On Friday, January 30, 2015, over 90% of MFY Legal Services’ unionized staff voted to strike. The vote provided a clear mandate, catalyzed by concerns that management is leading a race to the bottom with policies that discourage a diverse, experienced staff, to our clients’ detriment. Although MFY has used its website to advertise its attractiveness to “new” attorneys, its misleading statements about the union’s fight for workplace justice are easily debunked.

**It’s Not an Offer; It’s an Insult**

During the financial collapse, unionized staff accepted salaries that fell below the cost of living in NYC. But as a result of our hard work, MFY thrived during this period, increasing its reserves and growing in size. In fact, according to MFY’s website, its unionized staff has increased by 26% in the past six months alone.

While publicly trumpeting its success over the last three years, however, MFY claims at the bargaining table that the annual raises provided over that time were unsustainable. Management has offered cost-of-living adjustments of 2.25%/2.25%/2% per year — .25% less than we accepted in 2011. Recognizing how much fiscally stronger MFY now is, unionized staff has sought average raises of 3% per year. This amount is affordable to MFY and enables its staff to afford living in the city we serve.

At a time of financial strength, MFY is out of excuses.

**MFY Can Do Better**

Instead of making a fair offer, MFY has mischaracterized its financial state to claim the union’s offer is unsustainable given the funding environment. For example, the website states that “[m]ost of the organization’s long-term contracts with the city and state have remained flat for years, while expenses have consistently gone up.” Generously considered, this statement is a half-truth.
While several specific grants may have remained flat, the level of government grant funding as a whole has increased greatly. (The above graph reflects fiscal year numbers. As a result, the large amount of grant income received after July 1, 2014 is not reflected.) Similarly, expenses have increased over time, but mainly because MFY’s staffing levels have increased over time. Adjusted for inflation and on a per employee basis, expenses have decreased slightly over the past three years, while grant funding has increased significantly over that time period.

**Don’t Believe the Hype**

In promoting its offer, management misleadingly claims to have offered raises of 9%-23%. These numbers conflate the “steps,” which annually compensate workers for their increased
experience, with the cost-of-living adjustment, which annually increases all salaries across the board in recognition of their decreasing real value. MFY emphasizes how much an attorney who begins at MFY and remains there for three years stands to benefit. The bulk of this benefit is compensation for experience, which all reasonable business models reward. An attorney with three years of experience is more valuable to the organization than a newly admitted attorney with no experience, and is paid more accordingly. MFY’s characterization of its offer is like taking a high school student's income from a summer job, comparing it to that student's income out of college and marveling at how the economy has grown in the last five years.

Management claims that the current compensation structure is sufficient to retain experienced staff, but the organization’s attrition rate proves otherwise. In each of the past several years MFY has lost approximately 14% of its staff. The majority of the outgoing staff are experienced, and they are typically replaced by recent graduates. This means clients (and newer staff in need of training) lose out on the benefit of this experience. Our clients deserve better, and so do we.

**MFY’s Offer of Paid Parental Leave is Tied to Harmful and Unnecessary Givebacks**

Paid parental leave incentivizes staff to stay at MFY as they take on family responsibilities and become seasoned advocates. See Claire Cain Miller, *The Economic Benefits of Paid Parental Leave*, N.Y. TIMES (Jan. 30, 2015); Susan Wojcicki, *Paid Maternity Leave Is Good for Business*, WALL ST. J. (Dec. 16, 2014). Yet, MFY is the only legal services organization of its size that provides no paid parental leave, forcing employees to cobble together sick and vacation time, take unpaid leave without health insurance benefits, or forgo the decision to have children until they find a new employer.

Although management has finally agreed to provide six weeks of paid leave to employees with one year of tenure, this offer is contingent on harmful and unrelated policy changes. The first is to eliminate a policy that encourages diversity in hiring by use of targeted advance job postings. Although management has stated at the bargaining table that it has received no “viable” candidates from such postings, unionized staff believes they are essential to developing a staff that reflects the communities we serve.

The second is to require prior approval when working from an alternative location, which means that an employee who does so in an emergency may not be compensated. Such a policy not only undermines trust and productivity, it worsens the already overcrowded workspaces in the office, particularly for legal assistants.

The last condition is to discriminate against employees who take paid parental leave by not allowing them to accrue vacation or sick time while they are out, as an employee who used her time to go on vacation would.
MFY should provide paid parental leave with no strings attached, because they can afford it and it is the right thing to do.

**MFY Hides its Poor Treatment of our Lowest-Paid Workers**

MFY’s website ignores the key issue that drove the union to strike: equitable treatment of our lowest-paid workers, our support staff.

MFY’s support staff consists of four Latina women who are administrative assistants, receptionists, translators/interpreters, and process servers for an office of over 70. Despite MFY’s rapid expansion, management has refused to hire additional support staff, instead content to work ours into the ground. Yet, “a strong organizational infrastructure is necessary to ensure efficient and effective services.” National Council of Non-Profits, *Investing for Impact: Indirect Costs Are Essential for Success* (Sept. 2013), at 6.

Additionally, the current salary scale does not recognize the increased value of paralegal or administrative support staff’s experience to the organization. These staff members’ annual raises represent a lower percentage of their salaries relative to other categories of workers (e.g., social workers and attorneys); their wisdom and experience is, literally, less valued.

These imbalances have caused the unionized staff to demand pay equity, so that these workers’ experience is rewarded at the same salary percentage as other categories of workers. We have also sought a commitment to hire additional staff to ease the overwhelming workload. It was not until LSSA declared a strike that management began to seriously discuss issues relating to support staff inequities at the bargaining table.

But the union will not abandon our support staff. The vote to strike was a vote of solidarity.