

## State, unions still negotiating layoff alternatives

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PROVIDENCE, R.I. - - After meeting for close to six and a half hours Monday, state and union negotiators are scheduled to meet Tuesday night to try again to reach agreement on a cost-cutting package aimed at averting shutdown days and layoffs.

The two sides plan to meet at 5:30 p.m. at the South Main Street headquarters of the Laborers International Union of North America.

A tentative agreement reached more than 10 days ago would delay a promised 3 percent raise by six months to January 2011. It would also require state employees to work without pay for eight days this year, and four days in the new budget year that begins July 1. In return, they would get a two-year no-layoff promise, and the opportunity to recoup at least some of their deferred wages when they leave state service.

At the point Monday night's meeting broke at close to 7:30 p.m., J. Michael Downey, president of the largest state employees union, said the two sides had not yet reached agreement on Governor Carcieri's bid for more freedom than he has under current union contracts to move workers from job to job, agency to agency, and union to union.

Downey, who heads Council 94, American Federation of State, County & Municipal Employees, said there has been "some movement on both sides," but the state's current proposal is still "not acceptable."

"To just send folks all around the state isn't something we would want to endorse at this moment," he said.

Ultimately, the members of most of the state's unions would have to vote to approve the package, and, Downey said, "all of the language is going to be difficult" for them. As it stands, the reorganization language would be the most difficult, he said.

He said the unions are now awaiting a response to "written proposals we developed," and he remains hopeful that an agreement is within reach, because "there is [still] dialogue."

Monday's meeting drew representatives of all of the state's major unions to the Laborers headquarters, including lawyers and unions leaders for Laborers Local 808, Local 580 of the Rhode island Alliance of Social Service Employees, the National Education Association of Rhode Island, and Local 400 representing Department of Transportation workers and Council 94.

They met with Department of Administration Director Gary Sasse and several of his top aides, including Jacqueline Kelley, Stephen Johnston and Melanie Marcaccio.

Republican Carcieri initially proposed 12 government shutdown days this year to help plug a \$67.8 million budget hole this year, and then raised the possibility of 1,000 layoffs instead after Supreme Court Justice Maureen McKenna Goldberg blocked the first of the shutdown days, until the full court could consider the unions' challenge.

The high court agreed to hold the case in abeyance until October 2, to give both sides a chance to finalize the details of the elusive "tentative agreement" they outlined on September 11.

[Extra: Read an earlier story on the issue.](#)

Sep 22, 2:12 PM EDT

RI, unions continue talks over gov't shutdown

PROVIDENCE, R.I. (AP) -- Union leaders and negotiators for Gov. Don Carcieri plan another meeting to work out a deal preventing a shutdown of Rhode Island's state government and the layoff of 1,000 workers.

Philip Keefe, president of the Rhode Island Alliance of Social Service Employees, Local 580, said the meeting was set for Tuesday at 5:30 p.m.

Both sides are trying to decide to what extent the Republican governor should be allowed to reassign state employees to other jobs.

Their dispute has stalled a tentative deal meant to help close a \$68 million budget shortfall. It would require state employees to take 12 days without pay and delay a pay raise. In return, Carcieri would promise not to shutter state government or lay off workers.

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# **RI, unions talk again about shutdown; union says moving workers among jobs is sticking point**

**By: MICHELLE R. SMITH**  
**Associated Press**  
**09/18/09 5:35 PM EDT**

PROVIDENCE, R.I. — A week after Rhode Island and labor unions in the state said they reached a tentative deal to avert a government shutdown and the layoff of 1,000 state workers, they went back to the bargaining table to try to resolve what labor leaders say is a major sticking point: whether the state can move workers from one job to another.

Friday's meeting between the state and union negotiators focused on "reorganization language," said Frank Ciccone, business agent for Local 808 of the Laborers International Union of North America. Ciccone, who participated in the talks, said the discussion centered on issues, such as moving a person from one job to another and what happens to workers when an office is closed.

"Some of the language needs to be somewhat more concrete," said Ciccone, who is also a state senator. "The longer that this takes, the harder it is to reach an agreement. We're hung up on one thing, let's work it out."

