

## **Judge Constance M. Sweeney Rules in our Favor on the 2003 Wage Freeze**

We all have been working long and hard to try to bring a just and fair resolution to this crisis. Finally, some good news! It's a great first step, a win in the courts on the 2003 wage freeze. The below mentioned hearing will determine what monies, in addition to the steps and columns of 2003, will be due the SEA and its members (damages could include interest on the frozen wages). Here are some excerpts from Judge Sweeney's finding:

“A non-evidentiary hearing will be conducted in December 2005 to determine the legal basis for the plaintiff's claims for damages, apart from the step and column increases they were not paid under the contracts at issue here.”

...“I have determined that St. 1989 c. 656 was wrongfully invoked by the defendants when they approved the FY 2004 budget...”

...“On June 26, 2003, the City Council passed the FY 2004 budget that was based on the wrongful invocation of Chapter 656, & 6.”

...“The final budget shows that although the school committee had originally included in its budget \$2 million for the wage increases under collective bargaining agreements, this amount was not spent on wage increases due to the wage freeze imposed by city officials. Instead the funds were used to meet other financial obligations not just in the school department, but in other departments as well. Indeed, the City admits that in FY 2004, it did not comply with minimum spending requirements of the School Finance Law, G.L. c. 70, which prohibits municipalities from transferring money from school departments to other municipal accounts if the City has not spent a statutory minimum amount of funds on its public schools.”

...“It is painfully clear that in 1993 Mayor Albano, along with CFO Williams, twisted the clear meaning and purpose of Chapter 656, & 6, and instead of using the law for its intended purpose, used it to cut a broad swath across municipal finance law and protect themselves from making difficult, sensible and discrete budgetary decisions to produce a legitimate balanced budget. They turned the law on its head.”

...“Chapter 656 was never intended to be used as a shield to protect city officials from making extremely difficult decisions about personnel or municipal services for upcoming fiscal years. The Act only comes into play when a particular department does not or cannot stay within budget; then and only then may Chapter 656, & 6 be invoked.”

...“The wage freeze imposed here was by no means authorized by any provision of Chapter 656.”

...“The summary judgment record establishes that the defendants had no authority under Chapter 656 to impose the wage freeze for FY 2004, and actually violated the substantive and procedural provisions of that act.”

...“Mayor Albano’s failure to include the pay raises in the City’s FY 2004 budget resulted in the breach of the collective bargaining agreements.”

...“The remaining defendants, CFO Williams, City Auditor Basile, School Superintendent Burke, wrongfully failed to support affirmatively a request to find the bargained for pay increases.”

...“While not dispositive of this action, the Court notes that the defendants’ imposition of the FY 2004 wage freeze also violated statutes geared to safeguard school funding from being controlled or used by nonschool municipal officials.”

...“The record does not reveal why the School Committee accepted this blatant transgression upon their authority and failed to challenge the patently invalid wage freeze on the grounds that it would result in the transfer of school department funds to other municipal accounts in violation of G.L. c. 70, as the City failed in FY 2004 to spend up to the statutory minimum on its public schools. Furthermore, the school committee not only inexplicably failed to request the City Council for additional appropriations necessary to meet its obligations as a party to the collective bargaining agreements, but approved of the FY 2004 school department budget with the wage freeze.”

Heartened by this decision, all of us need to get seriously involved in our lobbying efforts with our state representatives and senators to get them to help end the blatant violation of our rights.

Watch for future e-mails. Keep in touch with your Building Action Organizers and get involved with our campaign to Save Springfield Schools. Together we can move our state officials to help bring a fair and just resolution to this crisis.

Tim