



Office of General Counsel

VIA E-MAIL

TO: Kenneth Brynien
Arlea Igoe
Joseph Fox
Patricia Baker
Thomas Comanzo
Executive Board Representatives

FROM: William P. Seamon /wps

DATE: May 18, 2010

RE: *PEF v. State/2010 Furloughs – Improper Practice Charge*
Our File No.: 3868-IP

This is to advise you that in addition to the federal lawsuit, on May 10, 2010, the Office of General Counsel filed an improper practice charge against the State of New York over the furloughs, its failure to pay the 4% wage increase and job rate parity adjustments, and its failure to reimburse PS&T Unit employees for education and training benefits required by Article 15 of the Collective Bargaining Agreement.

As you know, the Governor exempted managerial and confidential employees from the payless furlough program and applied it only to unionized State employees. It is our position that the State's actions are all intended to retaliate against PEF-represented State employees for having exercised their contractual and legal rights to refuse to reopen the Agreement and give back negotiated benefits.

We are also asserting that by the totality of the Governor's actions in ignoring clear contractual requirements for previously negotiated salaries, wage increases, job rate parity adjustments and educational and training benefits, the State has repudiated those provisions of the Agreement in violation of the *Taylor Law*. We are seeking, among other things, that any PS&T Unit employee deprived of pay or a benefit of employment as a result of the Governor's violations of the *Taylor Law* be made whole.

PERB has scheduled a Conference on PEF's charge before Director Monte Klein on June 17, 2010 at 2:00 p.m.

If you have any questions concerning the improper practice charge, please do not hesitate to contact either Steve Klein or me.

WPS/mab

cc: Stephen N. Chamberlain
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