

Apples to Apples

I would like to introduce myself; my name is Sean Connolly Sewage Treatment Worker from Hunts Point Sewer Plant. Just like the rest of you, I am tired of what has happened to us for eight years. I am also tired of all the misinformation that you get from second and third parties on what is going on. I wanted to see and hear for myself. I attended the OATH Hearing eight out of the nine days. I took notes on what I thought I had heard and what I thought what was going on. The following is a break down on what happened from my eyes and ears.

The courtroom had Board Members, Shop Stewards, STW and SSTW all sitting in the gallery. In all 48 people attended. If you know of someone who attended the courtroom hearings, please thank them. It was not cheap going down to 40 Rector Street. Showing up after work, before work and taking vacation. Over time was lost. Some had to pay for baby sitters. I had taken daily attendance records for all the hearing dates. It can be reviewed by all at anytime by request.

DAY ONE APRIL 6TH, 2009

Local 1320, Comptrollers Office and Office of Labor Relation reported to Judge Alessandra F. Zorgniotti to begin the Court Hearing Process. After the introductions of Lawyers for everyone, the Comptrollers Office asked Judge Zorgniotti for more time. She said “**Absolutely not. They have been waiting for seven years.**” Then the fun started the Comptrollers Office and OLR began to argue with each other and the Judge had to separate the two and put Local 1320 in the middle. OLR would be on the left of us, and the Comptrollers Office to the right. The Comptroller stated they only had to come up with the closet match not the exact match. Con Ed would be that match. They wanted to compare the STW to a B mechanic and the SSTW to an A mechanic with the Con Ed workers Local 12. They also would like to use a Min to Max Salary pay scale that Con-Ed uses. This would not be the last comparison.

Then the arguments began for entering evidence. The Comptrollers office had entered 25 exhibits, OLR entered 7 and we had entered 185 exhibits. They also went over the witness list; Comptroller 2 witnesses, OLR 1 witness and Local 1320 had 10 witnesses. Local 1320 team being led by Bob Burzichelli on behalf of D.C.37 (who has been paying his retainer fee) opened his statement quoting Mayor Bloomberg from Gerry Montello’s funeral “Gerry’s official job title was Sewage Treatment Worker but in a real sense that actually meant doing whatever it takes to keep the plant running. So on a day-to-day basis, Gerry was something of a mechanic. He was a bit of a carpenter. He could do a little masonry and a little plumbing and by all accounts he was an expert glazier.” We are jack-of-all-trades. If we did not do our jobs the city would suffer. Bob was going to prove to the Judge that we are working side by side with outside trades. He was going to show how it was a violation of Labor Law 220. The lawyer stated to the Judge that if you are a painter and you do work as an electrician, you are an electrician. Bob also kept asking Judge Zorgniotti to keep an open mind, that he was going to teach her what an STW is and what they do. He said that it was outrageous that the Comptrollers Office wants to compare us to Con Ed; they have “walked in our shoes”. Simply pay us what

they guy on the outside is making. How can a labor make more digging a ditch then a guy working on a \$300,000 pump? Bob said it was comparing APPLES TO APPLES. Office of Labor Relations waived their opening remarks to a later time.

Comptrollers Office first witness would be Wasil Kanuch PE, Director of Classification. He tried compare us to Con Ed and explained why. They were trying to make turn the STW into two job classifications, operation and maintance. They compare us to basic plumbers, basic carpenter, and basic welders. The Comptrollers Office had Mr. Kanuch explain how he was able to compare Con-Ed process to a Waste Water Treatment Plant. They both clean water.

After the court was over our Lawyer would meet with everyone outside and explain what had just happened.

Day 2

Comptrollers Office continued to question Mr. Kanuch on comparing the STW to Con-Ed. They went over job duties and job specs. Some of the scope of work they went into was on tank work. Mr. Kanuch stated that reconstruction of rebuilding tanks was not in our job scope. We should maintain and repair.

