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Judge: Mangano can't slash employee benefits

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Photo credit: Jessica Rotkiewicz | Nassau County Executive Edward P. Mangano. (May 17, 2012)

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A federal court judge suspended a Nassau law Monday that would allow County Executive Edward Mangano to slash negotiated employee benefits, saying it "places a knife to the throat of the unions."

U.S. District Judge Arthur Spatt issued a preliminary injunction preventing the law from taking effect in regard to the county's five labor unions. Spatt also indicated that, if the county continues its court fight, he would be likely to rule that the law violates the U.S. Constitution's contract clause and to make the injunction permanent. In his decision, Spatt referred to the clause, which says no state shall pass any law "impairing the obligation of contracts."

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Spatt wrote, "The mere passage of this [Nassau] law renders the collective bargaining agreements essentially meaningless and makes the contracts less binding, or not binding at all, on the county. The likelihood of success on this constitutional deprivation is so great that irreparable harm is inevitably shown."

Union leaders cheered Spatt's ruling.

"I am humbly grateful to the federal court," said Jerry Laricchiuta, president of Nassau's Civil Service Employees Association. "State and local governments do not have the right to trample on the U.S. Constitution. This case has implications from Maine to California."

Strapped governments across the country have tried to cut union pay and benefits without negotiation. For instance, Scranton, Pa., attempted to cut police and firefighter salaries to the minimum wage, while the North Las Vegas City Council voted unanimously in June to give the city manager the power to change union contracts in order to balance the city's budget.

The Republican-controlled Nassau County Legislature gave Mangano unilateral authority in May to cut \$41 million in spending after legislative Democrats refused to authorize borrowing to pay property tax refunds from last year. The labor unions subsequently filed suit and the county agreed not to enforce the law while the legal fight played out.

County Attorney John Ciampoli said the administration is evaluating whether to continue the court fight. He noted that Spatt's decision "only focused on collective bargaining agreements. Everything else still stands." Besides allowing Mangano to modify union contracts, the law also gives him the authority to sell county property, close county facilities and make other reductions in operations.

"It's really coming time for everyone to step up to the plate and make the tough choices to save the county money that it needs to save; one to balance the books and the other to stay true to Ed Mangano's promise to the people that he will not raise their property taxes," Ciampoli said.

Spatt, in his decision, wrote, "Bargaining units such as the CSEA can no longer represent their members in any meaningful way, now that any negotiated provision they have endeavored to secure in the past can instantly be reduced to a nullity."

He also wrote, "The law gives the power to the county executive to unilaterally modify the terms of negotiated, written contractual bargaining agreements. This far-reaching power -- a power which appears to the court to be unprecedented -- can arguably be itself a substantial impairment to a contractual relationship."

James Carver, president of the Police Benevolent Association, said, "I think this decision shows there's some serious problems with this law and we are on the right side of the argument here."

John Jaronczyk, president of the Nassau Sheriff's Correction Officers Benevolent Association, said, "Obviously we're very excited, very happy... It proves that Ed Mangano and [Presiding Officer] Peter Schmitt cannot rewrite the U.S. Constitution."

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