements in the law.

According to Mr. Felix, employees may be designated as managerial only "if they are persons (i) who formulate policy or (ii) who may reasonably be required on behalf of the public employer to assist directly in the preparation for and conduct of collective bargaining or who have a major role in the administration of agreements or in personnel administration provided that such role requires the exercise of independent judgment."

Letters can be addressed to the Director of Representation, Office of Collective Bargaining, 40 Rector Street, 7th Floor, New York, NY 10006

Managers support the MEA



Dr. Griffin meeting with managers of the Department of Design and Construction. Chapter director Tony Rini is at right.

Hundreds of managers, confidentials and group 11 employees have joined the MEA during a continuing, months-long recruitment drive started last year.

"Our advocacy for those employees who are our members has resulted in pay raises and correction of pay inequities, help for hundreds of managers with individual job situations, improved terminal leave for HHC employees and the successful 12 year battle to obtain payment for overtime worked by managers," said Bill Dworkin, president of the MEA. "In this time of fiscal crisis, retirement incentives and lay-offs, it is more important than ever that municipal workers not represented by unions work together to advance their interests."

Executive director Sandi Griffin, who is organizing the recruitment campaign, elaborated, "We are working hard just to increase the membership in the face of retirement incentives and unionization of titles previously deemed managerial. Managers demand and deserve more services from their association and the more members we have sharing the load, the more effective we can be on their behalf."

Dr. Griffin has spoken with every chapter director, distributed recruitment material to them and has gone to the work locations for chapter meetings and to talk with members. "Chapter activists and members can be the most effective representatives of the MEA by talking to the nonmember colleagues. I am trying to get every member to get another manager to join."

Members who recruit at least five other members are recognized at the annual holiday party with awards equal to a half or a full year's dues depending on the number of new members recruited. Barbara Duckett, Bellevue Hospital; Bob LaGrotta, Department of Environmental Protection; Sallejane Seif, Department of Education, now retired; Ron Wilkerson, Department of Homeless Services; and Jessie Woodbury, Kings County Hospital, were so honored at last December's event.

Scholarships offered

For the first time the MEA will offer two scholarships of $500 each to members who are in the last two years of study leading to an undergraduate degree announced Ron Wilkerson, chair of the membership committee. These will be in addition to the ten $500 college scholarships offered to children of members or to minors for whom a member is the custodian as has been done for several years.

"There was considerable sentiment on our committee and the executive board to add the scholarships for members," Mr. Wilkerson said. Treasurer Steve Ferrer was able to make funds available in this year's budget.

Applications for the scholarship with complete eligibility requirements have been mailed to MEA members and must be completed and returned by July 31.

New counsel represents 'the little guy'

Bob Felix, the counsel to the MEA since July, represents individuals fighting unjust and illegal actions by their employers. Members know him as co-counsel in the three recently settled overtime lawsuits against the city but he has also won monetary awards for wage earners in more than a dozen other overtime suits.

"I represent the little guy against governmental and corporate powers," Mr. Felix said. "I have a commitment to workplace fairness, a compassion for people, dogged perseverance and strong litigation skills.

"The MEA is an opportunity for me to help members by litigating conflicts where the association cannot negotiate a settlement. One possibility is the city's inability to pay accrued leave in a timely manner to those managers who retired under last fall's incentive. Whistleblowers or instances where persons have been acting in higher level positions but have not been paid appropriately or promoted might be others."

After being admitted to the bar of the state of New York in 1976, Mr. Felix concentrated on civil service law while working for the New York State Department of Taxation and Finance and the New York City Housing Authority. In December of 1985 he joined a private law firm where he represented civil servants being discriminated against because of disability, being disqualified from government employment or facing disciplinary charges. Mr. Felix started his own firm in January 1992.

Bob Felix

Individuals he has represented in his private practice have won claims of gender, age or racial discrimination and of sexual harassment. One gender discrimination case, where his client won reinstatement at her job with back pay and damages, was featured in *New York Magazine*.

Mr. Felix is a native New Yorker who resides in Manhattan. He is a graduate of Brooklyn Technical High School, City College of New York and the New York Law School. He is a single parent and his son, Joshua, is a sophomore at the Bronx High School of Science.

Mr. Felix is an avid reader and spends weekends, as often as he can, enjoying nature and life with his friend Belinda in Eastern Pennsylvania.

Yourman settlement

The 700 plaintiffs in the three overtime lawsuits received their first payments from a $12.5 million settlement of the 12 year old *Yourman v. Dinkins* litigation during the week of December 16. The settlement applies to the companion cases of *Carter* and *Feaser* as well.

However, the matter is not fully closed for those managers whose pensions may be increased by the payment. Since retirement allowances are based on final salary, those whose final salary has been increased by this settlement would seem to be entitled to a revised retirement allowance.

The city is resisting revising the affected pensions and Joan Stern Kiok, lead attorney for the plaintiffs, is considering returning to court on this point.

President Bill Dworkin said, "The settlement is a significant victory for the MEA. At a critical juncture, we provided the funding to permit this case to go forward and I am delighted at the outcome."

