

# Would staff penalties bring any changes at Willowbrook?

By ROBERT MIRALDI

**Will predetermined penalties against Willowbrook Developmental Center staffers who do not perform their duties make the road to progress any faster at the 2,595-bed home for the retarded?**

The answer to that question is presently being debated and argued between members of the Willowbrook Review Panel (they want penalties) and the state Department of Mental Hygiene (they're not so happy about penalties).

The penalties the Review Panel wants to see set would be aimed at middle and upper-level management employes at Willowbrook, including the director and his deputies.

In essence, the penalties would state that if, for example, a deputy director responsible for staffing did not maintain required staff levels, he would be fired.

Termination would be the most drastic penalty imposed on any of the 4,350 employes at Willowbrook but, some members of the Review Panel feel, it may be the only way to force the state to meet federal standards and hold staffers accountable.

"It isn't the little guy who's losing up at Willowbrook," Murray Schneps, a Manhattan attorney and member of the Review Panel, says. The penalties, Schneps feels, "should go up and down the line.

"We are aiming at supervisors," Schneps says.

On the record, a spokesman for the Department of Mental Hygiene says, the state has no argument with "predetermined sanctions," as they are called in letters exchanged between the panel and the department.

Apparently the state has off-the-record reservations, however. Some department officials are suspicious about the purpose of the sanctions; others question the legality; some say enforcing the sanctions would be "an administrative nightmare."

The same department officials admit nonetheless that they, too, have long wanted a way to hold middle and upper-level management staffers accountable. The Review Panel is convinced that "predetermined sanctions" are the way to do it.

"The sanctions are not to punish," Schneps says, "they are to see that things are done."

"The state has had 18 months to im-

plement the order," Michael Lottman, another attorney and panel member, says about the federal order which mandates levels of care at Willowbrook. "And they have not done it to any great extent. There is a need for more compulsion.

"We wouldn't be fair" to the Willowbrook residents "if we didn't force the state to be more serious about" meeting federal standards, Lottman says. The sanctions would put "more teeth" in the federal order.

It is the Review Panel's belief that, along with other recent developments at Willowbrook, the sanctions would speed up the improvement process. The state recently developed a 1,000-page operational plan that defines the responsibility of each staffer, including naming management people and their duties.

When the Department of Mental Hygiene agreed to draw up the organizational plan, it agreed in a letter to include in the plan "a system with sanctions and/or procedures state and/or court imposed against responsible officials."

The sanctions would include loss of pay, demotion, transfer, a fine or firing. It would probably be up to Dr. Levester Cannon, Willowbrook director, to impose the sanctions.

"That's Cannon's job," Lottman says.

The state handed over its operational plan — sans penalties — to the Review Panel Oct. 16. Without the sanctions, the plan was "unacceptable," a panel spokesman says.

Since the rejection, however, reportedly Gov. Carey's office has taken an interest in the dispute and apparently has placed subtle pressure on the Department of Mental Hygiene to go along with sanctions.

A spokesman for Mental Hygiene Commissioner Lawrence C. Kolb says now about sanctions: "If it's at all feasible, we would like to see it done...if it is in line with civil service regulations."

A system of sanctions against employes already exists under civil service regulations and there may be problems, and challenges, to written sanctions, above and beyond existing regulations.

A spokesman for the Civil Service Employees Association, which represents most of Willowbrook's work force, says the union has not been consulted. It is likely the union will not look kindly on predetermined sanctions.