

# Council explains why it hired counsel in layoff fight

By Chris Sykes  
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As counsel for the city's public employees unions were trying to get a Superior Court judge to delay or prevent impending layoffs, City Council members also were in court, some members said, to have a say in the matter.

To some residents, that left the appearance of council members using city funds to hire an attorney in order to help argue the employees' case. Councilwoman Donna K. Williams said during a recent meeting it was not the case.

"We did not go to court on behalf of the unions; we went on a separate matter for a separate reason," said Williams. "That's why we needed a lawyer of our own, instead of using the city attorney to argue the case for us."

North Ward Councilwoman Tency Eason said state and city law says the city attorney basically works for the executive branch of Orange's government. If the council has a

legal complaint against a member of the administration of Mayor Eldridge Hawkins Jr., they must hire their own counsel.

Councilman Elroy Corbitt said council members believed they needed to hire an attorney because previous attempts to get Hawkins and members of his administration to justify the layoffs were rebuffed. Corbitt admitted that resorting to legal means to press their demands about the budget and the city's finances was always within the council's power. The action should have been taken sooner, said Corbitt, and was something he regretted.

"We should have done that sooner instead of waiting around in the hope the mayor would have some kind of change of heart or tactics and start talking to us and letting us know what was going on in the city," said Corbitt. "By the time we got around to doing it, we were too late to do anything about the layoffs, let alone influence of have a say so in the process, and I regret that.

"The executive branch, which is the mayor and his administration, does have the right and the power to negotiate contracts with the unions and put together budget proposals," Corbitt continued, "but the council has the power to legislate, appropriate and investigate. We had not been using our full powers effectively until recently."

State officials said that the New Jersey Civil Service Commission received Orange's proposed layoff plan on Oct. 22, 2010, and approved it on Nov. 3.

Firefighter Elvin Padilla, who leads Local 10 of the Firemen's Mutual Benevolent Association, which represents Orange's firefighters, said that while the council's belated attempts to get involved was "too little, too late," he did not hold their lack of alacrity against them.

"I feel like they're learning the job as they go along. They're trying to do the right thing, so you can't hold that against them," said Padilla. "Things are tough all around and their jobs are just being made all the

harder because of the approach to governing that the leadership in this city is taking.

"I don't understand why everything has to be a fight or a struggle if we're all supposed to be trying to get on the same page to do the right thing for Orange and all its people and taxpayers," Padilla added..

Although he was not specifically responding to those remarks from Padilla, Hawkins said he believed there was irony in that he thought the firefighter was correct, but in the wrong way.

"We have to recognize the unions are bargaining units and it's their job to advocate on behalf of their members, not the people of Orange," Hawkins said. "My job is to do what is right for the residents, citizens and taxpayers of Orange and I'm always going to do that. We have to look at the big picture and we have to make tough decisions. There's just not enough money to go around and we can't just isolate one piece of the picture and focus on that without thinking about the big picture."