



NEWS

*New York State
Public Employees Federation
AFL-CIO*

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PEF wins preliminary injunction stopping furloughs Judge directs governor to abide by contracts

Albany - The New York State Public Employees Federation (PEF) was granted a preliminary injunction today preventing the governor from implementing his plan to furlough state employees.

In issuing his decision in U.S. District Court, Northern District, Judge Lawrence Kahn recognized the furlough legislation substantially impaired PEF's collective-bargaining agreement with the state. The ruling found payless furloughs would have caused irreparable harm, as employees would suffer a permanent 20 percent reduction in salary, and the employees reasonably relied upon the salaries negotiated years earlier by PEF.

Judge Kahn agreed with PEF that the state failed to demonstrate it was reasonable and necessary to impair its obligation of contract; thus, violating the Contracts Clause of the U.S. Constitution.

"This is a victory for state employees and for state taxpayers," said PEF President Kenneth Brynien. "This decision will allow state services to continue uninterrupted and prevent hardships to the taxpayers who depend on them.

"We are equally pleased the court found the state has other means to address its budget deficit, as PEF has maintained all along.

"We remain ready and willing to work with the governor and legislative leaders to achieve the savings the governor seeks, by implementing PEF's budget solutions," Brynien said.

Judge Kahn also directed the state not to submit any further extender appropriations bills which include the furloughs or exclude the payment of contractually obligated salary increases. Those salary increases were part of the two most recent extender bills passed into law, as required by the temporary restraining order Judge Kahn granted May 12.

"It is in the best interest of state taxpayers the governor accepts the court's ruling and avoids wasting more time and money needlessly appealing this decision," Brynien said.

PEF is the state's second-largest state-employee union, representing 58,000 professional, scientific and technical employees.

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