

OPINIONS

Don't fault DWP workers for talking

advantage of a dumb law

By Bill Becker

THE most interesting feature in the flap over the Los Angeles Department of Water and Power's retirement incentive plan is the low level of debate.

I have yet to read a response to the DWP plan that does justice to the real issue: namely, whether ordinary people should be allowed to benefit from windfalls made possible by a poorly understood law. Instead, we have moral posturing and a strong odor of hypocrisy by those who should know better.

First: my dictionary defines the term "loophole" as "a means of escape or evasion, esp. a means or opportunity of evading a law, contract, etc."

News accounts of the buyout plan show that there was nothing illegal about Jocelino Joun's decision to return to his former DWP position for a day — picking up \$25,000 in the process — so that he could be part of an early retirement program instead of simply leaving for another

city position.

The DWP's buyout rules prohibited Joun from returning to the utility, but the city's civil service rules did not prevent him from accepting another city position elsewhere. There is no loophole here.

Nor can it be argued that Joun fulfilled the letter, but violated the spirit, of the buyout plan. The notion of the "spirit of the law" is pure hokum. There is no more to the "spirit" of a law than is codified in the law itself — as any legislator who tacks a farm subsidy amendment onto an environmental bill will tell you.

We are justified in suspecting, if not outright hypocrisy, then at least highly selective sensibilities in Mayor Richard Riordan, who says that Joun's "rip-off to L.A. taxpayers" is "outrageous."

Riordan is a successful member of the business community. Shall we believe that he is "outraged" when a corporate lobbyist wins an exemption (a k a "loophole") from a toxic waste provision for his or her client?

Or does the mayor accept the common corporate view that such exemptions, far from being loopholes, are either job-saving necessities, or examples of reason in an orgy of wrong-headed environmental legislation?

Is Riordan outraged over the obscene compensation packages that the country's top CEOs received even as their companies lost money and workers were laid off?

Are the attacks on Joun from other quarters more substantial? The City Council maintains liaisons with all city departments. Neither Councilman Joel Wachs, who said he was "sickened" by the news of Joun's windfall, nor his staff showed much vigilance in scoping out the implications of the DWP buyout plan.

As an elected official pledged to guard against inefficient use of taxpayers' money, Wachs seems to be no more imaginative than those who crafted the plan. Where then, should we seek the source of his sickness? Perhaps in the political impulse to dance to the popular tune?

As for those who are vigorously playing that

time, how many would forgo a legal opportunity to make \$25,000 for a day's work, even as they conceded that the rules that allowed them to do so were badly flawed? Indeed, "seizing the opportunity" for one's own advantage is the principle underlying America's entire economy.

The DWP buyout plan may well be flawed in both design and implementation, and I do not for a moment suggest that it is ideal. But sloppy reasoning, moral posturing, and self-serving, inflammatory rhetoric does not help in the effort to create fair and effective cost-cutting measures.

Everyone in the city's top management and council has played some role in this drama, if only by assuming that they need not pay attention to the other guy's bailiwick. Only by accepting responsibility with some measure of grace will they be able to find appropriate solutions to these apparent moral anomalies.

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