

MTA's violating Taylor Law as well

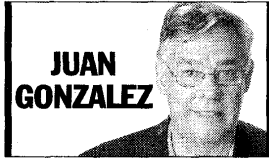
Gov. Pataki and Mayor Bloomberg have vowed drastic penalties for the striking members of the Transport Workers Union for violating the Taylor Law.

Yet the mayor and the governor have been completely silent about violations of the same Taylor Law by their own appointed officials at the Metropolitan Transportation Authority.

The most well-known portion of the law, Section 210, states that "no public employee or employee organization shall engage in a strike."

That is not, however, the only provision of the law. Other sections also provide protections to public employees.

City union leaders and state lawmakers keep trying to point that out. They say the MTA itself trampled a key provision of the Taylor Law by demanding that TWU President Roger Toussaint accept an inferior pension plan for future members of his union as a condition of a new labor contract.



Section 201 of the law clearly states that "no such retirement benefits shall be negotiated pursuant to this article, and any benefits so negotiated shall be void."

Only the Legislature has the legal authority to approve changes in public employee pension systems.

Not the MTA. Not the mayor. And not the governor all by himself.

That's the way it always has been.

MTA officials have claimed for several days that reforming the

union's pension plan became the main unresolved issue to a settlement.

"That's what's known as an impermissible subject of bargaining," said Assemblyman Richard Brodsky (D-Westchester), who is chairman of the Assembly committee that oversees the MTA.

Sure, unions and public agencies sometimes agree, as part of an overall labor settlement, to jointly petition the Legislature for pension changes, but management can't simply force a union to accept a worse retirement plan.

"If the governor is going to be a tough guy about the Taylor Law with the union, he should be tough as well on the law when it comes to the MTA," Brodsky said yesterday.

This crippling strike could be over in hours if Pataki ordered the MTA to adhere to the same Taylor Law he wants the union to respect.

Toussaint said as much to a group of 40 city labor leaders in

a telephone conference around noon yesterday. He repeated it a few hours later in a meeting with several dozen black political and religious leaders and in a press conference later in the afternoon.

His plea is now being taken up by many leaders eager to bring labor peace back to the city.

Municipal union leaders, headed by teachers union chief Randi Weingarten, urged the mayor and the governor to set aside the pension issue for now. Meanwhile, several state legislators made the same pitch in Albany.

If there are reforms needed in public employee pensions, they say, they should be negotiated with all the unions involved in the city's retirement system, not by singling out the transit workers union as a test case.

But even before Toussaint spoke, Pataki delivered yet another blistering criticism of the strikers. Worse, he tried to escalate the conflict by urging no further contract talks until

the union returns to work.

In two previous illegal transit strikes during the past 50 years, union leaders and public officials always kept negotiating until they reached a settlement.

Thankfully, MTA Chairman Peter Kalikow moved forward yesterday with serious mediation efforts that continued late last night. Kalikow appears to be the only top MTA official eager to reach a deal.

His boss Pataki, on the other hand, is eager to prove to the nation what a tough-guy President he would make. In Toussaint and his 33,000 union members, he sees his ticket to fame.

So what if the public has to endure a few more days of a transit strike that never should have happened in the first place? Who will listen to a bunch of union members engaged in an illegal strike, the governor and the mayor seem to think.

We'll soon find out if they're right.

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