

Triborough Amendment brings both sides to negotiating table as equals

Westchester County Executive Rob Astorino has painted a conveniently inaccurate picture of the Triborough Amendment in his recent tour of the New York media circuit and appearances at business association meetings.

New Yorkers deserve the facts on Triborough, not misleading rhetoric from Astorino and others that fuels confusion over what is actually a very fair piece of legislation.

The Triborough Amendment to the 1967 Taylor Law, passed in 1982, leveled the playing field for union negotiations in our state's public sector workplaces.

The Taylor Law lays out bargaining rights for public sector workers. The best-known provision in this law is the clause that prevents public workers from striking, unlike union workers in the private sector who have that right.

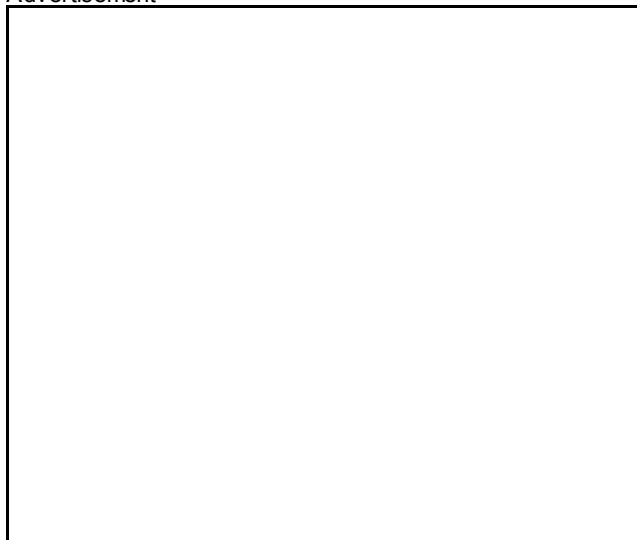
The Triborough Doctrine (often confused with the Triborough Amendment) came about in 1972 after a Public Employee Relations Board ruling in a case from the Triborough Bridge & Tunnel Authority

stopped management from changing the terms and conditions of employment for workers during negotiations for a new contract.

But a problem arose. The prohibition on changes in the terms and conditions of employment was limited to mandatory subjects of bargaining, which meant management could gouge other parts of the contract. Many elected officials and municipal administrators quickly started doing so. Our state officials realized that in many cases, management was intentionally stalling in negotiations in order to unilaterally gut fairly negotiated contracts.

To address this imbalance, legislators in 1982 enacted the Triborough Amendment. The amendment made it illegal for management to change the terms and conditions of employment until an agreement was reached, unless the union violated the no-strike provision. The measure had strong support; the governor's office even issued a supporting memo that noted that the amendment would bring

Advertisement



both sides to the bargaining table as equals.

Over the past 30 years, we've seen that the Triborough Amendment works. Illegal strikes have all but disappeared and agreements are reached with good faith negotiations.

Even in these tough times, CSEA locals and units across the state are ratifying new contracts. That hasn't happened with the County of Westchester because, unlike other elected officials who have come to the table prepared to negotiate collaboratively, Astorino has approached our contract with a "my way or the highway" approach that benefits no one. Astorino has repeatedly refused to discuss 30 other proposals from CSEA (many that could save the county substantial money) until we've resolved the issue of health insurance. Astorino's negotiator has even admitted that he has his marching orders: he can only discuss health benefit contributions.

That's not how the process works. CSEA had no choice but to declare impasse and request an outside mediator to force the county to negotiate the entire contract and not just repeat the same thing at every meeting. We hope the assistance of a mediator will allow us to reach an agreement that is fair to all parties.

In the meantime, it's important to understand what the Triborough Amendment does and doesn't guarantee. Despite what Astorino said on "Good Day New York," Triborough does not guarantee

retroactive pay. Retroactive pay is a negotiated issue that both sides must agree on. Additionally, the Triborough Amendment does not allow for contractual raises under an expired contract. Astorino has fueled confusion by stating that workers are receiving raises under an expired contract instead of admitting that he is referring to a salary schedule and not a raise. These salary schedules are commonplace and appear in the private sector as well.

Now that CSEA has been forced to declare impasse, Astorino's refusal to follow the rules of negotiation is causing him problems, so instead of playing fairly, he wants to change the rules. If elected officials and administrators across the state can negotiate fairly and reach agreements, so can Astorino. We're ready to discuss our cost savings proposals if the county executive has decided he's ready to listen.

Advertisement