The terms of the settlement, which was approved September 10 by federal district judge Loretta Preska, require the city to pay each plaintiff the amount they should have received for the overtime worked under the federal Fair Labor Standards Act (FLSA) and the city policies in effect at the time. They will receive about 19 percent additional for liquidated damages. Had the city not settled, it could have been liable for double damages, additional attorney fees and more interest.

Plaintiffs owed $10,000 or less received the entire amount last year; the others will be paid in equal amounts spread over three annual payments. The MEA was reimbursed about $130,000 for expenses that it incurred over the lifetime of the suit from the $1.7 million the settlement allows for attorney's fees and other costs above the $12.5 for the plaintiffs.

The suit was filed April 1, 1991, for overtime worked by managers between April 1989 and the fall of 1993. After the suit was filed, the city changed its policies so that managers are exempt from the paid overtime requirements of FLSA and no longer eligible for paid overtime.

New director...

Continued from page 1

Dr. Griffin was recommended to the executive board by a search committee chaired by Mr. Dworkin. The members were the three other officers—Roy Durig, Steve Ferrer and Joe Ramaglia—and chapter activists Warren Lewis, Gerry McCormick, Mary Richardson, Joseph Tafarro, Ron Wilkerson, Jessie Woodbury and Eddie Yood.

Mr. Felix was approved by the board on June 10. He replaces Joan Stern Kiok, counsel since the fall of 1986. Mr. Felix and Ms. Kiok were co-counsel for the successful MEA supported lawsuit, *Yourman V. Dinkins*, against the city for payment of overtime worked by managers. The counsel interprets laws and regulations that affect the association.

Mr. Dworkin advised the executive board on January 8 that associate executive director John Boden resigned effective January 31. Mr. Boden, who was responsible for recruitment of new members, gave no reason for his resignation. Mr. Dworkin assured the board that the resignation was at Mr. Boden's initiative. Membership recruitment now falls within the purview of Dr. Griffin.

Also at the March 5 executive board meeting, Mr. Dworkin advised the board members that newsletter editor Bob Pfefferman would work part time as communications coordinator. In addition to continuing to edit the newsletter, Mr. Pfefferman will make the hot line recorded message and manage the redevelopment of the MEA website. He will also be involved with an MEA initiative to obtain formal rights for the association to "meet and confer" with city officials. The access the MEA now enjoys is informal and voluntary on the part of the city.

More material about the changes of executive director and counsel as well as the new bylaws is in separate articles.

Executive director is advocate, administrator and planner

"I am an advocate, an administrator and a planner who wants to empower people," declares Dr. Sandi Griffin, the MEA's executive director, when asked to describe herself.

"My academic training enables me to listen to what people say they need to make their lives more manageable and less stressful and my activism makes me want to see how we can provide it and at what cost.

"It is my job to understand the aspirations of MEA members and present them to the municipal decision makers so that we can become more effective members of the mayor's team. My experience shows that people who don't feel that they have control over their work environment, can feel trapped and immobilized. We don't want that!"

Dr. Griffin—who has a doctorate and three master's degrees—brings a background of 25 years of furthering community and human development, program planning and project administration to the MEA along with 20 years of grass-roots volunteer work in her community.

From 1996 to 2001, she was deputy executive director of the National Federation of Community Development Credit Unions, a national advocacy organization for 200 member credit unions that served 300,000 residents of low and moderate income communities. The federation which lobbied with federal and state regulatory agencies, federal and state legislatures and with local community leaders provided technical assistance and training to the member credit unions and obtained grants from bankers and foundations which the member credit unions used to make loans.

At left, Dr. Griffin (center) with search committee members Mary Richardson, Eddie Yood, Ron Wilkerson and Warren Lewis

Left, Dr. Griffin meets Environmental Protection commissioner Christopher O. Ward before a chapter meeting

Dorothy Wallace, chapter director Roberta Gonzalez and Mary Masterson of the Department of Health and Mental Hygiene with Dr. Griffin

While at the federation, Dr. Griffin completed her formal education and obtained a doctorate in environmental psychology from City University of New York in 1998. In March of 2000, her book *Successful African-American Men: From Childhood to Adulthood* was published. It was based on her dissertation and studied the motivating influences low-income communities provided high achieving black men growing up in those communities as they negotiated their way to success.

Dr. Griffin left the federation shortly after her book was published. "It got such good reviews that I was invited to teach psychology at Connecticut College in New London, in addition to my teaching at Lehman College. After 25 tough years on the front lines with a lot of traveling, hotels and airports, I wanted a rest. But while I enjoyed full-time academia, I missed the action. So I decided to apply for this job."

As her first job after she graduated the University of Wisconsin in 1970, Dr. Griffin was a foster care caseworker for children at the Human Resources Administration. She studied at the NYU graduate school of public administration and obtained her first master's degree which was in urban planning with a concentration in program and advocacy planning from Hunter College.

"Helping neglected or abused children was rewarding," Dr. Griffin recalled, "but I felt I could make more of an impact working with communities rather than individuals." She left HRA to become principal planner for a management corporation which was responsible for 44 community development projects in ten communities on Long Island.

