

JANUARY 11, 2007

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO.1

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 15M-12 (2006)
NFTA: Audited Financial Statement for FY Ended 3/31/06
(4-0)
- b. COMM. 18M-4 (2006)
BUFFALO PLACE: 2007 Budget
(4-0)
- c. COMM. 20E-25 (2006)
COUNTY EXECUTIVE: LL 2-2006 - "The Erie County Workforce Development and Diversification New York Certified Worker Training Program"
(4-0)
- d. COMM. 1M-11 (2007)
NFTA: Annual Operating Budget for FY Ending 3/31/08
(4-0)

2. COMM. 1E-14 (2007)
COUNTY EXECUTIVE

WHEREAS, it is advantageous for Erie County to plow snow on its roadways using one person in the snowplow utilizing the main plow, side wing and salter instead of two people herein referred to as OPP (One-Person Plowing), and

WHEREAS, when the budget cuts of 2005 were made, they were made with the anticipation of OPP being approved thus cutting staff greatly in the Division of Highways, and

WHEREAS, the Collective Bargaining Agreement states that negotiations between AFSCME Local 1095 (Union) and Erie County would continue with regards to OPP before final resolution can be made, and

WHEREAS, negotiations between the Union and Erie County have continued and a tentative agreement has been reached that has been ratified by the Union's rank and file, and

WHEREAS, In anticipation of OPP being approved, \$75,000 was placed in the 2006 O&M budget for the Division of Highways as well as \$110,000 in the 2007 O&M Budget for the Division of Highways in SAP Account Number 500350, and

WHEREAS, the Department of Public Works wishes to have this agreement accepted and fully implemented for the 2006 – 2007 snow season.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes acceptance of the attached OPP Memorandum of Understanding including:

- Training of operators utilizing County personnel as trainers who will be trained in a manner similar to NYSDOT trainers;
- Identification of routes that are attached to the proposed Memorandum of Understanding that were found to be acceptable to both the Union and Erie County personnel;
- Safety issues will be adhered to as defined in the Memorandum of Agreement;
- Only current employees of the Erie County Department of Public Works, Division of Highways (as of October 1, 2006) will be eligible for any pay differential. Any employees employed or assigned to the Division of Highways after that date will not be entitled to the pay differential except those that are on a current eligible recall list. Pay differential will become effective the pay period starting after November 15, 2006 (November 25, 2006).
- A pay differential of two dollars (\$2.00) per hour for straight time hours worked and three dollars (\$3.00) for overtime will be paid to OPP drivers (regardless of their title) for only those hours that the drivers are operating in OPP mode. Funds will be spent from SAP Account Number 500350 and are estimated at approximately \$28,800 for 2006 and \$65,500 for 2007;
- ❖ Permanent Laborers not holding a temporary title of Motor Equipment Operator shall receive a lump sum payment at the end of the winter season equivalent to an additional one-dollar per hour for all straight time hours during the Winter Season, which is defined as the pay period starting after November 15, and ending the pay period prior to March 15. The additional stipend will only be paid on straight hours worked and will not be paid on overtime hours, vacation hours, sick hours or any other type of paid leave hours. Funds will be spent from SAP Account Number 500350 and are estimated at approximately \$2,700 for 2006 and \$8,100 for 2007. Only Permanent Laborers employed by the Division of Highways as of October 1, 2006 will be eligible for the additional payment. Any Laborers assigned or employed by the Division of Highways after October 1, 2006 will not be eligible for the additional payment except those that are on a current eligible recall list;

- The overtime wheel will not be changed for OPP and will remain intact regardless of the routes that need to be plowed. During regular shift work, OPP routes will be assigned based on seniority.
- Any employee who held the position of permanent Motor Equipment Operator at the time of March 2005 layoffs, and is presently employed as a Laborer within the division of the Erie County Highway Department shall be immediately reinstated to Permanent Motor Equipment Operator at the employee's option. Employee's exercising this option will be permanently assigned to facilities as deemed necessary by the County based on seniority. Currently, the list of eligible employees and their position numbers (in parenthesis) include:
 - Michael Morehouse (00006469)
 - Darren Vanderwalker (00009124)
 - Christopher Thompson (00005190)
 - M. Abdul-Latif (00003298)
 - Paul Perla (00004921)
 - John Hagerty (00002813)
 - Michael Rizzo (00004229)
 - Daniel Muscato (00004845)
- ❖ Therefore, 8 MEO positions are authorized to be created and the above 8 Laborer positions are authorized for deletion if the new title is accepted by the employee. The difference in pay is estimated not to exceed \$36,000 for 2007. For 2007, \$31,000 is authorized to be moved from SAP Account Number 500350 to SAP Account Number 500000 and \$5,000 is authorized to be moved from SAP Account Number 500350 to SAP Account Number 501000;
- The total number of MEO and Laborer positions contained in the approved 2006 Operations and Maintenance Budget for the Division of Highways will be maintained throughout the 2006 calendar year and all vacancies of MEO and Laborers will be discussed with the Budget Office for approval to be filled within approximately one month of the earliest possible refill date during the Winter Season (see above for dates). In addition, every effort will be made to maintain adequate staffing levels in the 2007 and 2008 Operations and Maintenance Budgets for the Division of Highways. The County shall make every effort to inform the Union of proposed position changes once the 2007 and 2008 O&M Budget is established and approved by the Erie County Legislature.
- Any grievances filed prior to execution of this agreement dealing with winter overtime issues or OPP will be rescinded by the Union.
- In that the Terms and Conditions of Employment for existing affected Employees in the Highway Department have been changed to One-Person Plowing (OPP), the compensation agreed upon is only for those Employees who are presently employed and is not intended for newly hired Employees. Therefore, this issue is Non-Grievable

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller, one copy to the Commissioner of Personnel.
(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

and further be it