Joe Peckham, acting executive director of Council 94, the state's largest union, said the administration wanted to be able to move employees among different jobs and state agencies — something that wasn't part of the tentative deal and that would be unacceptable to the union's members.

"The reason we have labor unions and contracts is to create stability in the workplace," Peckham said. "(Gov. Don Carcieri) wants this so-called flexibility that will create tremendous instability for the people we represent.

"The governor has had seven years to fix the problems with the state, and when we sat down to negotiate, it was all about money," he added. "We gave him the money, but wait, he wants more."

Friday's negotiations concluded with no agreement and the sides agreed to come back Monday afternoon, said Philip Keefe, president of Local 580 of the Rhode Island Alliance of Social Service Workers.

Carcieri spokeswoman Amy Kempe would not comment on the specifics of the talks. She said the state was dealing with a difficult economic situation and reorganization was always something the administration looks at as a way to save money.

"It's a matter of finding cost saving and efficiencies within state government," she said. "Reorganization and consolidation has been done in the past very successfully with agreements with the labor unions at the time."

Rhode Island is facing a \$68 million budget gap, partly because of the recession. The state had the third-highest unemployment rate in the nation in August at 12.8 percent.

Carcieri initially planned to shut down state government for 12 days by forcing about 80 percent of the state's roughly 13,500-member work force to stay home on certain days. But a judge earlier this month temporarily halted that plan. The governor then said he had no choice but to lay off 1,000 workers.

Last week's tentative deal would have averted the layoffs and the shutdown. Under the tentative deal, state employees would put off a planned raise and work 12 days without pay over the next two years. In return, they would get extra vacation days and could receive pay for some of their lost wages when they retire or leave their jobs.

That deal emerged Sept. 11, just hours before the state Supreme Court planned to consider a legal challenge filed by unions seeking to block the shutdown plan. The court delayed further deliberations on the case until Oct. 2.

The approval of Council 94, which represents 4,000 state workers, is key to any deal with the state. It sent a lawyer to monitor the talks Friday but did not send any of its three negotiators. Peckham and union spokesman Jim Cenerini said the union did not receive a written proposal from the state until Thursday afternoon, and its leaders did not have time to review the proposal and had scheduling difficulties.

Cenerini said Council 94's negotiators would meet with the state Monday afternoon.

## **No-layoff plan still being negotiated**

*01:00 AM EDT on Friday, September 18, 2009*

By KATHERINE GREGG and STEVE PEOPLES

**Journal State House Bureau**

PROVIDENCE — A week after [Governor Carcieri](#) and top union leaders announced a “tentative” pay-deferral agreement aimed at averting government shutdown days and layoffs, they remain unable to come to final terms, setting the stage for the potential mailing of pink slips to 1,000 or more state workers — and not necessarily the most recently hired.

The potential deal-breaker appears to be Carcieri’s bid for more flexibility than current union contracts allow to move state workers from job to job, agency to agency, and union to union.

For the first time, Carcieri said Thursday his no-layoff promise to the unions, for the next two years, was specifically tied to the unions' willingness to give him more flexibility than he has now to move workers around.

But that had not been worked out when the tentative agreement was announced last Friday.

"We're flexible, but we won't be broken," said J. Michael Downey, president of the largest state employees union — Council 94, American Federation of State, County and Municipal Employees, after seeing for the first time the language the state proposed a week ago.

The union sent a counter-proposal. Nearly a week later, the state had not responded in writing.

But Joseph Peckham, Council 94's acting executive director, said the state's negotiators have agreed to discuss the issue Friday.

"I have no idea where that is going to lead," Peckham said. "We gave them our proposal last week. We hope [they will] give us their counter-proposal tomorrow." That would be "the first time, we have seen it," he said. In the interim, the Carcieri administration is preparing for the largest-ever layoff of state employees, a work force of about 13,000, not counting 584 researchers at the state colleges.

