



Once upon a time, back in late 1969, a group of personnel examiners at the NYC Department of Personnel formed a professional association. It wasn't called the Organization of Staff Analysts then. The creation of the analyst series from the ranks of personnel examiners and other city workers – in more than 80 different titles – was still eight years away. Nevertheless, as soon as they formed an organization, one officer was assigned the task of helping members who had a grievance with their employer.

Since collective bargaining rights were not yet achieved, the grievance officer was limited to providing advice. Even so, the service was appreciated by members in need. Sometimes, even today, good advice is all you need.

By the mid-1980s, the Organization of Staff Analysts had won a collective bargaining election at the Board of Education, and we were, from that point onwards, legally a union. Unfortunately, most members of our organization were not yet covered by the union.

In 1986, a change occurred. That year, one of the largest city agencies, the Human Resources Administration, allowed us, as an organization, to file grievances formally, and to let us represent our members at disciplinary hearings.

Granting OSA the right to represent its members on grievances years before we won the legal fight to represent all analysts was both irregular and totally without precedent. Al Bowen, representative of HRA's Office of Labor Relations told the OSA leadership why the agency had chosen to do this.

Al said, "It's clear OSA is going to win its fight to get collective bargaining and grievance rights for the analysts. Since we know that, we agree to let you start now, but since you don't have a contract, you can only bring us violations of agency policy to correct. Since our agency policies and procedures generally follow union contracts, that should be enough. The only thing we ask in return is that you don't bring us trivial complaints, only serious stuff."

**Front Cover:
Grievance Department staffers
Adam Orgel, Tomi Smith, Nancy
Russell, Christina Wong and
Sydney Goldenberg.**

When Your Agency Drops You Into A "Bottomless Pit" – OSA fights for you.

Our first case was not trivial. One of our members had responded to a recruitment flier for promotion to Administrative Staff Analyst. She was selected for the job and transferred from her Associate Staff Analyst job and then... *nothing*.

There was no promised raise. The promotional job and title change disappeared, and our member was set to work as a file clerk at her new work site. She protested and was told to be patient. She was patient and months passed – and then still more months. She had been forgotten entirely. She asked to be transferred back to her old job and that request was refused. She finally appealed to OSA after a full year had passed.

We brought her case to HRA Labor Relations and they made a few phone calls. Our member was relieved of her file clerk duties and returned to her original location as an Associate Staff Analyst. OSA had its first formal grievance win.

We published the news of that victory – and there were more victories reported in subsequent early newsletters. It was news because, although OSA had won many prior informal victories

simply by having analysts help other analysts, these were the first formal grievance victories OSA ever won.

From that day until this, over more than three decades, our union newsletters have reported on many matters, but seldom our grievance victories. We have won a great many grievances over the years, but OSA leaders assumed such successes simply spoke for themselves.

It turns out that failing to publicize our own good work may have led to some members being unaware of that good work. Those analysts we helped, of course, knew of the help they were given, but analysts are scattered thinly over a great many agencies and work sites. Analysts who have never had cause to seek our help in grievances could easily be unaware of our Grievance Department's strength.

We do have a strong Grievance Department. It is staffed by a mixture of experienced representatives and excellent young labor lawyers. The results of this team's work are apparent in the cases that follow.

When You Don't Get Well "Quickly Enough" – OSA Fights For You

Some years ago, an OSA member in the Health and Hospitals Corporation (HHC) was in a serious automobile accident. She began to use up her accumulated sick leave and then, finally, the time available to her through the Family Medical Leave Act (FMLA).

HHC failed to approve sick leave for the member and failed to pay to the union appropriate welfare fund and dues payments. All of these issues were resolved by the union.

However, a few years later, our member found herself – even with workplace accommodation – being unable to continue her duties. She took an unpaid medical leave of absence. She was qualified for and received help from the union's Long Term Disability Insurance.

Then, HHC demanded that our member return to work or face discharge. Later that year, HHC terminated our member because she had not gotten well quickly enough.

Her OSA grievance representative Nancy Russell and OSA labor lawyer Adam Orgel filed an "appeal for reinstatement following separation for a non-job connected disability or disease."



**OSA Labor Lawyer
Adam Orgel**

The case took a while, but six months later, the HHC Personnel Review Board found our member able to return to work, and ordered her reinstatement.

Although six months earlier HHC had fired our member for *not being able to work*, now that she was again able to work, HHC *claimed they had*



Grievance Representative Nancy Russell

no work for her.

A letter was sent to the HHC president and CEO appointed by Mayor Bloomberg, and numerous contacts and appeals took place. The union concluded HHC was breaking the law and we proceeded to New York State Supreme Court to have the member reinstated.

Finally, in April of this year, the case was settled in our member's favor. She has been reinstated to a new position within HHC and will receive all the benefits due to someone with no break in service – *as well as nearly \$150,000 in back pay.*

Justice can take a while, but OSA is here to fight for you.

