

BUFFALO FISCAL STABILITY AUTHORITY
RESOLUTION 09-42
APPROVAL OF COLLECTIVE BARGAINING AGREEMENT

WHEREAS, Chapter 122 of the Laws of 2003, Section 3858(2)(e), requires that during a control period the Buffalo Fiscal Stability Authority (“BFSA”) shall approve or disapprove any collective bargaining agreements binding or purporting to bind the City of Buffalo (“City”) and the Covered Organizations; and

WHEREAS, the BFSA is required to promptly review a collective bargaining agreement that is submitted to it and shall disapprove any collective bargaining agreement that is not in compliance with the approved financial plan; and

WHEREAS, based on a requirement of the Department of Housing and Development (HUD), the major funder of the Buffalo Municipal Housing Authority (“BMHA”), the BMHA changed its management model from a centralized management to a project management model; and

WHEREAS, the project management model requires some employees to assume new duties and responsibilities; and

WHEREAS, the BFSA did not approve the previous collective bargaining agreement presented to its Board of Directors on June 5th, 2009 and required the BMHA to return to negotiations with AFSCME local 264; and

WHEREAS, the BMHA and AFSCME Local 264 recommenced negotiations and fully and completely bargained with respect to the terms and conditions of employment of union members; and

WHEREAS, on October 21, 2009, the members of Local 264 approved the new Agreement Amending the Collective Bargaining Agreement between the BMHA and Local 264; and

WHEREAS, the BMHA submitted such agreement with supporting materials to the BFSA for approval under Section 3858(2)(e) of the Act, and has fully and promptly complied with all information requests of the BFSA; and

WHEREAS, the agreement provides for salary increases that are partially offset by savings in each year through changes to health insurance, restructuring of paid leave time, increasing the number of salary steps, transition to the lower cost 204 health insurance plan, health insurance contributions in retirement for new employees; and

WHEREAS, the agreement also provides for additional salary increases to certain titles in recognition of certain job consolidations and increased level of duties and responsibilities attached to their employment; and

WHEREAS, employees holding those titles acknowledge that certain salary increases are a result of their acceptance of those additional duties and responsibilities and the elimination of certain titles; and

WHEREAS, the consolidation of duties and responsibilities reduces the need fill certain titles; and

WHEREAS, the proposed agreement is in all respects in accordance with the approved 2010-2013 financial plan, is in compliance with the draft guidelines established by the BFSA for review and approval of collective bargaining agreements; and

WHEREAS, the agreement provides for the terms and conditions of employment for the period from July 1, 2004 through June 30, 2011 and supersedes any other terms and conditions for that period, including any changes due to contract, Interest Arbitration, judgment or otherwise, now in effect or hereinafter existing; and

WHEREAS, the BMHA will pay for the increased costs of this collective bargaining agreement through the use of preexisting savings in the current budget and four-year financial plan; and

WHEREAS, all Local 264 litigation against the BMHA and BFSA concerning the wage freeze will be withdrawn and discontinued; and

WHEREAS, on October 28, 2009, the agreement was approved by the Buffalo Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the BFSA does hereby approve the aforementioned agreement between the BMHA and Local 264, which is to be effective for the period from July 1, 2004 through June 30, 2011, provided that any vacancies in the titles of Occupancy Specialist and Assistant Occupancy Specialist are eliminated and that as vacancies occur in these titles the titles also eliminated.

This Resolution shall take effect immediately.

Approved December 9, 2009

/S/ George K. Arthur

George K. Arthur,
Secretary