

# The Chief

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## Highway Supervisors Get Interest From 2006 Wage Dispute

By MARK TOOR

More than 150 city employees with the title Supervisor Highway Repairers received a sizable payday in March 2006 when the City Comptroller ordered that they divide \$24 million in back pay from a prevailing-wage dispute.

The Bloomberg administration appealed, and after it lost the appeal in June 2007 it didn't start paying the supervisors until December and didn't finish paying them until well into 2008. Because the city did not pay promptly, the supervisors received a second payday: \$3.2 million interest on the original \$24-million judgment.

### 60-Day Standard

"We wanted interest because the prevailing-wage law provided for interest if the city doesn't provide the back pay within 60 days," Daniel R. Bright, the attorney representing Local 1147 of District Council 37, said in an interview. The law sets an interest rate of 6 percent.

The case was settled in July. The highest interest award to an individual was \$48,417, with most payments much lower.

The city did not dispute that interest was due. But it argued in court papers that the clock did not begin ticking until the Comptroller's award was upheld by the Appellate Division 14 months after it was made. It further said the large number of people affected meant it needed 120 days rather than 60 to figure out the payments.

### Appeals Don't Stop Clock

Mr. Bright argued that the statute says interest must be paid if back pay is not provided within 60 days of a final determination—in this case the Comptroller's ruling—and does not make an exception for appeals. "We are pleased that this matter has been resolved," said Georgia Pestana, Chief of the Law Department's Labor and Employment Division.

The prevailing-wage law requires that workers on a government project be paid no less than the prevailing wage for similar jobs at private projects. The aim of the law is to avoid destabilizing wages in the construction industry.

The original dispute covered 169 people who held the Supervisor Highway Repairers position from 2000-2005.