

# Mental health workers claim layoff 'hit list'

By COREY SANDLER

ALBANY, N.Y. (AP) — The state Office of Mental Health used a "hit list" of troublemakers in determining which employees to lay off Friday, a group of employees claims.

The workers said budgetary cutbacks were used as an excuse. They said they were also discriminated against because of their sex and age. And, they contended at a press conference Wednesday, their seniority was ignored and the layoffs skipped over members of a rival union.

A spokesman for Mental Health disputed the claims, saying all civil service rules were followed.

Among the mental health employees given layoff notices was Dr. Fern Schwartz, the author of a critical report on the South Beach Psychiatric Center. The report, released last year, alleged that negligence may have contributed to patient deaths at the Ocean Breeze institution.

In a letter to Gov. Carey, Dr. Schwartz, who was employed at mental health's New York City regional office, asked the governor to intervene and restore her position. She implied that her termination resulted from her critical evaluations of certain state programs.

Joan Peak, one of 33 who face termination Friday, filed a class action lawsuit in state Supreme Court on Wednesday, asking a restraining order and an explanation by the office.

The layoffs were made "in bad faith," Mrs. Peak said, and she urged other workers who may be part of cutbacks in the state workforce to institute similar lawsuits. Gov. Hugh Carey has called for the elimination of about 500 state jobs as part of new budgetary restraints.

The workers say the department began hiring as many as 50 new employees — many for temporary positions — the same day others were notified they were to be dismissed.

The lawsuit was filed by the same law firm which represented a group of 55

state policemen who protested their layoffs earlier this month. A court order blocking the dismissals was issued, and the governor later withdrew the threat of firings, at least while he seeks a compromise with the state Legislature on funding for the Division of State Police.

One of those to be laid off, Kerry Kittell, said she had filed a claim of sexual harassment with the state Division of Human Rights in 1979, but had not pursued it at the time because of improvements in conditions. She says she now has reinstated the claim, adding a charge of retaliation because of the termination move.

Those scheduled to be laid off, 23 at the Albany central office and two each at regional operations in the New York City, Long Island, Buffalo, Central and Hudson River areas, are mostly over the age of 40. That fact brought the involvement of the Gray Panthers, a group representing senior citizens, which issued a statement of support.

Only five of the 23 main office workers are eligible to "bump" employees in lower classifications. Ten of the workers are members of the Public Employees Federation, a union which represents professional state workers.

Robert M. Spoor, spokesman for the department, said the layoffs were made because of recommendations from the Division of the Budget.

"We looked at the layoffs in terms of which jobs would be or could be terminated with the least disruption," he said.

Spoor said those hired recently by the office held special skills such as in accounting, and were not replacements for the laid-off workers.