The current standoff was set in motion by a confluence of events, which included the legislature's directive to the governor last June to produce \$67.8 million in unspecified savings during this budget year, largely in the personnel arena, and a subsequent dive in state revenue collections as Rhode Island's unemployment rate remains among the highest in the nation, at 12.7 percent.

Carcieri proposed 12 government shutdown days this year, with most — but not all — of the state's workers under orders to stay home, without pay, and not even check their work e-mails on those days. The unions went to court to try to block him. The governor won the first round, but Supreme Court Justice Maureen McKenna Goldberg issued a stay that barred the state from imposing the first shutdown day on the Friday before the Labor Day weekend until the full court decided whether to wade into the labor dispute.

Last Friday morning when the Supreme Court justices were to meet, the governor and the unions outlined a potential compromise that convinced the court to hold its own decision on the union-filed lawsuit in abeyance for at least three weeks.

The proposal would require all — and not just some — of the 13,000-plus state employees to work without pay for eight days this year, and four days in the budget year that begins July 1. It would also delay a 3-percent raise. In exchange, the state would agree to forgo any further talk of layoffs, shutdown days or furloughs until June 30, 2011,

and the workers would be given a chance to recoup the lost pay in cash or bonus vacation days when they leave state government.

In an impromptu interview with reporters a week ago, Carcieri talked broadly about his continuing desire to “reshape state government.”

“One of the difficulties we have in managing the work force is that we can’t move people from one [union] local to another ... That’s not efficient. The smart thing is, maybe the work volume is going down in your department but we need you [somewhere else] ... So what we’ve worked with them on is an ability to give us some flexibility to move people around from local to local.”

There was no immediate evidence of friction. Downey said his union remains willing to talk to the governor about the reassignment of workers to save money through the centralization of some services, and has a history of doing so.

For example, he said his union was one of several that reached an agreement with the administration to centralize trades people, such as painters, plumbers and carpenters, scattered across state government, and also computer technicians, but the state had not moved forward.

Of the current proposal, he said: “My concern would be sending state employees anywhere they wanted to.”

Carcieri provided his own perspective, as he was leaving a business-sponsored health-care summit in Warwick: “They want a no-layoff [promise]. I said I could agree with that for this year, because we’re well into the year and effectively getting any layoffs done for this year, it would be problematic anyway to get significant savings. But they want a two-year deal. And all I’ve said [is], I’m happy to consider that, but if we’re going to have no layoffs for two years, we need flexibility, because even without layoffs there’s going to be changes going on and you need to move people around.”

Asked on Thursday why his administration had backed off its previously announced plan to lay off the last 1,000 people hired, he said: “You can’t do it. That would be the fastest way, because then you don’t have the bumping issues. But it’s not really the way to manage the departments.”

He said the administration would instead look at targeted layoffs department by department. But, “That’s if we have to do it, and hopefully we don’t have to do it. We’re down to some really short strokes and I’m hopeful.”

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# SHUTDOWN SHOWDOWN: Carcieri Administration, Council 94 to Meet Monday

**Chris Boardman**

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Rhode Island Governor Don Carcieri's administration is set to meet with members of Council 94, the state's largest worker's union. The topic; avoiding 1,000 layoffs and government shutdown days. ABC6 Reporter Julie Ruditzky has more...

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PROVIDENCE, R.I. (AP) - The state of Rhode Island and its labor unions will return to the bargaining table Monday, as they continue talks on a deal to avert a government shutdown and the layoff of 1,000 state workers.

Representatives of Gov. Don Carcieri's administration and leaders of some of its unions met Friday for the first time since agreeing on a tentative deal a week ago.

But labor leaders say a sticking point arose over whether the state can move workers from one job to another.

The sides met Friday, but did not come to an agreement, according to Philip Keefe, president of Local 580 of the Rhode Island Alliance of Social Service Workers.

Keefe says they'll meet again at 1 p.m. Monday.

Posted Sept 17, 2009  
government  
R.I. officials, unions still in negotiations

[By Ted Nesi](#)  
PBN Web Editor

PROVIDENCE – The Carcieri administration and the state’s largest public employees union are still negotiating the details of an agreement that would avoid worker layoffs or a shutdown of state government in exchange for lower pay.

