

40 FIRED STATE EMPLOYEES REINSTATED AFTER ARBITRATOR EXONERATES THEM



Union members are ecstatic that some of their state employees who had, following a much publicized fraud, been fired from their jobs were reinstated. The workers will receive unpaid suspensions ranging from 15 to 60 working days, but they will not lose their benefits or seniority. Governor Dannel P. Malloy's office confirmed that 40 of the 103 workers, who had been fired, have been given back their jobs. Andrew Doba, a spokesman for the Governor said that those who had not been reinstated were those employees who were allegedly guilty of "some of the most egregious violations." Moreover, their cases were yet to be heard by an independent, neutral arbitrator. The state employees were charged with crimes ranging from falsifying their income and inappropriately receiving emergency benefits. The benefits were sought in the aftermath of the devastation caused by Tropical Storm Irene last summer. The emergency benefits were to be used to provide food, but could also be used to cover storm-related expenses such as property repairs and temporary housing costs. In the case of one employee, the independent arbitrator Susan R. Meredith ruled that the employee "made a mistake and did not commit fraud." Meredith wrote: "The discipline imposed was too severe. The dismissal is hereby reduced to a thirty (30) working day suspension without back pay." Most of the reinstated workers will return to their workplaces on June 29, however, they would not be entitled to receive back for the period they were under suspension. Rich Rochlin, an attorney for some of the fired workers, expressed confidence that at least 56 of his 60 clients "will get their jobs back or are in the process of getting their jobs back." "I've been saying since December that there were flaws in the system and these workers were being railroaded. The arbitrator's decision is a complete vindication of everything I've been saying and contradicts everything Malloy and his staff have been saying since December," he said. Since the fraud, in December, there was no information from the governor's office about the precise number of workers who had been fired. However, following statements by Luciano and Rochlin on Wednesday, a spokesman for the governor confirmed that 103 workers had been fired, resigned or retired, in the wake of the food stamp case. In a written statement, Luciano said, "Most of the cases resulted in a finding by the arbitrator that the individual made mistakes in the application and did not commit intentional fraud. Those individuals have made, or have committed to make, full restitution to the state for the amount they received from the program. The arbitrator imposed disciplinary suspensions ranging from 15 to 60 working days. Luciano agreed that some of the state employee may have engaged in fraud, but others had made genuine mistakes and the arbitrator said that they should have been disciplined but not sacked from their jobs. Since they have exercised their due process rights and returned the money they had received, it is seen as adequate discipline and they can now return to their jobs, he clarified. Luciano commented that they had no desire to shield the guilty and had made it amply clear, right in the beginning that if any individual had intentionally cheated taxpayers to receive a D-SNAP benefit should face the legitimate consequences. However, he said, they should not be pronounced guilty until their guilt was proved in the appropriate court of law, since like every other individual they too are entitled to due process and union representation. "The arbitrator's awards in these cases are an appropriate solution for the individual Council 4 union members and the state," he said. The unions had filed grievances after the workers were fired. However, the grievances were denied and the cases ultimately went to an independent arbitrator, who heard the cases on Tuesday and Wednesday at the state Office of Labor Relations in Hartford. In one ruling and arbitrator wrote that the state "did not discipline the grievant for just cause," adding fuel to the allegations that the state did not have cause to fire the workers. Malloy spokesman Andrew Doba said: "The governor made it clear from the beginning that anyone involved in the D-SNAP investigation would be entitled to due process. Today's announcement is proof of that." The spokesman said that the state government believes anyone who defrauds taxpayers has to be dealt with severely and must not be allowed to go unpunished. He said that those who committed some of the most egregious violations, had not been reinstated and would continue to remain unemployed until their cases are heard and they are exonerated. He said that the governor's message is clear, public service is a privilege and any abuse of the privilege will not be tolerated. To further show that the Gov. Malloy was strict about his zero-tolerance to fraud in public service, he has instructed the Office of Labor Relations to review each of the arbitration decisions recently issued and to investigate if any of them had enough grounds on which to appeal these decisions to the Superior Court.