

**Amendment to  
COMM. 1E-2 (2013)  
June 20, 2013**

**Attach the Following Resolution to COMM. 1E-2 (2013):**

WHEREAS, negotiations between the County of Erie and the Civil Service Employees Association, Inc. Local 815 have been ongoing for years; and

WHEREAS, the last negotiated collective bargaining agreement (CBA) between the parties covered the calendar years 2004 to 2006; and

WHEREAS, an impasse existed and a Fact-Finder was appointed and he rendered his Findings and Recommendations in a Report dated November 7, 2011; and

WHEREAS, the Report of the Findings and Recommendations (NYSPERB No. M2009-089) of Fact-Finder, Howard G. Foster, were transmitted to then-County Executive Christopher Collins and the CSEA on or about November 7, 2011; and

WHEREAS, all parties rejected the Fact-Finder recommendations; and

WHEREAS, the parties continued negotiations during 2012; and

WHEREAS, the further negotiations in 2012 failed; and

WHEREAS, by reason of the failure of the further 2012 negotiations, the County Executive forwarded the Fact-Finding Report to the Erie County Legislature on December 31, 2012; and

WHEREAS, the County Executive recommended that the Erie County Legislature determine that the imposition of a settlement is warranted, and that the dispute should be resolved by extending all terms and conditions of the expired CSEA collective bargaining agreement for an additional year for the period from January 1, 2007 through December 31, 2007; and

WHEREAS, a Public Hearing, pursuant to Civil Service Law Section 209(3)(e) was held on January 31, 2013; and

WHEREAS, the CSEA, by Joan Bender, President of CSEA Local 815, communicated to the Clerk of the Legislature on January 18, 2013 that no official CSEA representative would speak at the Public Hearing regarding the Fact-Finding Report of County Executive Recommendation; and

WHEREAS, the Erie County Medical Center Corporation, by Kathleen E. O'Hara, Vice President of Human Resources, communicated to the Erie County Legislature on January 11, 2013, and requested that the Legislature "not approve the 2011 Fact Finder's report;" and

WHEREAS, the Erie Community College, by Patricia H. Mertz, Chairwoman, ECC Board of Trustees, and Jack Quinn, President, communicated to the Erie County Legislature on

January 14, 2013, and requested that the Erie County Legislature “reject the recommendations of Mr. Foster [the “Fact-Finder”] insofar as they relate to salary increases;” and

WHEREAS, the Buffalo and Erie County Public Library, by Jack Connors, Chair of the B&ECPL Board of Trustees, and Mary Jean Jakubowski, Director, communicated to the Erie County Legislature on January 24, 2013, and requested that the Erie County Legislature “reject the salary increase recommendations contained in the report of the Fact Finder;” and

WHEREAS, the County Executive and the CSEA voluntarily resumed negotiations in the spring of 2013, resulting in a tentative agreement between the parties; and

WHEREAS, thereafter, the tentative agreement was rejected by the CSEA membership; and

WHEREAS, the Erie County Commissioner of Labor Relations, David A. Palmer, communicated to the Erie County Legislature on May 10, 2013, and urged that “without action by the Legislature, on the Fact Finder’s report before them, there is no opportunity to move forward with the bargaining process;” and

WHEREAS, the most recent Budget Monitoring Reports for 2013 indicate several negative trends and fiscal risk in 2013, including under-budget sales tax revenue, and indicate a need for responsible fiscal restraint; and

WHEREAS, it is in the best interest of the parties that some finality be brought to the extensive negotiation process that resulted in impasse and now multiple failed attempts to reach an agreement acceptable to all parties.

NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to New York State Civil Service Law Section 209(3)(e)’s requirement that “the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved,” the Erie County Legislature directs that the terms of the existing CSEA CBA for the period 2004 to 2006 be hereby extended for one year to include the period January 1, 2007 through December 31, 2007; and

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to provide a certified copy of this resolution to the Erie County Executive and the Civil Service Employees Association, Inc. Local 815 and to all others deemed necessary to receive the same to facilitate the resumption of negotiations between the parties; and

RESOLVED, that the Erie County Legislature calls upon the parties to promptly to enter into further negotiations and/or to take all necessary steps before the Public Employees Relation Board to find a way to resolve the differences between them.

FISCAL IMPACT:                      None for Resolution