It was now our turn to question Mr. Kanuch, Bob begun to discredit him on his qualifications and his staff's as well. He asked where and who he interviewed during his visits to the Sewage Plants. They were not in his reports. When he met with Con-Ed, Bob asked him where he got his information? Mr. Kanuch said he guessed. Our Lawyer began chewing him up, like what a pit bull would do to a t-bone steak. Bob began to question, his investigative skills, his team's investigative skills. He showed how he did not do his job. There were no pictures of any collection pumping stations. Bob asked why there were no pictures of any men working in the hole? Mr. Kanuch said, " that I would have put waders on." Judge Zorngiotti asked what waders are. Our Lawyer was going after Mr. Kanuch on everything he tried to compare us too. There was no evidence to back up his claims. The Comptrollers Office looked beat at this point. During the break Bob asked me what I thought and I told him I was having fun. He said the fun has not begun yet. Mr. Kanuch would slowly sink into his chair with every question our Lawyers would ask. Bob asked Mr. Kanuch again how come the comparisons to Con-Ed and the STW were not in his reports. Kanuch said, "I remember and I have a brain. You use your brain to remember." Bob asked Kanuch what he was wearing when he went to the Owls Head Plant. Kanuch said, "I don't remember".

When we came back from lunch, everyone was relaxed. Bob asked Mr. Kanuch if he was ok, he said yes. Then our Lawyer said to "now I am going to abuse you." Bob quotes Mr. Kanuch from another trial where he stated that a picture was worth a thousand words and asked him where his pictures were? Bob showed Wasil pictures of equipment from the plants and asked him to explain what they were. He could not. He did not know what he was looking at. If so how can he compare us to Con-Ed if he did not know what the equipment was? He showed Kanuch a picture from the Owls Head accident and asked if it was a hazardous job? Kanuch agreed. What other hazards are there? You can fall, get

gassed, there are lots of hazards. Where was that in your report? They began to go over the C.O.F.S that we need for our job. Mr. Kanuch agreed that we them for our job. They were not in the Comptrollers notes for determination. Bob asked Mr. Kanuch what jobs do the S.T.W.'S do he said, " millwrights, plumbers, steam fitters, painters, landscapers, cleaners, laborers, masons and carpenters."

After seeing what our Lawyer did to the first witness on the first day of hearings, I knew we were in the right direction. He is worth every penny DC 37 is paying.

Day 3

Office of Labor Relations began to question Mr. Kanuch on the Min-Max Salary. He said that there re no other jobs in the prevailing wage that had a Min-Max. OLR asked if he was trying to make law? He said yes. Our lawyer objected and wants to file 178 petitions. " What is good for one is good for all." OLR wanted to strike the question and the Judge said that could not.

Day 4

Comptrollers Office second witness was the Head Trainer from Con-Ed Mr. Jan Van Dasaler. They went over his experience and qualification on being a witness. He went over what Mechanic A does and what a Mechanic B is not allowed to do. They also went over what an Operation Mechanic A (OMA) does. They discussed the Min-Max Salary program, how it works. He broke down the duties of all of Con-Ed. Mr. Van Dasaler was a good witness for the Comptrollers office. He did some damage to us.

Now it was our turn. Bob began to show him pictures of equipment in the Plants and at the Pumping Stations. He did not know what he was looking at. Bob had to show how to look at the pictures. Earlier in his testimony Van Dasaler said that Con-Ed worked on positive displacement pumps, when Bob showed him one of ours he did not know what he was looking at. Our Lawyer asked him what information he was comparing our jobs to. He said Mr. Kanuch gave him a brief description on what we do.

OLR questioned Mr. Van Dasaler on the Min-Max levels in Con-Ed. They also discussed the evaluation process for raises and the process of grievances.

Comptrollers Office made a motion to amend their petition; they want to compare the STW to Con-Ed's Operation Mechanic A and the SSTW to Mechanic B based on the testimonies from Mr. Kanuch and Mr. Van Dasaler.

OLR objects saying that Mr. Van Dasaler is not qualified on the job specs for Mech. B and the Operation A is based on faulty info.

Judge Zorgniotti will reserve the motion to latter. If she decides on it now, it will end the case.

The Comptrollers office will amend the motion with OLR and the Union allowed to challenge.

The Comptrollers Office rests their case.

