




Contract Administration

TO: Executive Board Members
Council Leaders

FROM: Elizabeth S. Hough 
Director of Contract Administration

DATE: May 11, 2010

RE: Statewide Class Action Contract Grievances
2010 Furloughs/Education and Training Programs

Contract Administration staff have recently filed two State wide class action grievances challenging budget related actions of the State.

First, immediately following the passage of the extender bill authorizing the furloughs for May 17-23, we filed a State-wide class action grievance challenging the Governor's actions. The grievance alleges that the Governor's actions of pursuing legislation and actually implementing the furloughs has already violated and will continue to violate various provisions of the 2007-2011 PS&T Unit Agreement. These include: Article 7-Compensation, Article 12-Attendance and Leave, Article 23-Layoffs in Non-Competitive Class, Article 32-Workweek Workday, Article 36-No Discrimination, Article 41-Payroll, Article 45-Benefits Guaranteed, and Article 46-Conclusion of Collective Negotiations. The Article 45 claim includes alleged violations of the NYS Attendance Rules and Civil Service Law Sec. 80.

Second, we have also filed a class action grievance challenging the State's unilateral suspension of funding of Article 15 Professional Development Programs in the absence of a State budget. The grievance challenges this suspension of Article 15 funding and the resulting suspension of several Article 15 programs including: the Tuition Voucher Program; the College Tuition Reimbursement (CTR) Program; the Workshop Seminar Reimbursement (WSR) Program (formally VALT); the Certification and Licensure Exam Fee Reimbursement Program; and the Nurses' Enhanced Voucher, CTR and WSR Pilot Programs.

These grievances were filed directly to Step 3 of the Article 34 grievance procedure as they involve employees at multiple State departments or agencies. As previously reported, Contract Administration staff have also filed a Statewide class action contract grievance challenging the State's failure to pay the 2010 new money (the 4% increase and the parity adjustment) beginning in April. That grievance is also pending at Step 3.

Cc: Field Services Staff