

# BUFFALO TEACHERS FEDERATION

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FOR IMMEDIATE RELEASE

August 9, 2016

## BUFFALO SCHOOL DISTRICT FOUND GUILTY OF BAD FAITH NEGOTIATIONS WITH BTF CHARGES AGAINST BUFFALO TEACHERS FEDERATION REJECTED

In a decision dated August 2, 2016, the Buffalo School District was found guilty of bargaining in bad faith with the BTF.

A Public Employment Relations Board Administrative Law Judge ordered the School District to “ (1) withdraw the bargaining proposal it presented to the BTF on June 16, 2015, and resume negotiations from the District’s July 13, 2011 proposal, as modified at fact-finding; and (2) sign and post the attached notice at all physical and electronic locations normally used to communicate with employees represented by the BTF.”

The District was found guilty of wrongly introducing new proposals after the parties had agreed to fact-finding and regressive bargaining.

“Once parties have reached the stage of fact-finding, however, it is well established that the introduction of new subjects into negotiations is improper. Such actions expand, rather than narrow, the issues to be resolved and frustrate the impasse processes as well as efforts to reach agreement. Thus, after fact-finding, during the final stages of the impasse procedures, a party’s attempt to regress in its position or to expand the issues to be negotiated is detrimental to the process, and violates the party’s continuing obligation to work to reach resolution of the dispute in good faith.” (pps. 31-32)

“On the basis of the introduction of new subjects into bargaining post fact-finding alone, the District’s 2015 proposal is found to have been improper.” (p. 38)

“Based on the totality of the circumstances, the addition of new subjects into negotiations, as well as regressive offers on wages, health insurance benefits, and work year and work day, are found to have been improper. The District is therefore obligated to withdraw its 2015 proposal, and resume negotiations with the BTF from its 2011 proposal as modified at fact-finding.” (page 41)

The District’s charge against the BTF was rejected. “Thus, I do not find that the BTF’s cancellation of meetings pending a response on the assignment of a conciliator was in bad faith.” (page 44-45)

“The District hired an outside Chief Negotiator at over \$300/hr at a total cost of over \$200,000 who vindictively undermined negotiations, violated the Taylor Law, and was then paid by the District to defend his illegal actions. He is now finally gone.

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We now look forward to resuming negotiations with the Superintendent and School Board to reach a contract that reflects the importance and contributions of Buffalo teachers – one that is commensurate with what their colleagues in other districts receive and that is reflective of their years without a contract.

Now that the impediment to our negotiations has been removed, there is no reason that we can't have a new contract to vote on at the beginning of the school year", stated Phil Rumore, BTF President, who is in Albany, N.Y. at a NYSUT meeting. He can be reached by calling the BTF at 881-5400 and messages will be forwarded to him.

Rumore also thanked Timothy Connick, NYSUT Attorney and Peter Applebee, NYSUT Research for their invaluable assistance.

Attachment: PERB Decision, pages 29-45

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