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## NEW REPORT SPOTLIGHTS "TROUBLE WITH TRIBOROUGH"

The case against New York's 30-year-old "Triborough Amendment," whose repeal has been a mandate relief priority of local and school officials throughout the state, is laid out in a new report issued today by the Empire Center for New York State Policy.

Entitled *Triborough Trouble*, the report explains how the law requires public employers to maintain all contractual perks for unionized public employees, including automatic "step" increases in pay, after the expiration of a union contract. Key findings include the following:

- The Triborough Amendment gives unions an incentive to resist negotiating structural changes to their contracts, since the *status quo* will be preserved even if there is no contract.
- Pay hikes required by the Triborough Amendment cost the state government \$140 million a year and add almost \$300 million a year to school budgets.
- The requirement to finance automatic pay increases has undermined attempts to stretch taxpayer dollars further in a time of extreme financial stress.
- Repeal of the Triborough Amendment will establish a more equitable collective bargaining system in New York's public sector, preserving basic union rights while giving local officials the tools they now lack to negotiate needed changes to costly and outmoded contracts.

The report notes that pay hikes guaranteed by the law can be particularly expensive for school districts, since teachers can spend much of their careers moving up pay steps and across lanes. Using the median Suffolk County teacher pay scale as an example, the report illustrates how a starting teacher can receive pay increases averaging 7 percent a year over five years, even when base salaries are "frozen."

Contrary to union claims, the report says, repeal of the Triborough Amendment would not expose union members to the unilateral cancellation of health insurance or other important benefits. Rather, basic terms and conditions of employment would be protected by the underlying "Triborough Doctrine," based on a state Public Employment Relations Board (PERB) ruling dating back to 1972.

The report also debunks claims by union leaders that the Triborough Amendment was a "trade-off" for the legal prohibition on public strikes. In fact, the report points out, public employee strikes have been outlawed in New York since the late 1940s. The prohibition continued, with reduced penalties, under the Taylor Law, enacted 15 years before the Triborough Amendment.

The report was written by E.J. McMahon, senior fellow at the Empire Center, and Terry O'Neil, one of the state's foremost labor law experts, who heads the Garden City office of the law firm of Bond, Schoeneck & King. The Albany-based Empire Center is a project of the Manhattan Institute for Policy Research, a leading 501-c-3 think tank.