

June 11, 2020

PUBLIC SAFETY COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-2 (2020)
SHERIFF: “Additional Deputy Sheriff - Criminal Positions”
(Chair’s Ruling)
 - b. COMM. 6E-1 (2020)
COMPTROLLER: “Audit of EC Sheriff’s Office”
(Chair’s Ruling)
 - c. COMM. 6M-1 (2020)
CITY ATTORNEY, LACKAWANNA: “Resolution in Support of Justice for Rachel Act”
(Chair’s Ruling)
 - d. COMM. 8E-4 (2020)
JOHNSON: “Letter to District Attorney Concerning Detainees at the Erie County Holding Center and Correctional Facility - COVID-19 Outbreak”
(Chair’s Ruling)
 - e. COMM. 8D-3 (2020)
SUPERINTENDENT - JAIL MANAGEMENT DIVISION, SHERIFF’S OFFICE: “Letter to Public Safety Committee Chair Johnson Concerning March 24th Letter to District Attorney Flynn”
(Chair’s Ruling)
 - f. COMM. 9E-2 (2020)
GILMOUR: “Letter to Sheriff Supporting Hazard Pay for Jail Management Personnel During COVID-19 Outbreak”
(Chair’s Ruling)

- g. COMM. 9E-8 (2020)
GILMOUR: “Letter Requesting N95 Respirator Masks for Jail Management Personnel and Detainees/Prisoners”
(Chair’s Ruling)
- h. COMM. 12D-3 (2020)
DEPUTY COMPTROLLER - AUDIT: “Audit of Dept. of Homeland Security & Emergency Services”
(Chair’s Ruling)
- 2. INTRO. 6-1 (2020)
MEYERS
WHEREAS, in 2013, as part of resolving a collective bargaining agreement that had been stalled for years, the Buffalo Professional Firefighters Union Local 282 reluctantly agreed to a contract provision – at the insistence of the fire management – that created “dynamic staffing”; and

WHEREAS, dynamic staffing is the practice of closing and not staffing certain firehouses/fire companies when manpower levels fall below an agreed-upon number and the fire department determines that it does not have enough firefighters available at work; and

WHEREAS, the dynamic staffing process allows the city to pull a fire company out of service when five firefighters out of about 145 across the city on any shift, call in sick and are not available to work; and

WHEREAS, if five firefighters throughout the city call in sick, the commissioner can pull one fire company out of service for a 24-hour shift, and the crew of the closed company is dispersed to cover, or backfill vacancies in other companies because firefighters are out sick, on vacation or taking personal time; and

WHEREAS, the city argues that dynamic staffing allows them to backfill vacancies and cover shifts when firefighters are off work, and provide fire coverage without incurring additional overtime costs, with the city’s main concern and interest in using dynamic staffing attributable to reducing firefighter overtime expense; and

WHEREAS, the union says that dynamic staffing places people, firefighters and property at “heightened risk” due to the fact that it will take longer for a fire company to respond to a call when another fire company is closed, and therefore, the union opposes the practice; and

WHEREAS, while the union reluctantly agreed to the practice in 2013, they unsuccessfully attempted to remove dynamic staffing from the 2018 contract, and union leaders have begun to publicly express their concerns for resident and firefighter safety and property on social media, in testimony at a Buffalo Common Council meeting, and through public advocacy; and

WHEREAS, according to the city, since January 2019, the city has placed companies out of service approximately 165 times but they cannot quantify or provide specific data points concerning potential negative impacts due to dynamic staffing; and

WHEREAS, over the past 40 years, one third of the city’s fire companies have been closed in an effort to save money; and

WHEREAS, in some municipalities across the country, fire departments have begun purchasing and deploying “Alternative response vehicles”, which are usually extended-cab pickup trucks, with an enclosed rear bed, or sport utility vehicles that contain advanced life support; and

WHEREAS, these response vehicles contrast with fire apparatus currently used by the Buffalo Fire Department, which are staffed by four firefighters and who report to calls; and

WHEREAS, in May 2019, the Buffalo Fire Department announced plans to start using Chevrolet Tahoe sport utility vehicles staffed by four firefighters to respond to first aid calls; and

WHEREAS, the Buffalo professional Firefighters Union has expressed concern with this concept, noting that if a fire occurred while the crew is with the SUV and not on an engine company, the crew could not respond to the fire and put water on the fire, which is a real danger and source of anxiety; and

WHEREAS, dialogue and constructive discussions between the fire department management and the union leadership may be helpful to resolve some of these issues, while keeping in mind that the paramount objective is to protect the public.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concerns over dynamic staffing in the Buffalo Fire Department, and urges the Buffalo Fire Commissioner to engage in meaningful dialogue and data sharing with the Buffalo Professional Firefighters Union Local 282 to analyze the impact of dynamic staffing on human life and injuries, as well as property damage; and be it further

RESOLVED, that this Honorable Body expresses its support for enhancing first response activities, but notes its concern over the use of alternative response vehicles that may not be well-equipped or able to properly respond to incidents, including fires; and be it further

RESOLVED, that this Honorably Body reiterates its commitment to public safety and protecting the people of our community, including our firefighters who rush into harm’s way to protect people and property; and be it further

RESOLVED, that this Honorably Body encourages the City of Buffalo fire leadership and the Buffalo Professional Firefighters Union to engage in dialogue and constructive discussions to help resolve some of these issues in the best interests of the community; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Mayor of Buffalo, the Commissioner of the Buffalo Fire Department, and the President of the Buffalo Professional Firefighters Union Local 282.
(3-0-1) Legislator Gilmore abstained.

3. INTRO. 12-6 (2020)
BASKIN & JOHNSON

WHEREAS, national and local unrest over the past week has reinforced the continued issues of systemic racism within our society; and

WHEREAS, the strife and frustration stems from experiencing situations that are unfair, from observing injustice, and feeling hopeless from the gravity of the consequences of inequity; and

WHEREAS, the strife and frustration cannot be left to fester and it deserves to be recognized and appropriately responded to; and

WHEREAS, we know our responsibility as elected officials to address these concerns, no matter how complex and layered the issues are; and

WHEREAS, not every issue of injustice or exclusion is glaring and undebatable, as there are still many structural barriers to achieving equity and inclusion for all people of Erie County; and

WHEREAS, these barriers also exist in seemingly fair policies, practices, and procedures that produce inequitable results; and

WHEREAS, inequitable results are cause of strife and frustration and we should put every effort into eliminating all barriers to equity and inclusion.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature requests the assistance of the Greater Buffalo Racial Equity Roundtable in identifying policies, practices and procedures of Erie County government that are barriers to achieving racial equity and providing counsel and advice to the County government; and be it further

RESOLVED, a certified copy of this resolution shall be sent to the County Executive, County Clerk, County Sheriff, County Comptroller, District Attorney, and the Greater Buffalo Racial Equity Roundtable.

(4-0)

HOWARD J. JOHNSON, JR.
CHAIR