

President PHILIP RUMORE



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FEDERATION, INC

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MEMO TO: Buffalo Teachers at Receivership Schools
(Falsely identified as such)

FROM: Philip Rumore, President, BTF

RE: Receivership Power of Principals relating to Voluntary
and Involuntary Transfers

We have been informed that some "Principals" are going to use the unrealistic powers granted to them by the Commissioner's Receivership Schools decision.

For those schools where the "Principal" is choosing to exert his/her militaristic powers:

Blocking voluntary transfers (can you believe some "Principals" want to prevent teachers, who want to leave from leaving). The decision states: "Accordingly, after considering the BTF's position in light of collective bargaining principles and the various versions of the parties' proposals in the record before me, I find that Proposal 3 must be modified as indicated below:

A teacher at any of the struggling schools may request a transfer to another school by submitting a written request directly to the Receiver or his/her designee. Such application shall be made by May 1, 2016 and by March 23 in each subsequent year. The Receiver or his designee shall have the discretion and ability to deny the request on or before July 1, but shall consider the wishes of the individual teacher and the best interests of the students attending the Struggling School in evaluating all such requests. Notice of any such denial shall be provided in writing, which shall include a description of the constitutionally and statutorily permissible reason(s) therefor; provided that where the Receiver denies a transfer request on the basis that there are not readily available other persons who are qualified to perform the duties to be assigned, the Receiver must maintain documentation on file that the district has undertaken a good faith recruitment search for a certified and qualified candidate and determined that there are no available persons qualified to perform the duties of such position. Where a request is denied, nothing herein shall prohibit the teacher from making a subsequent request for transfer from the Struggling School consistent with the Contract. Notwithstanding, this modification to Article XIV, the provisions of Article XIV(D) relating to transfer requests based on hardship remain applicable. In the event that a teacher wishes to appeal the refusal based on extenuating circumstances, he/she may request a meeting with the Receiver. (Superintendent)

Note:
Underlining is
Commissioner's
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Involuntary transfers – The Decision states:

In addition, as the BTF's positions illustrate, the interest in accomplishing rapid improvement in student to teachers as employees of the district. Accordingly, after considering the parties' positions in light of collective bargaining principles and the various versions of the parties' proposals in the record before me, I find that District Proposal 5 must be imposed as modified below:

The Receiver shall have the discretion and ability at any time and for any Constitutionally or statutorily permissible reason to involuntarily transfer teachers at the struggling schools regardless of seniority or status as the building union delegate. Notice of involuntary transfers shall be given to the affected teacher as far in advance as practicable which shall be at least fifteen (15) days prior to the effective date of the transfer and shall include a description of the constitutionally and statutorily permissible reason(s) therefor. In the case of a building union delegate, such reason(s) shall not relate to the employee's lawful action(s) in his/her capacity as the building union delegate. With respect to involuntary transfers which take effect during the school year after the first two weeks of school, the teacher shall be allowed up to two (2) days in which to make the move to the new building and to become acquainted with the new position. If the Principal requests an involuntary transfer, a meeting will be held with the teacher and the Receiver or his/her designee to discuss such transfer before it becomes final, with the final decision resting with the Receiver. Teachers involuntarily transferred will be placed on a transfer list, consistent with Article XIV(E), for placement in a similar position in the teacher's tenure area in another school. A similar position means the same subject and tenure area the teacher taught at the building he/she is being transferred from and for which he/she is certified. It shall also be a position of the same FTE allotment with no loss of compensation. The provisions of Article XIV (E), (I) and (L)* of the CBA continue to apply to teachers subject to involuntary transfers.

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***NOTE:** XIV (E)- -deals with voluntary transfers

XIV (I) -- the Building Committee shall have the right, upon the request of any teacher, to consult with the principal concerning any aspect of teacher assignment to duty.

XIV (L) – If requested by the teacher, a representative of the Federation may be present at all meetings between teachers and members of the administration relative to transfers.

If any of the above relating to blocking Transfers or Involuntary transfers are not followed, notify the BTF. We will continue to challenge this absurd law in court.