

Amend Intro. 7-1 (2017) to read as follows:

**A RESOLUTION TO BE SUBMITTED BY LEGISLATORS  
LORIGO, MILLS, MORTON, DIXON, HARDWICK, RATH,  
LOUGHRAN, BURKE, GRANT & MILLER-WILLIAMS**

**Re: Settlement of Fact-Finder's Report of February 23, 2017**

**WHEREAS**, the administration and the members of AFSCME Local 1095 have been unable to negotiate a contract for the year 2016 and it has been determined that their negotiations are at an impasse; and

**WHEREAS**, an independent Fact Finder made recommendations for resolving the impasse on February 23, 2017; and

**WHEREAS**, the recommendations of the Fact Finder were rejected by both parties and as required by law the report was submitted to the Erie County Legislature on March 23, 2017 and was included as part of the public hearing record on March 30, 2017; and

**WHEREAS**, the Erie County Legislature is required under applicable state law to hold a public hearing regarding the report of the Fact Finder and that public hearing was held on March 30, 2017; and

**WHEREAS**, the applicable state law requires the Erie County Legislature to "take such action it deems to be in the public interest, including in the interest of the public employees involved;" and

**WHEREAS**, AFSCME Local 1095 represents employees who work directly with Erie County, as well as those employed at Erie County Medical Center Corporation, the Erie County Home, Erie County Community College and the Buffalo and Erie County Public Library System; and

**WHEREAS**, the Erie County Medical Center Corporation has recently announced that the public benefit corporation has reported that its fiscal strength has never been better and has been able to commit to a 23 year financing plan for a new Emergency Room; and

**WHEREAS**, the Erie County Executive has recently stated before the Erie County Fiscal Stability Authority that the county will end 2016 with a \$3 million surplus; and

**WHEREAS**, the County Executive and the leadership of AFSCME Local 1095 have both expressed a desire to return to the collective bargaining table; and

**WHEREAS**, the Erie County Legislature has the ability and responsibility under applicable state law to resolve this impasse by establishing contract terms from January 1, 2016 to December 31, 2016; and

**WHEREAS**, this honorable body supports AFSCME 1095 and its members and hopes this resolution works to bring the Union and the County back to the negotiating table to agree on a mutually beneficial contract going forward.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature determines that it is appropriate to compensate current active AFSCME employees who were without a contract and employed in 2016 by imposing a onetime payment to them in the amount of \$1000.00 for full time employees and pro-rating payments for part time (PT) and regular part time (RPT) employees; and, be it further

**RESOLVED**, that full time employees shall include employees who worked 40 hours per week and 80 hours per pay period, without including overtime hours, between January 1, 2016 and December 31, 2016; and, be it further

**RESOLVED**, that Part Time and Regular Part time employees shall be compensated an amount to be determined by pro rating their average hours worked per week during the year against those worked by full time employees by enacting the following formula:

Average Hours Worked of PT Employee / 40 = Compensation Percentage of \$1000  
Average Hours Worked RPT Employee/ 40 = Compensation Percentage of \$1000

*Example: When averaging the amount of hours, not including overtime, that a part time employee worked, the Department of Personnel determined that the employee worked 19 hours. 19 hours divided by 40 full time hours equals 47.5%. Therefore, based on the employee's 19 hour work week average, the part time employee would be paid \$475 as part of this imposition.*

The time frame for calculating the average hours worked for part time and regular part time employees shall also be January 1, 2016 through December 31, 2016; and, be it further

**RESOLVED**, that full time AFSCME employees who were not employed for the entire 2016 calendar year shall have their payment amount determined by using the same formula for calculating part time and regular part time employees, in which their average hours worked per week throughout the year will be calculated and their \$1000 payment will be pro-rated downward to adjust for the time they were not employed in the AFSCME bargaining unit; and, be it further

**RESOLVED**, that this imposition shall apply to current active members of AFSCME Local 1095 bargaining unit who were employed by the County, the Erie County Medical Center Corporation, Erie Community College and the Buffalo and Erie County Library System between January 1, 2016 and December 31, 2016; and, be it further

**RESOLVED**, that each entity employing members of the affected bargaining unit shall be responsible for the payment and calculation of the award to the person or persons eligible to receive such payment; and, be it further

**RESOLVED**, that the County, Erie Community College and Erie County Medical Center Corporation shall calculate the amount owed to each employee and deliver those calculations in a report to the Erie County Comptroller within 30 calendar days; and, be it further

**RESOLVED**, that payment to employees shall be made within 45 calendar days; and, be it further

**RESOLVED**, that the payment to employees shall NOT be reduced for any reason without the approval of the Erie County Legislature; and, be it further

**RESOLVED**, that the county share for the payments to be provided to the members of Local 1095 who were employed by Erie County shall be funded from the fund balance in accordance with the provisions of the Erie County Charter, Section 2605(d); and, be it further

**RESOLVED**, that this resolution settles AFSCME's contract and all financial disputes for the 2016 calendar year; and, be it further

**RESOLVED**, that the Erie County Legislature reserves the right to reconsider this resolution and declare it null and void at any time prior to payment being issued to employees if the County and AFSCME come to agreement and settle all contract disputes; and, be it further

**RESOLVED**, that the Clerk of the Erie County Legislature send certified copies of this resolution to the County Executive, the Comptroller of Erie County, the President of Erie County Community College, the Chief Executive Officer of the Erie County Medical Center Corporation, the Director of Buffalo and Erie County Public Library System, the Budget Director, the Commissioner of Personnel, and any other party deemed necessary and proper.

Fiscal Impact: Less than \$1.5 million for all involved parties.

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR LORIGO**

**Re: Settlement of Fact-Finder's Report of February 23, 2017**