For the past 20 years she has been active in Harlem, where she resides with her husband, Percy, an architect. She has held various leadership positions including president of the Convent Avenue Baptist Church Credit Union, president of her block association, president of her political club, vice president of the Convent Avenue Baptist Church project to build a Boys and Girls Club of Harlem, chair of Landmark's Harlem, a historical and cultural preservation society, and a member of the board of the Mattie. B. Wilson Education and Training Institute.

Dr. Griffin and her husband have an adult daughter, Kammara, and a three-year old granddaughter, Lorel.

Financial seminar

The MEA will hold a financial seminar, "Investing in Difficult Times," on June 21, 9:30 a.m., at the MEA office. The seminar is without cost and is only open to MEA members and their spouses or partners. It will be conducted by Brain M. Neyland, a financial consultant with GIS Investment and Insurance Services.

Attendance is limited to 30 people. Space will be reserved for the first members who contact Marie Cairoli at the MEA office. If there is enough interest, an additional seminar may be scheduled. A continental breakfast will be served.

New bylaws require mail ballot election

Because of new bylaws adopted without opposition at the membership meeting of December 9, this fall's election for MEA officer will take place by mail ballot referendum conducted by an outside neutral party.

Starting with the next election three officers will replace the current four. The duties of each of the three make each officer responsible for specific MEA functions. The three will be a president, an executive vice president and a treasurer; the position of the secretary has been abolished and its responsibilities distributed among the three remaining officers, mainly the executive vice president.

Three directors-at-large were created to increase the number of representatives elected by the entire membership to the executive board to six from the current four. The three officers also are members of the executive board.

President Bill Dworkin greeted the vote of the membership enthusiastically, "The new bylaws keep pace with changing times and a maturing organization. The mail ballot election will give all members an opportunity to vote and the use of an outside party will allow the members to be confident that the election results accurately reflect the membership's wishes. The creation of the directors-at-large makes MEA policy making more democratic and the reduction of the number of officers makes administration of the organization more accountable,"

At the same time as the membership was adopting new bylaws, the executive board adopted an election code which establishes the details of the election process. Mr. Dworkin explained, "The last election, in 2001, exposed the tension an association can encounter if it has no established rules for conducting elections. That election committee was forced to create a body of rules from scratch at the worst possible time—during a contested election campaign. The object of the code is to make the job of the election committee as ministerial as possible."

The code requires that the outside neutral party conducting the elections be the American Arbitration Association. The AAA is a well regarded outside neutral entity used by hundreds of organizations and it has never had an election it conducted overturned in court

Many less prominent changes to the bylaws were made including numerous language clarifications. The most significant of the other changes allow any retired manager to join the association instead of restricting membership to retirees who had been members prior to retirement and establishing a chapter for retirees in the bylaws. The retiree chapter had existed previously only by vote of the executive board.

The only change that was controversial at the membership meeting was a new requirement that the president and executive vice president not be retired as of the date of taking office. Fred Ewald, a former MEA secretary and long-time activist, proposed rejection of the committee's recommendation. The members at the meeting supported the committee recommendation by a show of hands after several speakers debated Mr. Ewald's proposal.

The previous bylaws were adopted in 1968 and amended ten times since.

The most significant changes at a glance

• The number of officers is reduced from four to three—a president, an executive vice president and a treasurer. Reducing the number of officers—and clarifying their duties—makes the administration of the MEA more accountable.

• Three "directors-at-large," a new concept for the MEA, are created. This makes policymaking more democratic and increases the number of representatives on the executive board directly elected by the membership from four to six.

• Any retired manager will be allowed to join the MEA; previously managers must have been members before they retired in order to be a member after they have left city service.

• The president and executive vice president must not be retired as of the date of taking office.

• A chapter for retirees is created. Previously, the chapter existed only by vote of the executive board.

• The MEA will hold its officer election by mail ballot referendum conducted by an outside neutral party.

• The executive board is authorized to establish an "election code" establishing detailed election rules.

A more extensive summary, as well as a copy of the new bylaws and new election code, is available to members from the office.

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225 Broadway - Suite 1407
New York, NY 10007
Phone: (212) 964-0035 • Fax: (212) 964-6458
Recorded Message: (212) 946-1455
e-mail: nycmanager@aol.com
Closing date: May 23

Letters wanted

Letters to the editor, suggestions for newsletter articles and ideas for MEA activities are welcome. Send yours to Bob Pfefferman at the MEA office. (Letters may be edited for length and clarity.)

Mr. Pfefferman is forming a newsletter committee. If interested, send your name, phone number and e-mail address to the MEA office.

The latest news

The MEA "hotline," (212) 946-1455, has the latest recorded news for municipal managers and confidentials, and group 11 employees in the Health and Hospitals Corporation. It is changed every two weeks, more often if necessary. Call the hotline today!

More fund benefits

The Managerial Benefits Fund has announced a number of benefit enhancements retroactive to January 1. Details were mailed to fund members and include improvements to the superimposed major medical plan and the dental plan. More information can be obtained from the fund at (212) 306-7290 or from its website at www.nyc.gov/html/olr. The MEA has a seat on the fund's advisory board.