DAY 5

OLR presented their only witness NYC DEP John Petito, Director of Operations. OLR questioned Mr. Petito on our daily assignments in the operations, maintenance and collections. They went over the difference of us vs. Con-Ed. “ We have a lot more pumps and valves and we are much bigger.” Stated Mr. Petito. They went over the different permits and COFs that we need. They also covered how the SSTW has to fill out the performance evaluations. When Bob questioned Mr. Petito what does an STW do? He said, “They can do anything we ask them to do.” He stated the trades that we normally do are Plumbers, mechanical repairs, and carpenters. We repair our own tanks. He also talked about how there cannot be two divisions. You can be on operations one day and maintenance on another. Mr. Petito was asked should they get paid differently and he said NO. Comptrollers turn to ask Mr. Petito questions. They went over the daily work sheet. They went over what an STW can do and what an STW cannot do. They also discussed tank work. Mr. Petito stated, that we do reconstruction of tanks. It depends on the recourses. Overhauling is repair work. Mr. Petito compared the STW to a machinist. They also discussed how you work on one job and you can do something else at any given time. Jerry Gennaro was working on operations when he died helping out on a maintenance job. With that the Judge look at the Comptrollers office with pity.

Now it was our turn to present witnesses. Our first witness was a Mechanic B from Con Ed. He stated that Mr. Van Dasaler has no part of the maintenance department. They went over what a Mech. B can do and cannot do. A Mech. B cannot work without a Mech. A. They were going over all the jobs duties that Mr. Kanuch had tried to compare the STW to a Mech. B and the answer was no, a Mech. B can't work on that. Mr. Kanuch sitting at his table was shrugging his shoulders. Our lawyer tore apart the comptrollers comparisons with just one witness. He stated that fine-tuning of equipment gets shipped out to another department in the Bronx.

Comptroller's office questioned the Mech. B from Con-Ed and mainly said that he is a gofer. Then the joke of it all OLR asked the gentleman if a Mech. B could screw. He said no, only if there is a Mech. A present can he screw. OLR does not even know what we do. They do not even know how to ask a question on tightening a bolt.

After everyday in court we would wait outside together and our lawyer would explain what has happened and what he plans to do on the next day.

Day 6

Judge Zorgniotti ask the Union if we can cut down our witness list, there is no dispute on what we have and what Con-ed has.

She also told the Comptrollers Office that they have top come to a determination on what we are. Closing arguments will be done in writing. The Judge also told them to figure out a salary. The Comptrollers Office said that they have never done that before. OLR said they need a determination and we said not Min only use the Max.

Judge Zorgniotti offers to bring in Judge Lewis again to help negotiate a rate. Both the Comptrollers Office and OLR denied the offer

Bob Burzichelli called Stephen Green an A Mechanic from the East River Maintance Station. Mr. Green discussed the training that a Mech. B has to go through, in order to become a Mech. A. He also stated that Mech.A does not supervise the Mech.B. Mech.A is just a mentor and the Mech.B is a just a helper.

Comptroller's Office asked what a Mech.B does on a pump? Mr. Green stated the all they can do is break it down and a Mech.A puts it back together. The Mech.B is an apprentice and sets up tools for the job. They asked Mr. Green if the Mech.B could fix a leak? He said NO that a Mech.A is always on the job and does they do it.

OLR asked Mr. Green if a Mech.B always works with a Mech.A and he said yes. They discussed the jobs that Con-Ed does. OLR was trying to make the Mech.A a supervisor with some questions and Mr. Green said that they do not supervise. Supervisor does not work with tools and they are the ones who do evaluations.

The Union followed up with asking Mr. Green who docks the boats and who unloads the boats? He a Mech.A does.

Day 7

Witness Jim Tucciarelli takes the stand for the Union. He explained to the Judge how the Grit Chamber process works. He also told the judge about the history of our work. Jimmy explained to the Judge how there is no quality of life for the STW & SSTW, they are losing their homes and some have lost their homes already. Jimmy explained to the Judge how the process works from the sewers drains in collections to the pumping stations to the plant all the way to the effluent. He describes the size of our equipment compared to Con-Ed's equipment. Jim explained to the Judge the hiring process and how we need three years experience to start the job and how the process of an STW to get to Step 3 pay. He told the judge about all the C.O.F. licensees that we have to have for our job. Talked about the SPEDES law and how if we can go to jail. Jim explained that we have to maintain our driving requirements such as licenses, CDL's and Hazardous waste licenses. They discussed the dangers of the job and the LOTTO procedure.

Jim was showed photos of various jobs that the STW did. He talked about how we fabricate.

They talked about how we worked side by side with contractor on job sites. How much they were making. The contractor has the salary posted. A contractor was working on equipment in a Dewatering building making \$45.58 an hour. Comptroller objected. Our lawyer said it is the Comptrollers law that states it must be posted and is public record.

