

# UCP anxious to keep unions out of institutions

By ANEMONA HARTOCOLLIS

While state-run services for the mentally retarded are dominated by strong labor unions, United Cerebral Palsy Associations of New York State, a private charitable agency, is virtually union-free. But in an effort to keep unions out of its facilities for the retarded, the agency has mounted a vigilant, possibly illegal campaign.

Under contract to the state, United Cerebral Palsy employs 2,300 workers in three institutions and 89 community-based apartments for the retarded throughout New York City. Fewer than 200 of those workers are represented by unions, despite repeated organizing drives by the United Federation of Teachers, AFL-CIO, among other unions.

An Advance investigation found that United Cerebral Palsy has undercut the labor movement by allegedly confiscating mail in possible violation of federal laws; by subjecting workers to anti-union harangues; and by summarily dismissing one union organizer on the unproven charge that he stored dynamite under his bed.

Anti-union activities are being coordinated by the agency's attorney, Glenn M. Rickles, who was hired July 23, 1979, after working as an associate with a law firm that has been described as a "union-busting firm" during recent hearings before the state Assembly Labor Committee.

William Krupman, a partner in the same law firm — Jackson, Lewis, Schnitzler & Krupman — this year became an unpaid member of the United Cerebral Palsy board of directors.

Although opposing union efforts is not necessarily illegal under the National Labor Relations Act, state mental retardation officials said they plan to examine United Cerebral Palsy's records to determine whether state and federal Medicaid funds were improperly spent on anti-union activities.

An official of United Cerebral Palsy, asking not to be named, re-

cently argued the agency "has done the state a favor" by discouraging union membership and avoiding the kind of labor unrest that has disrupted operations at the state-run Staten Island Developmental Center in Willowbrook. During the past year, the Civil Service Employees Association has staged two sickouts and a building occupation at the Willowbrook institution.

But James E. Introne, the state's commissioner of mental retardation, disputed any perception that the state prefers to subsidize non-union workers, saying, "I've never discussed the issue with (United Cerebral Palsy)."

During a two-month investigation by the Advance, parents of the mentally retarded, agency employees and agency documents have raised serious questions about the fiscal management and accountability of United Cerebral Palsy Associations of New York State.

The agency spends a \$31-million annual budget, under contract to the state Office for Mental Retardation and Developmental Disabilities, to house and treat the mentally retarded. With 887 patients inherited from state-run facilities, it is the largest private agency housing the retarded in the five boroughs.

In 1977, United Cerebral Palsy took over seven buildings of the Staten Island Developmental Center, renaming them the Karl D. Warner Center. The state remains in control of 24 other buildings at the rambling institution.

About 1,250 people hired by United Cerebral Palsy work at the Warner Center, including therapists, nurses, social workers, psychologists and clerical workers. Many therapy aides at the facility emigrated from the Caribbean islands with temporary or dubious work permits, making them reluctant to support a union, according to agency employees.

Only one union, the Amalgamated Transit Workers, has taken hold at the Warner Center. It is the bargaining agent for 57 drivers of the agency's vans.

But both the United Federation of Teachers (UFT) and District 1199 of the National Union of Hospital and Health Care Employees, AFL-CIO, have met with Warner Center staff, according to employees who requested anonymity.

Last fall, the UFT attracted widespread interest among Warner Center employees, and the agency reacted swiftly, risking violation of federal postal statutes, according to a memorandum obtained by the Advance.

In a memo dated Oct. 21, Rickles, the lawyer for United Cerebral Palsy, disclosed that supervisors intended to intercept mail sent to therapists by UFT Local 2. Rickles wrote that he had prepared material to be used in lecturing employees on the union, adding, "I will cut my vacation short and hold a meeting with supervisors."

