

October 15, 2009

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19D-2 (2009)
COMPTROLLER'S OFFICE: "EC Dept. of Personnel Audit of Payroll Transactions - for Period 1/1/07 - 12/31/08"
(5-0)
 - b. COMM. 19D-3 (2009)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(5-0)
 - c. COMM. 19M-5 (2009)
NIAGARA COUNTY LEGISLATURE: "Copy of Resolution - Opposition to NYS Fee for License Plates & Calling on NYS Public Service Commission to Reject NYSEG Rate Increase"
(5-0)
 - d. COMM. 19M-7 (2009)
ALLEGANY COUNTY LEGISLATURE: "Copy of Resolution - Opposing Various Proposed Anti-Gun Owner Legislation in NYS"
(5-0)

2. INTRO 19-9 (2009)

MARINELLI, WHYTE & MILLER-WILLIAMS

WHEREAS, the County of Erie and the members of AFSCME Local 1095 were unable to negotiate a contract for the year 2005 and it was finally determined that their negotiations were at an impasse; and

WHEREAS, an independent Fact Finder made recommendations for resolving the impasse on September 5, 2006 and those recommendations were rejected by both parties; and

WHEREAS, the Erie County Legislature is required under applicable state law to hold a public hearing regarding the report of the Fact Finder after the rejection of the recommendations by the parties and that public hearing was held on April 5, 2007 at Session No. 7 of the Erie County Legislature; 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 employed directly with Erie County, as well as employees employed at Erie County Medical Center Corporation, the Erie County Home, Erie County Community College and the Buffalo and Erie County Library System; and

WHEREAS, the Erie County Legislature is required under applicable state law to resolve this impasse by establishing contract terms from January 1, 2005 to December 31, 2005; and

WHEREAS, the Erie County Legislature approved Intro 3-18 (2008), as amended and Intro 15-6 (2008) which directed that a one-time payment in the amount of \$600.00 be given all current active members of AFSCME Local 1095 bargaining unit who were employed by the County, the Erie County Medical Center Corporation, the Erie County Home, Erie Community College and the Buffalo and Erie County Library System on December 31, 2005; and

WHEREAS, the Erie County Fiscal Authority in Resolution No. 08-90 (2008) disapproved of the settlements for the following reasons: the county's fiscal situation was not stable; the County Executive should be given any opportunity to enter into negotiations with the union; approval might set an undesirable precedent; and given the state of the economy, the funds allocated for the settlement do not serve the best interests of the taxpayer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive provide an update as to the status of the AFSCME collective bargaining agreement for the 2005 year through the present to the Government Affairs Committee at its next scheduled meeting; 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 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 and the Commissioner of Personnel.
(4-1) Legislator Walter voted in the negative.

BARBARA MILLER-WILLIAMS
CHAIR