

Willowbrook dismissals considered

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ALBANY — A state Supreme Court justice yesterday refused to block the scheduled dismissal Friday of 67 professional employees from the Staten Island Developmental Center in Willowbrook.

But about 60 other employees, represented by the Civil Service Employees Association (CSEA), have won a temporary reprieve and will remain on the center's payroll past their scheduled lay-off next week, state mental retardation officials said yesterday.

Attorneys for the Public Employees Federation (PEF), which represents the 67 professional employees, argued that the layoffs are illegal and constitute a "death sentence" because new jobs are difficult to find, given the state of the economy.

Supreme Court Justice Lawrence E. Kahn, while refusing to sign a temporary order blocking the layoffs, agreed to schedule a full hearing on the union charges next week in Albany.

He indicated that the state could be ordered to reinstate the workers if union charges that the layoffs constitute a violation of a collective bargaining agreement are proven valid.

The 67 professional employees are among 151 workers at the center given layoff notices by the

state, effective either Friday or next Tuesday.

The remaining 84 workers, mostly therapy aides and housekeepers, are represented by the civil service employees union.

The state says the layoffs are necessary because of budgetary restraints and the reduction in the center's census as residents continue to be transferred to community facilities.

William Knowlton, spokesman for the state Office of Mental Retardation and Developmental Disabilities, said that about 60 of the 84 CSEA members will be allowed to stay on their jobs past next week because of mistakes made in determining seniority.

Workers are allowed to "bump" employees with less seniority at other state facilities. In determining seniority, the state incorrectly took away years of tenure from employees who had missed as little as one day of work, according to a CSEA official.

"The state agreed the seniority question was handled incorrectly and, in effect, is starting from scratch to determine seniority," said Bart Brier, a CSEA field representative. "Therefore, most of the employees are safe for now."

Knowlton said the 67 professional employees are not affected by the seniority snafu and that they would be laid off as sched-

uled Friday.

At a hearing yesterday before Judge Kahn, Assistant Attorney General Daniel Ruge, representing the state, argued that the union representing professional employees was not entitled to block the layoffs because courts have ruled that being laid off does not constitute irreparable harm. Such a finding, he said, is required for a judge to issue a temporary restraining order.

But John McLaughlin, an attorney for PEF, said that the center's professional employees would be irreparably harmed if they lost their jobs.

He said most of the employees have received specialized training in care of the mentally retarded — a function he said the state has a virtual "monopoly on in New York."

"With today's economic conditions in New York City and with the state controlling most jobs, these employees will have a terrible time finding work," McLaughlin said. "Many won't be able to afford rent or to support their families."

"They're giving them a death notice," he said.

Specifically, McLaughlin said the layoffs violate a collective bargaining agreement in which PEF members agreed to defer two weeks' pay in exchange for a state pledge to avoid layoffs.

He also charged that the layoffs are illegal because the state continues to "contract out" the care of some Staten Island Developmental Center employees to a private group, the United Cerebral Palsy Associations of New York State.

Ruge said there is "no merit" to the PEF charges.

Judge Kahn scheduled a trial on the union charges next Tuesday in Albany before Supreme Court Justice Harold Hughes.

Meanwhile, some employees at the center accused the state of misleading them about the layoffs.

Nancy Goldfarb, a teacher at the center for 12 years, said employees were not told that if they would be laid off if they expressed an unwillingness to be transferred off Staten Island. The employee preferences were ascertained from a questionnaire distributed during the summer.

"If someone had explained it to us, we would have checked everything," Ms. Goldfarb said, noting that many workers would be willing to work anywhere to keep their state jobs.

Paul Kietzman, counsel to the Office of Mental Retardation and Developmental Disabilities, said the state made every effort to inform employees of their options and denied any attempt to "mislead anyone."