Gov. Donald L. Carcieri’s spokeswoman, Amy Kempe, told Providence Business News this morning that there had been no new developments in the discussions between administration officials and the leaders of Council 94, American Federation of State, County & Municipal Employees (AFSCME). But she expressed confidence that the process is on track.

“Obviously every day that goes by is a concern, but at the same time we recognize that the process does take time,” Kempe said. “We believe both parties are negotiating in good faith. It’s just going to take some time.”

Jim Cenerini, legislative coordinator at Council 94 of AFSCME, declined to comment. Council 94 represents about 4,000 state employees, and the state’s smaller unions are expected to follow its lead on any deal with the administration.

The state had 13,071 employees as of last Friday, according to the governor’s office. That number does not include 584 workers whose salaries are covered by outside sources such as the federal government.

Carcieri first announced last month that he would order state government to shut down for 12 days during the current fiscal year as part of his plan to close a \$68 million shortfall in the budget.

State workers’ unions responded by immediately challenging the proposal in court, and the first scheduled shutdown day was barred by the R.I. Supreme Court. Carcieri then threatened to lay off as many as 1,000 state workers.

Since late last week, state and union officials have been negotiating the details of an agreement to avoid either shutdowns or layoffs and to keep the dispute out of court.

Although a tentative deal was reached on Friday, union leaders have twice postponed a vote on the pact due to concerns about its wording. In a court filing, the two sides said they expected a deal to be in place by Oct. 2.



JIM BOWEN, VIA [FLICKR](#) / CREATIVE COMMONS

THE CARCIERI ADMINISTRATION and Council 94, which represents about 4,000 of the state’s 13,071 workers, are still negotiating a package of concessions to avoid layoffs or government shutdown days.

The tentative agreement calls for state employees to take eight unpaid workdays this fiscal year and another four next year, J. Michael Downey, Council 94's president, said last week. Workers would be compensated for half of those days upon retirement, plus some vacation time. In addition, a 3 percent raise scheduled for July 1, 2010, would be delayed until the following January, he said.

In return, the Carcieri administration has agreed not to have layoffs, shutdowns or furloughs through June 2011, Downey said.

In the meantime, the administration has ordered department directors to draw up so-called "layoff lists" that identify the 1,000 most-recently hired state workers. Although the lists were due yesterday, an official said layoffs are not imminent.


Related Stories

[R.I. union cancels vote on shutdown deal \(Sept. 15, 2009\)](#)

[Carcieri warns of layoffs after union delay \(Sept. 14, 2009\)](#)

[Draft deal reached to avoid R.I. shutdown \(Sept. 11, 2009\)](#)

## RI union head hopes for meeting with state soon

[Associated Press](#) | Sep. 17, 2009, 5:28 PM | 5 | 

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PROVIDENCE, R.I. (AP) — The acting executive director of Rhode Island's largest employees union says he hopes for a meeting with state officials soon about a plan to avert a series of government shutdown days.

Joe Peckham of Council 94, which represents approximately 4,000 state workers, said Thursday he expected to have a counterproposal soon from the state.

He said a meeting could take place as soon as Friday, but none has been scheduled.

Gov. Don Carcieri initially planned to shut down state government for 12 days by forcing many state workers to stay home. He then announced plans to layoff 1,000 workers after a judge blocked that proposal.

The Carcieri administration and unions struck a tentative deal last week, but both sides say they're still negotiating the fine points and it's not final.

**Associated Press**

# **RI, unions continue talks to avert shutdown**

By *MICHELLE R. SMITH* , 09.16.09, 05:41 PM EDT

PROVIDENCE, R.I. -- [Rhode Island](#)'s largest employees' union waited another day without hearing from state officials about its counterproposal on how to avert a series of government shutdown days, a union official said Wednesday, as a deadline passed for state departments to submit lists of workers' names who could be laid off if a deal isn't struck.

The administration of Gov. Don Carcieri would not immediately say whether all state agencies had met the deadline, but cautioned that no layoffs were imminent and that it was viewed as a worst-case scenario.