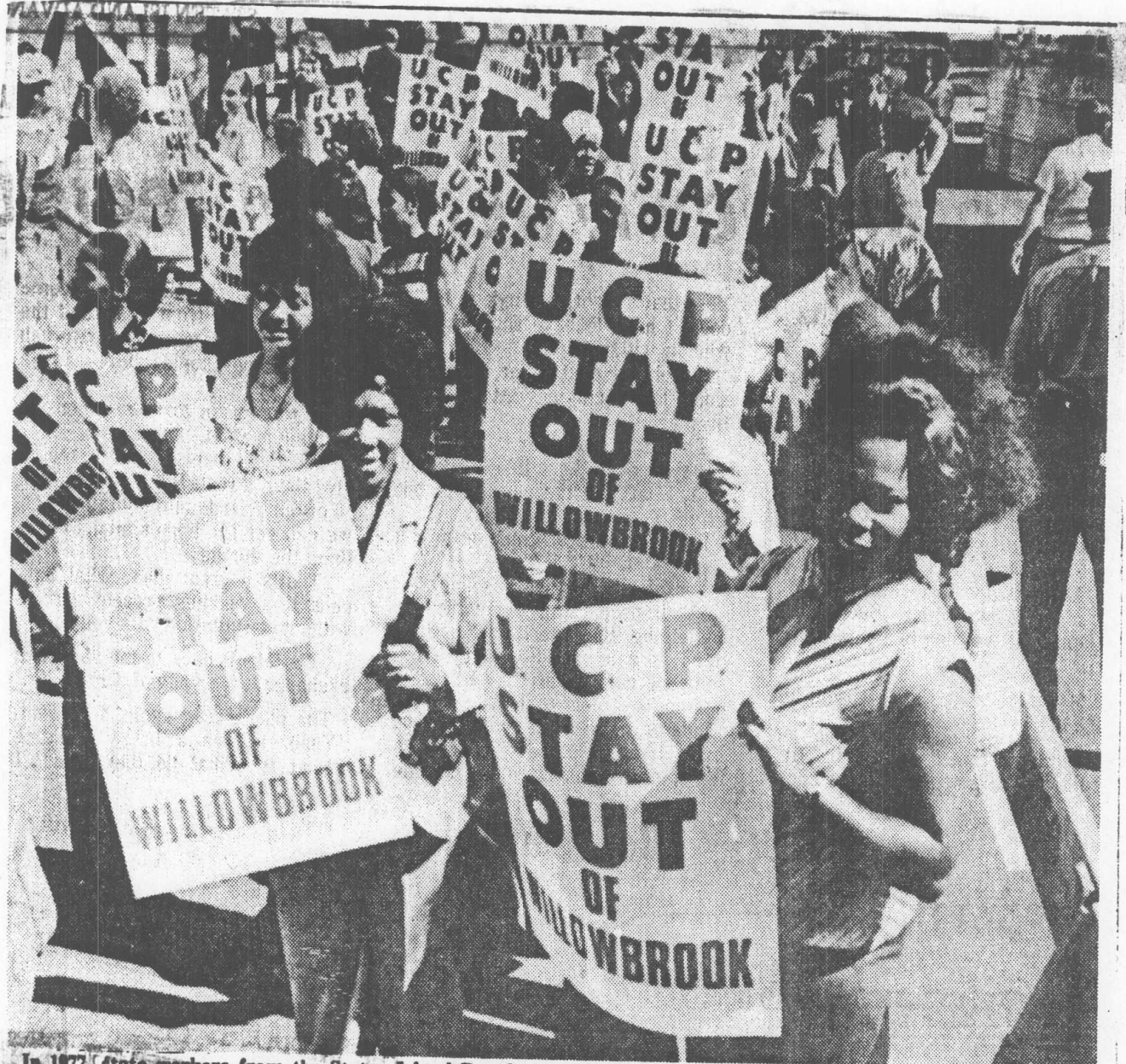
His memo was directed to Frank Keating, the agency's assistant to the executive director, with a copy indicated for Robert Schonhorn, the executive director.

One supervisor, R. Keith Penman, announced at a staff meeting in October that he had in fact confiscated union authorization cards and cover letters mailed to individual employees, according to staff who attended the meeting.

Such "obstruction of correspondence" can be prosecuted as a felony under Title 18 of the U.S. Code, punishable by fine and imprisonment, according to Postal Service Inspector Sherri Trueax. Mrs. Trueax, given a description of the UFT letter and envelope sent to one therapist, said the mail fraud unit in Manhattan would investigate if a complaint were filed by the union or United Cerebral Palsy employees.

Penman declined comment when reached at his office in the Warner Center.

The agency operates 3- and 10-bed apartments for the mentally retarded throughout New York City. Employees say union organizing in the apartments, though attempted, has been hampered by the scattered geography.



In 1977, state workers from the Staten Island Developmental Center protested as United-Cerebral Palsy, a non-union agency, took over part of the institution.

S.I. Advance Photo by Robert Persons

One such attempt was quashed nearly a year ago. A live-in counselor and union activist at an apartment in Manhattan was dismissed from his job on the unproven charge that he hid dynamite under his bed, supposedly for use by a Puerto Rican terrorist organization.

The counselor, Edwin DeLaCancela, said he was mystified by the accusations against him. "It was really insane. To this day I still don't understand," he said in a recent interview.

But during a hearing on the case, where Rickles represented United Cerebral Palsy, the counselor connected his dismissal to his role as the leader of a "human rights committee," formed by six employees who toured the apartments to discuss joining a union.

An administrative law judge, Leonard J. Richman, ruled DeLaCancela's testimony was "credible," leading him to "reject the hearsay testimony of the employers," according to a transcript of the proceedings.

The hearing was conducted Nov. 10 in the Unemployment Insurance Administrative Court at 2 World Trade Center, and the judge granted unemployment compensation to DeLaCancela.

Walter Rosenthal, a spokesman for United Cerebral Palsy, denied that the agency had reacted illegally to union organizing.

"I will try to be calm about this response," he said. "We are very careful not to be in conflict with legal operations at all. But let's face it, every management faced with a union possibility is not going to stand still. Management likes people who are in sympathy and in concert with management's point of view."

Reached by telephone at his home on Tuesday, Rickles, the agency's attorney, declined comment.

In interviews with the Advance, administrators of the seven buildings at the Warner Center said Rickles had instructed them to privately question workers about the union and to document the conversations.

Administrators also said they were required to lecture workers on the disadvantages of a union using a 10-page manual compiled by Rickles.

Section 2180 of the federal Medicaid rules and regulations forbids Medicaid reimbursement to cover the cost of distributing anti-union literature or of coaching supervisors to discourage union activity.

Both the Karl D. Warner Center and the community-based apartments are funded through Medicaid.

Tom Maul, director of Medicaid revenues in the state Office for Mental Retardation, said auditors plan to investigate whether Rickles's salary of \$21.43 an hour and other union-related costs are improperly allocated to the Medicaid program.

He said the state has hired a private auditor, Deloitte, Haskins & Sells, to review the finances of United Cerebral Palsy.

Rickles' former law firm, Jackson, Lewis Schnitzler & Krupman, has been hired as a management consultant by the nursing home industry. Assemblyman Frank Barbaro, a Brooklyn Democrat, chaired hearings in February in Manhattan on the allegedly improper use of Medicaid funds to pay the law firm.

The firm was characterized as a "union-busting firm" in testimony from Peter Ottley, president of Local 144 of the Hotel, Hospital, Nursing Home and Allied Services Employees Union.

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*This is the fifth article in a six-part series.*