



Layoff Threat ...

Questions & Answers



1. What is PEF's position on the governor's demand for concession vs. layoffs?

PEF's position is there are many ways the governor can achieve his stated need of a \$481 million reduction that do not include concessions or layoffs. The governor has other choices to close the deficit; he is choosing not to discuss these options and instead is intent on punishing the state workforce.

2. What has PEF offered the governor as an alternative to layoffs or concessions?

PEF has offered the governor many alternatives. We showed the governor ways to save up to \$700 million annually by reducing the number of contract consultants. We have suggested the Voluntary Reduction in Work Schedule program (VRWS) be expanded. By allowing our members to more easily access the VRWS program, the state could save at least \$70 million annually. We have explained how expanding the Over-40 Comp Time program to areas such as on-call/recall would also save the state considerable amounts of money.

The governor refuses to consider these options at this time.

3. Why won't PEF re-open the contract?

PEF will not re-open the contract while the state has other options to reduce the deficit. The state is not like a private-sector company facing bankruptcy. The recently passed state budget increased spending by more than \$10 billion, yet the governor still wants state workers to give up negotiated benefits equal to \$481 million.

If PEF were to re-open our contract and negotiate concessions, our contract would become a meaningless document. What would be the point of having a contract if the governor could force us to give up any gains by threatening to layoff our members? More important, the governor is not seeking to renegotiate. He is simply seeking concessions. Negotiation is about seeking agreement in the context of the entire agreement. Stripping away one key component of the balanced package undermines the negotiation process.

4. Why can't PEF get a guarantee of no layoffs like the M/C's got?

The "guarantee" that M/C staff received is only a partial guarantee. The exact statement reads that M/C staff, "will be exempt from the layoff actions that were announced on March 24, 2009 whenever legally permissible in light of layoffs of unionized employees." The truth is M/C layoffs will still occur as a result of facility closures announced earlier this year. If there is another layoff announced later this year, M/C staff are not covered. That is not a guarantee; it is a stay of execution.

5. What are the governor's demands?

The governor is demanding PEF accept a five-day lag in pay and a Tier V or give up one-half of our negotiated raises for the next two years and a Tier V. If PEF gives these up, the governor offers a guarantee of no layoffs for one year if we accept the lag, and for two years if PEF accepts the reduced negotiated raises.

The problem is, (1) if we re-open our contract, we essentially nullify the contract and, (2) we can't trust the governor's "guarantee." When facilities/ programs close, our members will be subject to layoffs regardless of any agreement. If the fiscal situation deteriorates further, the governor may be forced to make further reductions and those will be accompanied by layoffs. When we pressed the issue and asked how "no layoffs" could be guaranteed, the governor could not answer the questions.

6. Why is the governor making these demands?

This is a difficult question to answer. It is not to save money. PEF and CSEA have offered ways to save more than the \$481 million the governor claims he needs to save. The bottom line is the demands make no sense. It seems to be a bullying maneuver to simply show the state can push the unions around to obtain concessions that are not really needed. Perhaps the governor is trying to improve his poll numbers in advance of his next election.

7. Is PEF working with the other unions?

Yes, we are working very closely with CSEA and are seeking the support of other state worker unions as

well as other AFL-CIO unions. This is an attack on the union movement and we are hopeful that our brothers and sisters across New York will join our fight.

8. Will there be an ERI?

No. The governor, the director of the Division of Budget and the secretary to the governor have all stated very clearly that there will be no ERI. They do not believe it saves money and they are philosophically opposed as well.

9. What is PEF going to do if the governor continues pushing for layoffs?

PEF is approaching this on two fronts. The first, and most important, is to focus on the governor. We will be rallying at his office in New York City on April 30. We will be following him around and picketing him at many events he attends, especially fund-raising events. The other approach is to reach out to our friends in the Legislature and ask them to pressure the governor to back off from this ill-advised scheme.

We may not get much advance warning on the governor's appearances, so we will need our members to be prepared to respond quickly and make our presence known.

10. What are the "Workforce Reduction Plan Targets"?

The Division of Budget (DOB) issued specific numbers of workforce reductions that each agency is supposed to make. According to DOB, agencies should, "...strive to achieve the maximum number of reductions through normal attrition." It appears the targets were achieved by making roughly 6 percent cuts to each agency.

PEF believes these position reductions are from the agency FTE level that was adopted by the Legislature in the enacted budget. We have not been able to confirm this. DOB has told us they are in addition to the reductions adopted in the enacted budget including the OCFS, DOCS, and OASAS workforce reductions. We will continue to seek more clarity on what exactly the numbers associated with each agency means.

11. What is the process for identifying the positions to target?

Agencies have been directed to prepare Workforce Reduction Plans that achieve their workforce targets by July 1, 2009. These plans must be submitted to DOB by April 21, 2009. These plans will identify specific reductions in specific titles in specific work

locations. Again, these can be via attrition or layoff. They may include vacant items as well. DOB directs agencies to, "ensure that reductions are made in ways that do not impair the agency's core mission."

12. What is the layoff process?

The layoff process is complicated and may be different for different agencies depending on the existence of negotiated agency-level labor-management agreements. We have placed links on the PEF Web site <http://www.pef.org/rif/index.htm> to various civil service publications that explain the layoff, also known as reduction in force (RIF) process. The PEF Web site also has a PowerPoint presentation that explains the basic RIF process as well as how transfers under Section 78 of the Civil Service Law are used to mitigate layoffs

13. What should members be doing in their agencies?

Agency labor-management chairs should be seeking as much information as possible from their management counterparts. The plans are not "public" until approved by the director of the Division of Budget and implemented. Some managers may still be willing to share some "off-the-record" information.

Additionally, PEF leaders and members should not be involved in this process. Identifying positions for layoff is management's responsibility and the union should not be involved.

14. What should members be doing to help PEF fight these layoffs?

Members should follow the PEF Web site (www.pef.org) and the weekly "AIM" updates. If you are not signed up for "AIM" you should do so now by going to the PEF Web site and clicking on the "Action Center" button. You should also be ready to join your fellow members in any activity that comes to your area.

The governor is attacking you and your union. It is time to stand up and be heard.

15. How can I contact the governor?

His address is:
David A. Paterson
State Capitol
Albany, NY 12224

His phone number is:
518-474-8390

To e-mail the governor, copy the following link into your browser's address window.

<http://161.11.121.121/govemail>