

Local 1182 Cites Case As Sign of Aggressiveness

Ex-TEA Wins Belated \$30G Payout By City Over Wrongful Termination

By MARK TOOR

Traffic Enforcement Agent Shakia Yelder was out on Workers' Compensation after a traffic accident when she was called into the office in 2010 and fired.

"It was very upsetting," she recalled in an interview. "My manager told me I was provisional and they were letting all the provisional employees go."

Missing at Police Plaza

But she wasn't a provisional who was hired on a temporary basis. She had obtained her job through a civil-service test.

"They said they got their information from 1 Police Plaza," she said. "The following day I went up to Police Plaza and tried to speak to someone. They said I wasn't in their computer system. They had no record of me being an employee with a test number. They said there was nothing they could do about it."

Ms. Yelder couldn't afford a lawyer, so she filed her own lawsuit seeking reinstatement. She achieved a settlement with the city, but she and union lawyer Dan Bright said lawyers for the city made demands that were not included in the agreement.

The union, Local 1182 of the Communications Workers of America, picked up the case. But after it filed a complaint in 2012, a new president was elected. He brought in a new law firm and the case just sat, year after year.

Mr. Bright was bemused when he returned to union employ after Sayed Rahim was elected president last year and found the case gathering dust.

'Old Lawyer Never Called'

"The case sat for three years," Ms. Yelder said. "The attorney who took over never called me back." She said Mr. Bright "found it funny that the case was back on his desk again."

Mr. Rahim said that he instructed Mr. Bright to clear Ms. Yelder's case and other

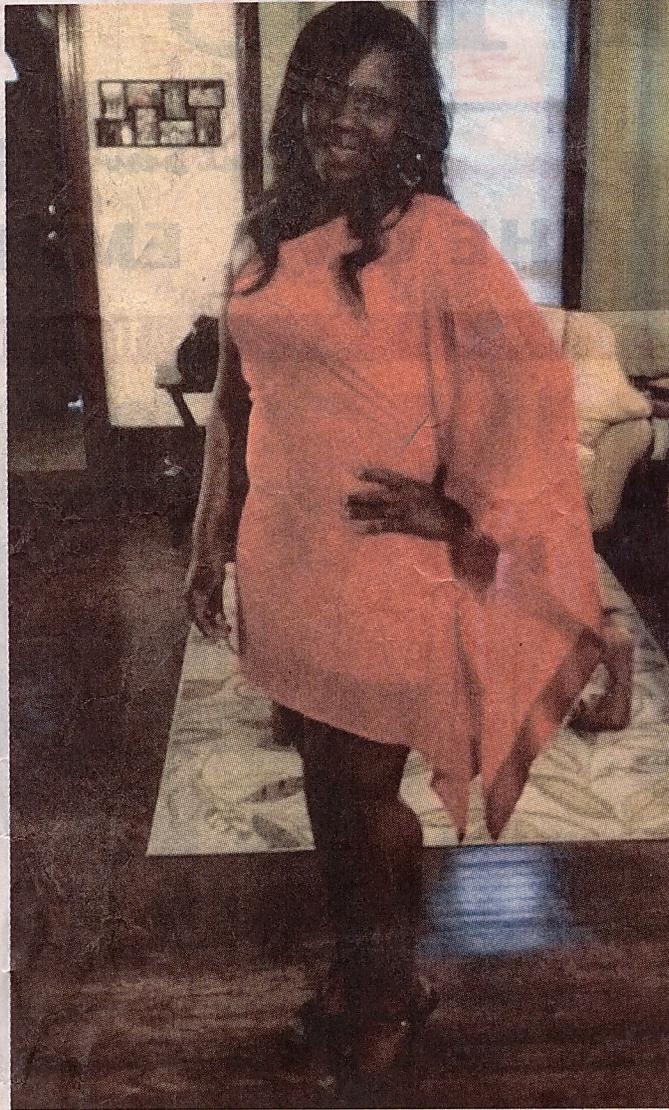


Photo courtesy Shakia Yelder

THIS WAS SOME TRAFFIC HOLDUP: Shakia Yelder was puzzled when she was fired from her job as a Traffic Enforcement Agent in 2010 on the ground that she was a provisional. She wasn't; she had passed a civil-service test. By the time that got worked out, a back-pay settlement with the city was on the rocks because of new demands by city lawyers. Finally, six years later, her case has been resolved.

disciplinary cases that were hanging around. A new settlement agreement was reached in March.

"The NYPD and Sanitation had not taken us seriously, thinking we had no money so we can't fight," he said in an interview. "Now they know that this union is taking care of its members."

'Smooth Sailing'

Ms. Yelder said it's been "smooth sailing" since Mr. Bright picked up the case again. The latest settlement gives her \$20,524.35 in back pay minus tax, pension deductions and unemployment-insurance payments, and \$9,713.60 in interest. "I haven't got the money yet," she said. "I have to wait 90 days. I'm keeping my fingers crossed."

Things didn't look so positive back in 2011 and 2012. With no job, she had to move back in with her parents.

"I had unemployment for awhile, but it ran out," she said. "When you have bills, it doesn't cover everything." She looked for other jobs, "but everything I applied for they said I was overqualified because I was earning my bachelor's degree." Because of financial pressures, she had to leave the City University system and pick up at an online school, she said.

Ms. Yelder was reinstated Sept. 15, 2011, after 74 weeks without a job. That was six months after she and the city reached a settlement agreement. But city lawyers then insisted that her Workers' Comp benefits be deducted from her award—even though there was no language in the agreement to justify it.

"Defendants have flatly refused to abide by the settlement agreement," Mr. Bright said in a memorandum to the court last October. "First, they improperly terminated her and then, to settle the Article 78 proceeding that she had brought against them, they agreed to reinstate her to her job, with back pay, less any unemployment-insurance benefits she received during the period she was unemployed."

Reneged on Deal?

"Then, after reinstating her, they refused to abide by the terms of the settlement agreement—which they themselves drafted—and have failed to pay her a nickel of back pay."

The city Department of Law declined to comment on the case.

Ms. Yelder has left the NYPD Traffic Control Division. After earning her bachelor's degree, she became a Child Protective Specialist for the Administration for Children's Services. She is looking forward to the next step, Child Protective Supervisor.



SAYED RAHIM: 'Union taking care of its members.'



DAN BRIGHT: City slow in honoring obligation.