

## Legislative Chiefs to Press Cuomo on Hiring

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Assembly Speaker Stanley Fink will present budget amendment to Democratic members today.

ALBANY, Feb. 26 — In what some lawmakers describe as a challenge to Governor Cuomo's handling of the state budget, legislative leaders have agreed on a measure that would set the precise number of workers the Governor should hire at four major state agencies.

The move is an outgrowth of a dispute in which legislators have accused Mr. Cuomo of reducing staff size at the four agencies below the levels that the lawmakers thought had been agreed on in last year's budget negotiations.

The four agencies are the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, the State University and the City University.

The legislative leaders have agreed to an amendment to the current budget that would establish the staffing levels the Legislature believes should be in effect. In all four cases, the current staffing is below the levels the Legislature plans to write into the law.

Assembly Speaker Stanley Fink will present the proposed amendment to his Democratic members Monday, and Senator Warren M. Anderson, the majority leader, will take it up with Republicans in the Senate on Tuesday.

The amendment will be part of what is known as the deficiency budget, a measure designed to make corrections in the budget as the fiscal year comes to an end.

Governor Cuomo said he could probably accept the measure because he did not believe it was intended as an attack on his authority to implement the state budget. He noted that the measure included a provision under which staffing could remain below levels set by the Legislature so long as the Governor explained why.

"We have no difficulty explaining," Mr. Cuomo said. "We enjoy it."

Some legislators and senior legislative staff members said, however, that

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they saw the development as part of a major effort by the Legislature to take more control of the administration of the state budget, an important power that for more than half a century has rested almost entirely with the Governor and his Budget Division.

"The Legislature is really asserting it is master of the budget process," said Assemblyman Mark Alan Siegel, a Manhattan Democrat and chairman of the Higher Education Committee. "The Governor can propose, but we are going to dispose — and make it stick."

Mr. Cuomo said he saw nothing in the Legislature's proposal that would reduce his authority. He said the proposed legislative language, shown to him by his Budget Director, Michael Finnerty, was acceptable to him.

"I do not believe the Legislature intends to intrude on our authority," Mr. Cuomo said in an interview. "That's not what they've asked for. That's not what the language is designed to do. If the Legislature were to suggest that this was designed to change the authority of the Governor, I'd be opposed to it."

At issue is the important question of what happens to a budget after it is negotiated and passed by the Legislature. Last March Governor Cuomo and the Legislature agreed on a budget for fiscal 1983-84 and then passed it with great fanfare. In a rare visit to the Assembly chamber, the Governor thanked the legislators for giving him a better budget than he had proposed to them.

## Declining Services Cited

But after the budget went into effect, there were complaints that Mr. Cuomo had cut staff levels at the four state agencies in disregard of the Legislature's intent to protect those agencies.

There has been an outcry from constituent groups that the quality of service in those agencies has declined because of the cuts, and even Mr. Cuomo has acknowledged a decline in patient care at the mental-health facilities.

Mr. Cuomo and the Legislature have

been arguing over this issue for months. The Governor has said — and he repeated today — that he did nothing other than what was agreed to. He said that much of the reduction was the result of the unexpectedly high response of state workers to a program encouraging early retirement.

But legislators suggested that the Budget Division had been intentionally seeking to hold down staffing levels, which is within its considerable powers to control day-to-day spending between the annual budget negotiations.

## A Need for Flexibility

Mr. Cuomo and his budget aides say the power to make changes in the budget during the year is crucial in dealing with changing circumstances. This year, for example, the state spent more money than originally planned on prisons and welfare because of rising populations in both areas.

Since the staffing dispute emerged, Mr. Cuomo has been moving to increase hiring at the four agencies.

Frank J. Mauro, secretary to the Assembly Ways and Means Committee, said the legislators recognized that with the fiscal year ending on March 31, there is probably not enough time left for the Governor to hire enough people to meet the Legislature's goals in this fiscal year.

The amendments will therefore also include a provision requiring the Governor to explain to the Legislature by March 15 why staffing is below the levels set by the Legislature in agencies where that is still the case.

## Viewed as a 'Signal'

"What we are doing now is mostly sending a signal that the Legislature has the ability to be more specific about budget language," said Mr. Mauro, who is Mr. Fink's top fiscal aide. "The lesson is there are some areas where it is not right to give ultimate discretion. You have to have reasonable parameters."

Mr. Mauro said that in future budgets the Legislature might set a ceiling above which the Governor could not increase staffing and a floor below which he could not let it fall. One effect of the current action would be to establish a

position for negotiations on next year's budget, which are to begin soon.

Mr. Mauro said he did not wish to discuss details of the bill until after Mr. Fink presents the measure to his Democratic conference Monday. But he noted that several months ago Mr. Fink had said he recognized the importance of the Governor's power to implement the budget and did not wish to limit that ability, "except in those areas where we see a need to do it."

## University Staffs Cut

At the State University, for example, the amendment would set a staffing level of 32,665, compared with the actual payroll of 31,466 as of Feb. 8. The legislation sets 10,897 as the level for the City University, compared with 10,308 on Feb. 8.

Because the legislation breaks the mental health agencies into several components and uses patient-staff ratios, as well as total staff numbers, it was not possible to obtain precise comparisons between the current staffing levels and those that the Legislature would be calling for.

Last January Mr. Fink said that Mr. Cuomo had improperly cut 350 jobs at the City University and 279 at the State University. Hundreds of additional jobs became vacant at the State University through an early retirement program. Mr. Fink also called for the hiring of up to 535 employees in institutions for the mentally retarded and up to 1,300 in psychiatric hospitals.

Peter Lynch, spokesman for the State Budget Division, said he could find no previous instance in which the Legislature had written staffing levels into an appropriation bill.

Mr. Mauro noted that before about 1970 the budgets submitted by the Governor routinely included detailed staff information, right down to such items as how many typists could be hired. But this detail was removed a bit at a time and was mostly gone by 1972.

Detailed staffing information is still included in the report known as the Green Book, which is prepared by the Legislature when it takes up the budget. But the Green Book is not actually part of the budget law.