



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

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Date: May 10, 2013

To: The Honorable Thomas J. Mazur

From: David A. Palmer, Commissioner *DP*
Erie County Labor Relations

Re: Fact Finder's Report Deliberations

The Legislature has the Fact-Finder's report, dated November 7, 2011. That report was an attempt, by the Fact Finder, to have the parties agree on a contract; both the County and the CSEA rejected the Fact Finder's recommendations. As a result, the Administration has asked that the Legislature take the next step, which is to make a decision about what, if any, wage increase or bonus should be offered to the employee's for the contract year 2007, the only year that can be considered. The Administration has asked that the Legislature impose status quo for wages for the contract year 2007. The Taylor Law protects the employee's benefits and working conditions by maintaining the terms and conditions of the expired agreement.

It is important to understand why the Administration has asked the Legislature to maintain status quo for wages for the contract year 2007; any base pay increase given for the year 2007 would have a compounding effect and result in several million dollars of payout, without the benefit of obtaining any of the modifications the County is looking to incorporate into a new contract, these modifications would secure significant long term savings for the County. A decision to award a bonus rather than the base pay increase would only serve to make it more difficult to negotiate a successor agreement if the CSEA employees understand that by saying no to a contract offer, they can count on receiving a bonus each time, again without the benefit of the County obtaining the much needed modifications to the contract.

Our current negotiations are at impasse and we are precluded from moving forward under the PERB rules until the Legislature has acted on the previous Fact Finder's report. Once the Legislature has acted, the County will file a "Declaration of Impasse" for the most recent round of bargaining and we will again go through the Mediation/Fact Finding process, which will result in another Fact Finder's report and the opportunity for both parties to accept or reject that report. If the new report is rejected the County will again send the report to the Legislature for action on the contract year 2008. This scenario will continue until we are able to reach agreement. **Without action by the legislature, on the Fact Finder's report**

before them, there is no opportunity to move forward with the bargaining process. Again, the only decision that will help us move towards resolution of the contract is the realization that; saying no after repeated "good faith efforts" by both parties, will result in losing one year of a new contract each time we are unable to reach agreement. I hope this is helpful in your deliberations.

Cc: Clerk of the Erie County Legislature