Joe Peckham, acting executive director of Council 94, which represents about 4,000 workers, said talks are continuing, but the sides haven't met on the union's counterproposal from Monday. He said union officials would be happy to meet.

"The lines of communication continue to be open," he said. "They want to settle this as much as we do."

John Robitaille, a spokesman for Gov. Don Carcieri, would not comment on the talks, except to say, "We're not there yet."

Rhode Island has a \$68 million deficit, due in part to the terrible economy in the state. Rhode Island in July had the second-highest jobless rate - 12.7 percent - behind Michigan and its [tax revenues](#) have suffered as a result of unemployment and other problems.

To partially close that budget gap, Carcieri initially planned to shut down state government for 12 days by forcing about 80 percent of the state's roughly 13,500-member work force to stay home on specified days. But a judge earlier this month temporarily halted that plan, so the governor said he had no choice but to lay off 1,000 workers.

Last week's tentative deal would have averted the layoffs and the shutdown. Instead, state employees would put off a planned raise and work 12 days without pay over the next two

years. In return, they'd get extra vacation days and could receive pay for some of their lost wages when they retire or leave their jobs.

The union said it received a written proposal late Friday, then sent a counterproposal Monday, and has not received anything in writing since then.

Peckham would not be specific about the sticking points, but said broadly that it was in the "details of the language."

Robitaille said department heads were asked to submit lists of names of employees who could possibly be laid off to the state Department of Administration. Under labor contracts between the state and its unions, the unions must be notified of workers who are going to be laid off, but Robitaille said it was much too early to do that because the lists are only "preparatory work," and were being assembled in case a deal falls through.

"It doesn't make any sense making people nervous," he said. "You don't give the names to the union unless you start the process."

"The governor's repeatedly said that layoffs is the worst-case scenario," Robitaille added. "He does not want people on unemployment."

Amy Kempe, a Carcieri spokeswoman, said the head of the Department of Administration wasn't available to say whether agency and department heads submitted lists, but said typically, agency directors meet such deadlines.

As the state's largest union, Council 94 often takes the lead in contract negotiations, and its approval of any plan is key to bringing other unions on board.

## **Carcieri, unions reach compromise: 12 unpaid work days**

*01:00 AM EDT on Saturday, September 12, 2009*

By Katherine Gregg and Cynthia Needham

Journal State House Bureau



Council 94 executive board member Mary Riley, Rhode Island College local vice president Linda Cawley and Jerry Minetti, president of Local 314 at the state Training School, pause during a discussion before entering the AFSCME meeting Friday.

The Providence Journal / Bob Thayer

PROVIDENCE — The Carcieri administration and the leaders of the state employee unions have hammered out a potential compromise that would require all of the state's 12,900-plus workers to give up 12 days of pay, but avert shutdown days and massive layoffs.

Among the key details of the tentative agreement: 8 unpaid work days this year and 4 next year, a 6-month delay in the 3-percent raise promised state workers next July, a guarantee of no furloughs, shutdown days or layoffs until June 30, 2011, and the opportunity to recoup some of the lost pay or take bonus vacation days upon leaving state service.

The leader of one union representing workers at the courts and Zambarano Hospital has already endorsed the proposal.

But with no proposal yet in writing, no immediate votes were taken by the leaders of the larger unions when they gathered at their respective headquarters on Friday to discuss the compromise. It surfaced in the hours before the Rhode Island Supreme Court was to decide whether to wade into the state-union dispute over [Governor Carcieri](#)'s initial plan to shutter state government for 12 days.

With lawyers for both sides putting the court on notice that a "tentative agreement" was in the works, the court agreed to hold its decision on this key piece in Governor Carcieri's \$68-million deficit-cutting plan in abeyance for up to three weeks.

“I’m just thankful that we got back to where I felt we should have been in the beginning,” Republican Carcieri said in an impromptu interview outside his State House office. “It’s not a victory. Nobody wants to be in the situation we’re in now. The state’s in tough financial straits.”