When Your Agency's Punishment Doesn't Fit "The Crime" – OSA Fights For You

An OSA member in the Transit Authority, with about fifteen years on the job, got into serious trouble. Our union brother was working the night shift, and his supervisor red-lined him for lateness. (Red lining is a practice where a supervisor draws a red line through a punch-in time sheet to indicate an official lateness.)



OSA Labor Lawyer Sean Dillon

Apparently, our member and his supervisor had some kind of arrangement about his time where the supervisor agreed that the OSA member would be granted some leeway without being marked officially late. So far, it was just another on-the-job annoyance. The OSA Grievance Department hears stories like this every day.

Except, our member lost his patience. He raised his voice with his supervisor. Many harsh words were exchanged. Our member was asked to leave the premises. He then received notice of a 30-day suspension. Thereafter, OSA was informed that the Transit Authority was sending his case to the Office of Administrative Trials and Hearings, seeking to fire him. Sean Dillon, an OSA lawyer, took over the case.

How did Sean save the job of our OSA brother? Sean did what any good union person does: his job, very well. He found out, through interviews, the member's sad and, in many ways, wonderful story. For thirteen years, he had been taking care of his wife, who was slowly dying of an incurable form of tuberculosis. The shouting incident took place about a month after his wife had passed away. It's hard to imagine what he had been going through all those years, and what was in his mind at the moment of the incident. He had taken a job on the night shift so he could take care of his wife during the day!

After Sean and the TA's lawyers submitted briefs, the OATH trial judge found for our brother, and he was restored to his job. The whole process took about six months.

As a closing note, had he been a MABSTOA rather than a Transit Authority analyst, where analysts have no union representation and face at-will hiring and firing, the chances of him keeping his job would have been nil.

One of the most important functions of any union is protecting members from capricious or arbitrary action and punishment by their employer.

When You Don't Get Paid Correctly – OSA Fights For You



Grievance Representative Sherman Gould

A member called to tell us that she wasn't getting the right longevity payment. She didn't know for sure what she was supposed to get. It seemed that, at one point, her longevity was actually reduced rather than increased. OSA Grievance Rep Sherman Gould took on the case.

Sherman told our sister to file a "payroll inquiry" and to send him copies of all her paystubs, especially ones where there had been a change in amount.

Fortunately, she had her stubs going back to 2005. Sherman calculated what she should have been getting and what she was getting, and there was a big deficit.

She wasn't getting her 20-year longevity at all; and at some point, her 15-year longevity had been reduced instead of being increased. Our sister was owed a lot of money.

With the union's guidance, she sent Payroll a spreadsheet that Sherman had compiled, showing what she was owed, which amounted to many thousands of dollars.

About a month later, our sister received a check for a little over \$6,000 without any explanation. Sherman later calculated that this payment was for the missing 10-year and 15-year longevity amounts.

Then, a few weeks later, she received a second check, which Sherman figured out was for the 20-year longevity they had never paid her. The actual amount of this second check was over \$3,000!

Our sister was very happy with the result, and the union was very happy for her.

When An Informal Intervention Is All It Takes – OSA Fights For You

Not too long ago, an OSA member got into serious trouble – job terminating trouble. He was charged with misuse of an agency vehicle. Some months later, he was scheduled to have his "day in court" at a grievance hearing. Grievance Representative Tomi Smith, who has been defending analysts for the union for a good many years, went with our member to the hearing as his representative.

In the end, there was no lengthy grievance hearing and no extensive testimony on both sides. There was no nerve-racking wait for a decision that would permanently affect our member's life.



OSA Grievance Rep Tomi Smith

Although the “case” had already reached the grievance level, the formal hearing never took place. Instead, our member was fined and he returned to his job, able to pay off the modest amount of the fine in installments.

How did this happen? Our grievance reps have experience, and are well acquainted with their opposite numbers on the management side. What Tomi did was set up a little “side bar” meeting before the actual hearing started.

Here’s what Tomi presented: our member had a clean record and over twenty years on the job, and was considered a good worker. He had a family emergency and had to get to the hospital fast, but his own car was broken down. Without thinking, he took a company car.

It was not difficult for Tomi to convince the management reps that this was not a matter for termination. Once this was agreed, negotiations fixed the fine at a nominal amount. Everyone was satisfied. This case shows the way many of our members’ “problems” are successfully handled informally, at one level or another, by our Grievance Department.



Grievance staffers John Mazzarella, Sherman Gould, Tom Gorse & Sean Dillon

There you have it, a representative sample of the work of OSA’s Grievance Department. We hope it helps you to understand at least some of the ways that the union can assist you, should you find you have a workplace problem.

Most of the problems OSA members bring to the Grievance Department are settled either “across the desk” in a labor-management meeting or with some other routine procedure. It’s an exceptional situation where a formal grievance is

actually filed or a “case” goes to a higher level. This is largely due to the skill and experience of our hard-working lawyers and grievance reps.

But, as you can see, when procedural remedies or informal discussions fail to produce a result, we are prepared to take your case as far as necessary, including arbitration and legal action.

If you need advice or assistance, call the union office at 212-686-1229 and ask to speak to the OSA Grievance Department. We’re here to help.