

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 11-30

APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE BUFFALO SCHOOL DISTRICT AND THE AFSCME LOCAL 264 REPRESENTING THE BUFFALO SCHOOL DISTRICT FOOD SERVICE CAFETERIA MANAGERS

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 review and approve or disapprove any collective bargaining agreement (“CBA”) to be entered into by the City or any Covered Organizations, or purporting to bind the City or any Covered Organization”; and

WHEREAS, the BFSA is required to promptly review the terms of such a CBA and the supporting information in order to determine compliance with the Financial Plan, and shall disapprove any CBA, which, in its judgment, would be inconsistent with the Financial Plan; and

WHEREAS, on August 24, 2011, the Buffalo Board of Education passed a resolution authorizing the Superintendent to enter into Memorandum of Agreement (“MOA”) with AFSCME Local 264 representing the Cafeteria Managers (the “Union”) to offer a retirement incentive to qualified individuals; and

WHEREAS, the MOA is effectively a modification to the pre-existing CBA and as such, the above criteria are applicable; and

WHEREAS, the MOA stipulates that the offer is made on a one-time basis and does not constitute a precedent; and

WHEREAS, the MOA required individuals to notify the District no later than August 1, 2011, of their intent to retire prior to September 1, 2011; and

WHEREAS, the notification of retirement is irrevocable; and

WHEREAS, two members of the Union have notified the District of their intention to accept the retirement incentive; and

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

WHEREAS, the cost of the incentive totals \$10,000 or \$5,000 per employee who accepted the retirement incentive; and

WHEREAS, the alternative to the MOA is a forced reduction of two Cafeteria Managers; and

WHEREAS, the forced reduction of two Cafeteria Managers would incur unemployment benefit costs which exceed the cost of the retirement incentive; and

WHEREAS, the District anticipates that the retirement incentive will allow the number of Cafeteria Manager full time equivalent positions to be consistent with the 2011-2012 Adopted Budget; and

WHEREAS, the District will pay for the increased costs of this MOA through the use of existing resources in the current year budget.

NOW THEREFORE BE IT RESOLVED that the BFSA does hereby approve the aforementioned Memorandum of Agreement between the Buffalo School District and AFSCME Local 264 representing the District’s Food Service Cafeteria Managers.

This Resolution shall take effect immediately.

Approved October 3, 2011
/S/ George K. Arthur

George K. Arthur, Secretary