

**BUFFALO FISCAL STABILITY AUTHORITY  
RESOLUTION 07- 03**

**APPROVAL OF COLLECTIVE BARGAINING AGREEMENT**

WHEREAS, as a result of the fiscal crisis facing Buffalo, and pursuant to the powers granted under the BFSFA Act, a wage freeze was enacted on April 21, 2004 and continues in effect; and

WHEREAS, during the pendency of a wage freeze, the Authority may certify a collective bargaining agreement as an exception to the freeze if such agreement provides “an acceptable and appropriate contribution toward alleviating the fiscal crisis of the City”; and

WHEREAS, the Buffalo City School District (District), a named Covered Organization under the Act, and the International Union of Operating Engineers (IUOE), Local 409 (Union) have reached a settlement for a collective bargaining agreement, which has been ratified by the union membership and given legislative approval by the District’s Board of Education, and have submitted such agreement for review and for certification under Section 3858.2(C)(ii) of the Act; and

WHEREAS, the collective bargaining agreement provides for the terms and conditions of employment for the period from July 1, 2001 through June 30, 2010 and supersedes

any other terms and conditions for that period, including any changes due to contract, arbitration, judgment or otherwise, now in effect or hereinafter existing; and

WHEREAS, the settlement has been reviewed and analyzed under the Authority's guidelines and recommended framework for collective bargaining agreements;

NOW THEREFORE BE IT RESOLVED, that the BFSA hereby finds that the collective bargaining agreement between the District and the Union provides an acceptable and appropriate contribution towards alleviating the fiscal crisis of the City because such agreement provides for permanent savings, reduces the cost of health care benefits, provides for an extended school day and reduces paid time off; and

BE IT FURTHER RESOLVED, that the aforesaid collective bargaining agreement, which is to be effective through June 30, 2010, is hereby approved and certified as an exception to the BFSA Wage Freeze Resolution (04-35), subject to the following conditions and limitations; and

BE IT FURTHER RESOLVED, that as long as the terms and conditions of employment for unit members covered by the collective bargaining agreement are not modified by any other contract, award or judgment not approved by the BFSA, then this certification of an exception to the wage freeze shall apply to allow the collective bargaining agreement to be fully effective and enforceable according to its terms through June 30, 2010, and that the current Wage Freeze Resolution (04-35) or any further wage freeze shall be of no

force and effect with respect to the terms and conditions of employment under the labor agreement until after June 30, 2010; and

BE IT FURTHER RESOLVED, that any changes, amendments, modifications or successor agreements between the District and Union shall be subject to the further approval of the BFSA; and

BE IT FURTHER RESOLVED, that in all other respects, the Wage Freeze Resolution of April 21, 2004 shall remain in full force and effect, subject to the right of the City and other non-exempt Covered Organizations to submit for approval agreements meeting the requirements of Section 3858.2(C)(ii) of the Act.

This resolution shall take effect immediately.

Approved January 31, 2007

/S/ Reverend Richard A. Stenhouse, Secretary