

Willowbrook staff, union officers file \$1M civil rights suit

By ANEMONA HARTOCOLLIS

Lawyers for 45 workers and union officers at the Staten Island Developmental Center, Willowbrook, yesterday filed a \$1-million civil rights suit in Brooklyn Federal Court against Gov. Carey, the state's commissioner for mental retardation, the developmental center's director and two state personnel officials.

The plaintiffs allege that the state has violated First Amendment rights, engaged in racial discrimination and waged a political vendetta at the institution in recent months. They and others allegedly affected belong to Local 429 of the Civil Service Employees Association (CSEA).

Their lawsuit came as a reaction to the state's handling of two incidents of labor unrest this summer at the facility, which provides care for 1,100 mentally retarded residents.

In the first case, the state docked one to four days' pay from 371 CSEA workers charged with staging an illegal sick-out in mid-July.

In the second case, the state initiated disciplinary proceedings against nine CSEA officers and members who, with other protesting workers, occupied the institution's administration building for five days in mid-August.

Lawyers for the plaintiffs said yesterday they would try to develop a class-action suit on behalf of all CSEA officers and members — beyond the 45 now named — who have been or might be penalized by the state in connection with the two incidents.

Meanwhile, Brooklyn Federal Court Judge Edward R. Neaher refused late yesterday to grant the plaintiffs' request for a temporary restraining order and a stay in arbitration.

The temporary restraining order would have reinstated six union officers suspended indefinitely without pay and banished from the institution by the state for their roles in the building occupation. It also would have forestalled any further disciplinary action. As a simple labor-management dispute, the two summer incidents are to be reviewed by an independent arbitrator.

Felton King, Local 429 president and one of the named plaintiffs, commented yesterday: "Any time you deprive a working person of his financial reward, you're trying to force him to come back crawling on his knees. This is something we're not going to do. When our case is heard, I feel a lot of people are going to be embarrassed."

Commissioner James E. Introne of the state Office for Mental Retardation and Developmental Disabilities insisted: "I think the actions we took were appropriate, and I think any observer who looks at our actions will come to the same conclusion."

Introne authorized the actions against CSEA officers and members after consulting with three of the other defendants in the suit, Elin Howe, director of the Staten Island Developmental Center, and Meyer Frucher and Sheldon Kramer, officials of the Governor's Office of Employee Relations.

The lawsuit alleges that the 371 workers whose pay was docked were the victims of racial discrimination. More than 75 percent of the institution's 2,800 employees are black or Hispanic. According to the plaintiffs, white workers who called

in sick at the same time were not denied pay in equivalent numbers. State officials deny the allegation.

The building occupation, by about 100 workers, took place to protest the docked pay. The plaintiffs assert it was an exercise of free speech protected by the First Amendment.

Theodore Ruthizer, a lawyer for the plaintiffs, said yesterday that the occupation was conducted in a "non-disruptive manner." State officials, however, contend the protesters entered "forcibly" and were disruptive while inside.

Union officers attribute the so-called sick-out in July to employees' disgruntlement because of understaffing, a condition the state denies.

Partly in retaliation for King's complaints of understaffing, the lawsuit alleges, the union president was among those suspended without pay and banned from the institution's campus.

The lawsuit goes on to allege that Gov. Carey urged King's suspension because King had endorsed Carey's GOP rival, Perry B. Duryea, in the race for governor two years ago.

According to Ruthizer, a speech delivered by King at a CSEA convention in 1978 "was instrumental in preventing" the statewide CSEA leadership from endorsing Carey for re-election.

A spokesman for Carey said yesterday that the governor "wouldn't dignify that by responding."

In addition to seeking \$1 million in damages, the lawsuit asks for the withdrawal of all disciplinary action against CSEA officers and members, and the awarding of docked pay and back pay for those suspended.

The lawsuit was initiated by King, according to his lawyers. They said his local is financing the action alone so far, without aid from other CSEA locals or leadership.

Local 429 has about 2,400 members, according to King. They are all non-professional employees, and those involved in the dispute are assigned primarily to wash, dress and feed the institution's mentally retarded residents.