But, “I said at the beginning that the simplest way would be if the unions agreed, and all of us agreed to take a small pay cut,” Carcieri said. “If everyone does it, we’ll get the savings. We don’t need to shut down, we don’t need to lay off ... [This] will produce the same savings we had budgeted as if we had the shutdowns.”

Key union leaders said they could decide early next week to seek a ratification vote by the thousands of members of their unions across state government.

“From what I’ve seen, I think the members deserve a vote,” said J. Michael Downey, the president of the largest state employees union — Council 94, American Federation of State, County and Municipal Employees.

While payless workdays are a hard pill for the workers to swallow, Downey said: “I think the crucial guarantee it contains is that there would be no further layoffs, no more shutdown days, no furlough days and we can have labor peace, hopefully, for the end of the Carcieri administration.”

“We really can’t have an educated vote without the proposal in writing,” Downey said. But he said once he gets the proposed agreement in writing, he would offer it to his local presidents for consideration.

“I think it is the best agreement we can get at this point in time,” echoed Phil Keefe, president of Local 580, Social Service Employees Union, which represents about 850-plus employees in seven state agencies, including the departments of Human Services, Children, Youth & Families, and Mental Health, Retardation & Hospitals.

Keefe said the workers not only have an “opportunity to get that pay back at a later date,” the administration also agreed to put the terms of the agreement in a consent order filed with the court so “we have a legal option if they come to us and try to unilaterally change this agreement. It gives it a little more teeth.”

“IT’S NOT DESIRABLE, but of all the ways to solve this problem, this is probably the best choice,” agreed Robert Walsh, executive director of the National Education Association Rhode Island, which also represents some Health Department professionals.

With no membership vote required, Laborers International Local 808 — representing some court workers and Zambarano Hospital employees — is one step ahead. Local 808 business manager Sen. Frank A. Ciccone, said his membership had already given him the go ahead to move forward in a deal with the state, so long as it did not involve layoffs or shutdowns. As soon as a proposal was forged with the administration, Ciccone got to

work distributing a summary of that deal to his local representatives, with his stamp of approval.

“Yes, they’re going to lose paydays, but it’s not an indefinite loss. They will gain something down the road,” Ciccone said.

His written summary says the compromise would also give Carcieri more flexibility to reorganize government and reassign workers to centralize operations. Carcieri said that phase of the agreement is still being worked out.

Walsh was skeptical, saying “right now, every area is so understaffed, I don’t know what reorganization would accomplish.” Downey said. Council 94 has already agreed to one such move to get scattered maintenance workers to where they are needed.

The proposed agreement evolved out of two days of intense negotiations in labor offices across the state that began with Department of Administration Director Gary Sasse and state labor lawyers insisting on the need for 12 shutdown days, with no guarantee there would be not be more unpaid days or layoffs, and no raise on July 1.

The latest round of strife between Carcieri and the labor unions began this summer when the [General Assembly](#) passed a state budget that directed Carcieri to find \$67.8 million in unspecified savings across state departments.

Carcieri responded, in part, with an executive order that he would shut down state government on 12 days before next July, to save \$17.3 million. The unions objected, taking the administration to court, arguing that the shutdown plan amounted to an employee lockout and violated labor contracts.

State Supreme Court Justice Maureen McKenna Goldberg on Sept. 3 issued a temporary stay that blocked the first of the days, prompting Carcieri to announce he would lay off 1,000 of the state’s 13,000 state workers. The tentative deal emerged just hours before the Supreme Court was to meet behind closed doors to decide whether to wade into the case.

Given the history, Local 2884 President Salvatore Lombardi said he was leery of approving any proposal not in writing.

“The man can’t be trusted,” he said of Carcieri. “I mean, we had a contract before and he stuck it to us. What [would] make us think he wouldn’t do it again? So we need some guarantees before we agree to anything.”

The next of Carcieri’s shutdown days is scheduled for Oct. 9. Agreement highlights

- 8 unpaid work days this year,

4 next year

- 6-month delay of 2010 pay raise
- No threat of furloughs, shutdown days or layoffs until June 30, 2011
- Opportunity to recoup some of lost pay or take bonus vacation days upon leaving state service

Sources: Governor Carcieri and labor leaders

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