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Sources: Adams nixed Law Dept's 2021 telework plan Rejection said to have contributed to agency exodus



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James Johnson being introduced by then-Mayor Bill de Blasio as the city's corporation counsel at the New York Hall of Science in Queens in October 2019. A committee of lawyers at the city's law department began drafting a work-from-home policy during Johnson's tenure and continued doing so when his successor, Georgia Pestana, was appointed to the post in 2021. Both were said to sanction the effort. It was ultimately scrapped by Mayor Eric Adams soon after he took office last year.

MICHAEL APPLETON/MAYORAL PHOTOGRAPHY OFFICE



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BY DUNCAN FREEMAN

A teleworking policy developed by lawyers in the city's Law Department during the final year of the de Blasio administration was scrapped by Eric Adams days after he became mayor, contributing to a massive exodus from the agency and compromising the department's ability to carry out its mission.

According to a former law department lawyer and another still with the department, many in the department believe that allowing lawyers to work from home one or two days a week would have helped stem a tide of departures that is making it harder for those who remain to adequately represent the city in often complex and time-consuming legal matters and litigation.

"We are constantly triaging," said the lawyer who is still with the department. The lawyer has watched as "a substantial amount" of colleagues left in recent months for higher-paying jobs that also offer an option to work from home.

Lawyers thought that Adams soon after taking office would walk back de Blasio's insistence that all municipal employees work in their city offices, a mandate de Blasio imposed in September 2021.

Instead, Adams' newly-appointed corporation counsel, Sylvia Hinds-Radix, informed some of the leadership in the department soon after Adams was sworn-in that the draft policy would essentially be ignored. The committee of lawyers who worked on the policy for nearly a year and others who knew about its existence found out it had been scrapped soon after.

"It wasn't happening, end of discussion, that's it," is what the former department lawyer said was the message from the top. "They just didn't care what we wanted or needed as a population recovering from a global traumatic event."

In the year plus since the policy was set aside, the Law Department has continued to hemorrhage staff, affecting the department's ability to carry out basic functions, such as litigating cases or negotiating settlements. The quashed hope, in addition to stagnant wages, which are far lower than those in the private sector, decimated morale and pushed attorneys out of the department, the two lawyers said.

The city comptroller's office in December found that the department had a 10.1 percent vacancy rate (<https://comptroller.nyc.gov/reports/title-vacant/>), higher than the city agency average of 8 percent, and departures from the department have continued since. "It just doesn't feel good to work in a place that doesn't respect you," the former lawyer said.

'We were devastated'

Lawyers at other city agencies have departed at record rates for similar reasons, according to Saul Fishman, the president of the Civil Service Bar Association, which represents attorneys in many city agencies. "In the past year and a half people have left like never before, we're down by 20 percent of our membership," Fishman said. "Lack of respect, low salaries and a lack of telework are pushing people out."

The former Law Department lawyer feels that the policy their colleagues had created could have been used as a model for other city agencies, many of which have similarly been seeing staff walk out the door. "Once we had something in place the other agencies could look at it and adopt it for their needs," the lawyer said.

Many Law Department attorneys and staff were unaware of the policy's existence, much less that it had been shot down by Adams' corporation counsel. Some still may not know the draft policy or the team creating it ever existed.

Hopes for a hybrid work schedule for all municipal workers were shot down June 1, when Adams' chief of staff, Frank Carone, penned a letter to all city workers (<https://abc7ny.com/work-from-home-nyc-municipal-employees-return-to-office/11915890/>) saying, in part, that workers were "required to report to work in person for every scheduled workday and hybrid schedules of any kind are not permitted."

Following that letter, "People were really really upset and very disappointed," the lawyer still at the department said. "We were devastated."

A Law Department spokesperson denied that Hinds-Radix had killed any telework proposal and noted that no telework policy had been approved by department leadership prior to her arrival. The spokesperson deferred further comment to City Hall.

"Mayor Adams has made it clear since he took office that all city workers are expected to work in-person unless they have been granted accommodations by their agencies," Adams spokesperson Jonah Allen said in a statement.

"Returning to in-person work has been shown to improve employee productivity, allow for a greater cross-pollination of ideas, and boost mental health — and the city is leading by example, while encouraging private sector employers to bring their workers back to the office as well."

Unions push for telework

Municipal unions have been urging Adams to walk back his demand that all city employees work in person and they have been bargaining with the city for telework flexibility (<https://thechiefleader.com/stories/city-unions-bargaining-for-work-from-home-rights,49156>) for months but only recently did the Adams administration budge on the topic (<https://www.thechiefleader.com/stories/city-budges-on-telework-option-during-dc-37-negotiations,49747>) during bargaining sessions with DC 37.

Lawyers in the Law Department are not unionized, although hundreds of the non-attorney support staff in the department are members of DC 37 Local 1549.

"I'm surprised to hear that they were working on that policy," said Laura Morand, president of DC 37's Local 2627 when she was informed of the lawyers' effort. "We would have been happy to sit down with them and make sure that the policy would work for our members." Morand, however, wasn't surprised to hear that Adams' corporation counsel had killed the plan.

"We were hopeful that when Adams came in, he would work with us to implement telework and when he did a 180 and doubled down on what the previous mayor did it was very disheartening and very demoralizing and a lot of city workers voted with their feet by leaving the civil service," she said.

Law Department attorneys had been optimistic that after city workers were called back to their offices in September 2021 that they eventually would be able to work from home one or two days a week, a policy that many private law firms, and even some governments have adopted. "People would ask in every single meeting whether there was an update on remote work," the lawyer currently at the department told The Chief.

It gets harder to stick around at the Law Department each day, said the lawyer, who has recently started interviewing elsewhere after pledging that they would stick around in the hopes that conditions would improve.

"It's become too difficult to stay here because it's affecting my mental well-being and there's no end in sight," the lawyer said. "I work for an employer that isn't concerned about their workers' well-being. ... It's sad for the city."

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