Jimmy talked about the tank work that we have done. How we repair and maintain them. He also discussed how Hunts Point was awarded a contract over the outside contractor to do the tank work. The City paid a contractor to leave the job so the STW can do it cheaper. Jim gave the Judge a great understanding on what the STW and SSTW do in their daily routine on filling out all the station sheets and the readings that we must take.

The Comptroller's Office begins to question Jim Tucciarelli. They asked him what title do you think you should be compared to? He said Millwrights, Steam Fitters and Maintenance Engineer. They went over job tasks on the evaluation sheet. They discussed how the oilier only lubricates and the STW does not do electric. The Comptroller's Office is trying to separate Operation and Maintenance again. Then the big question of the day for their office was they asked Jimmy, "What are waders?"

OLR had Jimmy look at some pictures and explain what was going on. They were trying to say that we were doing out of work title. Jim explained to them that it is our job.

Bob Bruticelli showed Jim some pictures and asked whose title should be doing that work an STW were doing? He responded with Millwrights.

Day 8

Jim Pinn Plant Chief from Newtown Creek took the Stand as a witness for the Union. He broke down the shifts and titles that work in his plant. He spoke about how much work we do around the plant and the skills that we need. He explained how the SSTW is a first line supervisor. How they oversee jobs, the paper work that needs to be filled out and how they have to report to the Engineers.

Jimmy Pinn explained his duties with contractors in his plant. They talked about how outside contractors won out of title work 220 Law. He was shown photo of STW 's working on a pump and it is Millwrights duties. They showed pictures of STWs working on tank work, same work as the contractor that just won. They discussed how the STW was doing the same plumbing work as an outside contractor at his plant. They talked about having two titles and Mr. Pinn said no, you couldn't have that. An STW has to now both. We are universal. They discussed the change orders in his plant, the STW has to fix what the outside trades messed up.

Comptroller's office asked Mr. Pinn about two titles and he said no. The STW is interchangeable. They have to be cross trained. They went over the job duties, such as welding, machinists. They discussed how there is no NYC plumbers, carpenters or pipe fitters in the Plants. The STW does that work.

OLR tried to question Mr. Pinn on his credibility as a witness because they are without a contract. They discussed the Duties of the SSTW and how they are the eyes and ears of the Plant. How they have to discipline the STW. They showed Mr. Pinn photos of MSP pumps and asked who works on it? He said the STW. He was shown pictures of electrical motor and Mr. Pinn explained that the electricians disconnect the electric and the STW cleans it.

Mr. Pinn was an instrumental witness for our case. He spoke very highly on what we can do and what we do for the City of New York how we go above and beyond our normal job description. The STWs and SSTWs owe him our thanks

John Quinn SSTW from Hunt's Point explained to the Judge the different log sheets and duties in those stations that the SSTW have to review and sign. He explained the dangers of the job, that if certain things were not done there could be major explosions from the digesters. He also told that Hunts Point area could be gassed if certain chemicals were mixed.

The Comptrollers Office had no questions for Mr. Quinn,

OLR looked at log sheets and asked if any of it was contracted out. Quinn said no. Mr. Quinn also stated you still need to do maintenance on operations.

The Union rests their case no more witness would be needed.

The Judge asked the Comptrollers Office for a final determination for the STW and SSTW. OLR and the Union would need it for the final summary, which would be handed to the Judge in writing.

The Comptrollers Office made the motion to change the petition for the STW to be compared to Con-Ed's Operator A and the SSTW would be compared to Plant Operator. They said it is the best match.

OLR likes the match for the STW but not the SSTW match. The Plant Operator does not supervise. The fighting between everyone was confusing. Jimmy explained to the Judge on the history of negotiating with the City in the past. She once again offered to bring in Judge Spooner. OLR and the Comptroller both denied her request. They want to bring in Mr. Van Dasaler again.

Day 9

No court. The Comptrollers office could not get Mr. Van Dasaler to come in.

Day 10

Van Dasaler again, he was asked mainly if the Plant Operator supervises and he said no. Closing arguments will be handed in to the judge in the these dates

- Comptrollers Office June 12, 2009
- Union July 10, 2009
- OLR July 10, 2009
- Comptrollers Office rebuttal July 31, 2009

Now all we have to do is wait, hopefully the Judge does not take long. If you or anyone has any questions on what happened in court, please email me at seanconnolly1320@live.com.