

Institution teachers win delay in state job reclassification

By ANEMONA HARTOCOLLIS

A state action to reclassify teaching positions at more than a dozen public institutions for the mentally retarded, due to go into effect yesterday, has been postponed in State Supreme Court, Albany.

The action was delayed until April 16 by Justice Robert Williams, who on Wednesday awarded a temporary restraining order to the teachers' union, the Public Employees Federation (PEF).

A hearing was scheduled for April 11 on the change in status for up to 700 teachers statewide — including about 100 at the Staten Island Developmental Center, Willowbrook. All the teachers concerned are civil-service workers.

The reclassification, announced in late February by the state Office of Mental Retardation and Developmental Disabilities, was to be carried out on a voluntary basis.

But PEF general counsel Marc Krieg said yesterday that he sought the restraining order because the state was exerting "unreasonable pressure" on teachers by setting yesterday as the deadline for their decision whether to switch.

The teachers, Krieg contended, were being required to make an "irrevocable" career choice before they had fully investigated and understood the consequences.

Both pay scales and workload would be affected by the reclassification, and pockets of resistance had sprung up at a number of developmental centers.

State authorities insist the teachers and the retarded population they serve stand only to gain from the change.

Robert Bush, PEF regional coordinator, explained yesterday that the state's policy of phasing the mentally retarded out of institutions into small community facilities has led many teachers to suspect they may be perceived as superfluous and therefore eased out of a revamped system.

"We've all heard talk of closing developmental centers, and this creates a lot of anxiety as to where the Department of Mental Retardation is going," he said.

Noting that the jobs package would consolidate some duties now performed

by attendants with those of the professionals, Bush asserted: "teachers are being relegated to hands-on care."

The reclassification, he continued, "seems to be an indication that the Department of Mental Retardation feels those clients remaining in institutions may not be educable, that they simply need activity for activity's sake."

"There's constant pressure due to the kind of clients they're dealing with," Bush said. "They are mostly multiply handicapped and basically an unexplored field."

He noted that state-employed teachers in correctional facilities and in the Office of Mental Hygiene, which provides psychiatric services, are not subject to the proposed classification.

Mental retardation officials concede, in part, Bush's analysis.

According to James A. Hackman, assistant director of personnel for mental retardation, 90 percent of the retarded population under age 21 still remaining in state institutions fall into the categories of greatest disability — that is, severe and profound retardation. After age 21, educational training is replaced by vocational training.

But Hackman dismissed the notion that the state is downplaying education for remaining developmental center residents. The new classification, he said, by extending the teachers' contract from 10 to 12 months, would "bridge a gap and provide continuity and reliability" currently lacking in education.

The teachers until now have worked on a 10-month schedule with two months off each summer. About 35 percent of the teachers consistently opt to continue working during the summer, funded by a combination of federal Title I and state grants, according to union officials. Teachers who did not sign for the new job package would lose this option, ending up out of work each summer.

The 12-month schedule is a major

sticking point for teachers. Authorities on both sides of the dispute acknowledge that Title I funds have been steadily decreasing over the years. In Bush's view, the imposition of a 12-month work cycle is more attractive to the state as a cost-saving than as a therapeutic measure.

"I think the state is afraid it's going to lose Title I and be forced to pay a lot more for summer school," he said.

Krieg, the PEF lawyer, said the state would be "penalizing" teachers who do not switch to the new package by depriving them of summer work.

James Brown, a state negotiator and assistant director of the Governor's Office of Employee Relations, responded yesterday that summer employment under the 10-month cycle "is not a benefit to which the teachers have contractual entitlement." As a result, he said, withdrawing the option cannot in a legal sense be construed as a penalty.

Brown deemed the loss of scheduling flexibility to be "offset" by pay raises written into the package. All except the lowest teaching level would be upgraded, or promoted, by the reclassification. Under the teachers' contract, Brown explained, promotions entail a "guaranteed" 4½-percent salary hike.

Most superficially, the reclassification would replace "teacher" and "education" titles with the newly invented "developmental specialist" and "developmental assistant" titles.

Teachers have expressed anxiety that there is more to the reclassification than meets the eye. They fear that if they some day are no longer essential to streamlined institutions, the titles will hamper a transfer into the public school system, in which a steady trickle of mental retardation educational personnel already are taking refuge.

Hackman discounted this possibility, saying the state Education Department had "endorsed the proposal from the beginning."