

**‘They Weren’t Paying Us’: NYU Public Safety Officers At Odds With University Over Pay,
According to Documents
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Richard Berger v. New York University (2019)

A security officer at New York University is suing the university for underpaying its staff, according to documents filed in the Manhattan Supreme Court.

Richard Berger, a member of Local One Security Officers Union – largely comprised of security officers at NYU – filed a class-action complaint on December 11, 2018 citing “underpayment of wages” relating to overtime work.

According to the complaint, between 2012 and 2018, New York University failed to pay security officers “all earned overtime compensation for hours worked after the first forty hours in a week”, in violation of New York Labor Law. In addition, the complaint alleges that officers were not paid for time spent waiting for relief workers to appear at the end of each shift, as well as time spent traveling between security posts.

Officers are also contractually expected to complete up to 16 hours of overtime work per week.

While the university security staff is not permitted to wear uniforms to travel to work, they are required to change into their uniforms in a university locker room before a shift. Security staff have a two-minute grace period to change into uniform and report to role call after clocking in. However, the role call location isn’t always near the locker room, which can result in lengthy distances for officers to travel across campus and, therefore, less time spent paid.

“It’s only two minutes they give you to get changed and ... get to role call,” said Local One member and NYU security guard Joseph Arechiello. “What was happening was that they weren’t paying nobody. That’s how this class action suit started: you have two minutes to be at role call. But if you have role call ten minutes away, then it’s a different story.”

The nature of university security guards overworking comes at little surprise, as student reports of public safety officers working long hours have been topic of student newspaper articles and student activist pamphlets. “In the past, security guards have found fault with how NYU assigns overtime and with the university’s negotiating strategies,” one grievance reads from a student activist zine published in 2008 titled the “NYU Disorientation Guide”.

Previous disputes regarding overtime wages between security staff and the university were settled in 2010 and 2012, according to court documents. However, Arechiello claims that overtime compensation has been a longstanding issue for much of his tenure.

“They weren’t paying us, it’s been going on for years,” said Arechiello. “It was spotted before and it was addressed, but now we’re back to the same [issue].”

Berger's lawyer, Lloyd Ambinder, couldn't provide the estimated earnings that Berger was losing by following the administration's extensive dress code and role call policies, but noted that it "isn't de minimis for sure".

"He performed work that would be deemed 'off the clock', but in that, there was compensable time lost," said Ambinder in a phone interview. "During that time, they were not compensated, and it should've been deemed compensable time because it was required by the school or the administration that they could not come to work in their uniform. [Berger] worked, he deems it to be compensable, but he was not paid for that time."

In a written response filed with the court, NYU took the view that Berger's lawsuit against the university violated a contract signed between Local One and NYU, which outlined the "mandatory grievance procedure" for Local One to file complaints with the university without litigation. The university promptly filed their own suit against Local One in April 2019 citing breach of contract.

Multiple calls to NYU's Department of Public Safety were not returned.

"It is NYU's position that Berger's claims lack merit and ... is not entitled to any monetary or equitable relief whatsoever," reads a letter sent from the NYU Office of Public Safety to Local One President Michael Pidoto dated February 15. "In short, NYU denies Berger's claims in their entirety."

Arechiello describes the relationship between New York University and Local One as solid and symbiotic. The department of Public Safety is currently in the middle of securing accreditation from the Commission on Accreditation for Law Enforcement Agencies. If achieved, it would make NYU Public Safety only the second university department in the nation to receive this prestigious designation.

However, tensions between Local One and New York University "must be qualmed" to achieve this, according to Arechiello. He believes that a new contract negotiated by both parties is key to maintaining the harmonious relationship between the security union and the university.

"We want a new contract. A better, solid contract," said Arechiello. "That's it. We want respect."