

LOCAL 372

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DISTRICT COUNCIL 37 AFSCME AFL-CIO
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Santos Crespo Jr., President

PRESS ADVISORY

FOR IMMEDIATE RELEASE

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Contact:

**Mickey Melendez - Assistant to the President
(212) 815-1372**

Union Files Lawsuit against NYC Dept. of Education Charging Bad Faith, Violation of State Education Law and misuse of Medicaid Funds

What: District Council 37 Executive Director Lillian Roberts, District Council 37 Associate Director Henry Garrido and Local 372 President Santos Crespo, Jr. will be holding a press conference to ask the courts to reinstate unfairly laid off city workers.

Where: District Council 37 - Local 372 at 125 Barclay Street, 6th Floor - Room 665A, New York, NY 10007

When: Wednesday, November 16, 2011 at 12:00 noon.

Why: NYC Board of Education Local 372 President Santos Crespo, DC 37 Executive Director Lillian Roberts and DC 37 Associate Director Henry Garrido filed papers today asking the court to overturn the recent Department of Education layoffs of 742 school support staff charging the layoffs were done in bad faith and in violation of the State Education Law.

The union insists the layoffs were done in bad faith because the NYC DOE was more committed to laying off Local 372 members than finding any alternatives and points to the following:

- DOE refused to even consider the union's significant cost-saving proposals or to tap a \$16 million in Tax Levy Funds both of which could averted the need for layoffs to close the budget gap.
- DOE hid layoff plans from City Council members and school Principals both of whom insisted they could have used other pockets of funding to prevent them.
- There is evidence that some workers were eliminated through layoffs under the guise of economic necessity while new employees were hired to perform substantially similar work under different titles.

The DOE violated State Education Law requiring a distribution of reductions "in an equitable manner," by requiring all schools to absorb the same 3.26% cut when in fact schools in poorer neighborhoods where over 40% of the population receive public assistance, simply do not have the same fundraising resources as others.

The lawsuit also cites the fact that the DOE has set aside \$25.7 million from Medicaid revenue to fund charter schools and \$47.6 million to fund supplies and materials. In addition, the union cites the DOE's continued use of high paid consultants and employees in its central office charging that any of these funds could have diverted layoffs.

"We are hoping the courts can see the blatant deceit the DOE used when they laidoff these members. There is no clear monetary justification for the layoffs," said Crespo. "We want a swift and positive resolution that will get these hard working people back in to their jobs".

Since 2008, our union and schools have suffered the loss of more than 2,200 Local 372 employees. This most recent layoff affected 642 hard working members. Most of the affected are single mothers, head of households who already live and work in underserved communities which are in need for enhanced social services and suffering with higher unemployment rates. Notwithstanding that, these Local 372 members are some of the lowest paid employees within the DOE. "The economic sense of laying off city workers does not add up" said Local 372 President Santos Crespo, Jr. "Our children deserve better".