

CWA WINS APPELLATE COURT DECISION ON PLB DAYS!

As you know, the State was trying to force our members to use all PLB days by June 30, 2012 and violate the MOA that permitted carryover and cash out of PLB days. PLB days were agreed to between the unions and the State in exchange for agreements to defer contractual raises and to take furlough days.

The Appellate Court ruled that there was no Civil Service statute that limits the carryover of these paid leave days and that public policy is in favor of abiding by collectively bargained agreements.

This is an important decision for a number of reasons:

1. Our members made a great and responsible sacrifice in negotiating the MOA that included Furloughs and an 18 month wage freeze. In exchange for that sacrifice we negotiated seven additional leave days and the flexibility to use them over time or cash them out, given that furloughs would make it more difficult to use time, and the staff shortages caused by attrition make it very difficult to use time. If that agreement were allowed to be violated, union members would not be willing to negotiate such sacrifices in the future.

EVERY PART OF OUR MOA HAS HELD.

2. The court's decision recognizes that it is in the public interest to honor collective bargaining agreements. The Civil Service Commission did not recognize this important public interest when it promulgated a regulation that violated a key provision of the MOAs negotiated between the unions and the State. It is good to know that the Appellate Court still recognizes that such an action is contrary to public policy.

3. The Court also recognized that adopting a regulation that treats PLB days as vacation days for carryover purposes could be an "impairment" of a "contract" and has afforded the unions the opportunity to address that issue before the Civil Service Commission should it be necessary. A contractual impairment may well be unconstitutional.

What happens now?

It is our belief that PLB days should now carry forward and over the next several days we will discuss this with the Civil Service Commission and the Administration with the hope that we can avoid further appeals or a new attempts to violate the MOA.

We will keep you informed but do not use any PLB days unless you want to.