

EMAIL & USPS



President PHILIP RUMORE

September 7, 2022

BUFFALO TEACHERS
FEDERATION, INC

MEMO TO: Dr. Tonja M. Williams, Superintendent, BPS
Nathaniel Kuzma, General Counsel
Members, Buffalo Board of Education

271 PORTER AVENUE
BUFFALO, N.Y. 14201
(716) 881-5400
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FROM: Philip Rumore, President, BTF 

RE: Proposed Transportation/Bell-Time MOU

While we have not received a complete District response to our September 2 correspondence, we provide the following as our initial BTF response to your proposed MOU. **Of obvious interest is a complete delineation (the specifics) of the plan which neither we nor the parents have received.** Enclosed please find copies of District proposals presented to us during negotiations and a copy of our current contract.

- 9/25/19
- 3/17/22
- 4/28/22
- Article VIII A(1)

You will note that your first proposal was dated September 25, 2019 and that there were no specific proposals until 3/17/22 and 4/28/22.

Also, there was no follow-up on this issue from 4/28/22 until your proposed MOU on September 1, 2022.

Some specific issues:

The proposed contract changes remove the current “For the 2018-2019 school year (July 1, 2018 to June 30, 2019) only” and replaces it with “the District may change the starting and ending time at schools to accommodate savings on bus routes.”

In other words, any time the District chooses to change starting/ending times, it can, as long as it “says” it is to save money on busing. Whether it is in the best interest of schools, parents and staff is not a factor.

In addition, your September 1, 2022 MOU substantially increases what your 3/17/2022 and 4/28/2022 proposals demand of teachers, i.e. from your MOU:

- For this year only, provides teachers “with 30 days’ notice of any proposed change in a school’s bell time” instead of as per your contract proposals, notification by January 1st.

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- The MOU changes your contract proposal (and the current contract) from “the starting time shall begin **no earlier than 7:50 am** and end **no later than 4:05 pm**” to “the starting time shall begin **no earlier than 7:30 am** and **end no later than 4:45 pm**”.
- Your MOU removes from your contract proposals (and the current contract) “iii Unless agreed to by the faculty of the affected schools, no other changes within the starting and ending times will occur.”
- Your MOU removes from your contract proposals (and the current contract) IV. “Starting and/or ending time changes will be no more than one (1) hour.”

Some Issues:

- How do you expect parents and teachers to change their childcare and their similar responsibilities on such short notice?
- How will after school programs function?
- Buses now sometimes don't arrive back at the student's home until 7:00 pm (especially in winter). The buses would then arrive forty (40) minutes later.
- Students would be waiting for their bus in the dark twenty (20) minutes earlier. Some students who did not have to wait for buses in the dark will now have to wait in the dark.
- What happens if parents have, for safety or other concerns, enrolled two (2) of their children at two different early schools only to find that one of the schools is now a late school?

Not only have you delayed negotiations for three (3) years, requiring the BTF to file three (3) improper practice charges against you, presented insulting and demeaning contract proposals, delayed until October 7, 2022 Fact Finding that you proposed and for which a Fact-Finder was appointed in August, you now propose an MOU that imposes conditions far beyond those in your contract submissions. **You have also not even delineated, and detailed what you expect parents and teachers to support. Unfortunately, what else is new?**

We await your response to this correspondence, so that we can **all** come to agreement on **all** the important issues before us.

The BTF is taking legal action on the above.

Cc: Buffalo Teachers

Enc:

9/1/22 MOU
9/25/19 District Contract Proposal
3/17/22 District Contract Proposal
4/28/22 District Contract Proposal
BTF Contract Article VIII (a)

PR:fs

9/1/22

Memorandum of Understanding

The Buffalo City School District

And

The Buffalo Teachers Federation

Re: Transportation/Bell-Time MOU

This Memorandum of Understanding (“MOU”), dated and effective as of the last date executed below (the “Effective Date”), is by and between The Buffalo City School District (the “District”) and The Buffalo Teachers Federation (“BTF”). The District and the BTF are referred to jointly as the Parties.

WHEREAS, the terms and conditions of employment for teachers are established in a Collective Bargaining Agreement (“CBA”) between the parties dated October 17, 2016.

WHEREAS, during the 2021-2022 school year, the District experienced the impact of the national bus driver shortage that, despite the best efforts of the District to mitigate the issue, impacted its ability to get students to and from school in a timely, safe manner and impacted its ability to offer the wide array of programming our students need, such as after school programming.

WHEREAS, the District expects the national bus driver shortage to continue to impact its transportation programming during the 2022-2023 school year.

WHEREAS, in anticipation of this continued crisis, the Superintendent directed the convening of a Transportation Committee that included many stakeholders including District staff, community and parent leaders, and union leaders that met throughout the summer of 2022 to make recommendations to the Superintendent to address the crisis.

WHEREAS, one proposed solution from the Transportation Committee is the implementation of a three tiered bell time schedule that would reduce the need for up to 100 drivers and effectively solve the transportation crisis.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. The Parties mutually agree to the following amendment to Article VIII(A)(1): Modify the current language to delete “For the 2018-2019 school year (July 1, 2018 to June 30, 2019) only,” such that the language will read “The District may change the starting and ending time at schools to accommodate saving on bus routes under the following conditions:
 1. Teachers will be notified in writing of any such change on or before January 1st of the year in which the change will take effect (e.g. notice must be provided on or

before January 1, 2023 for a change to take effect for the 2023-2024 school year); For the 2022-2023 school year only, the District shall have the ability to make bell times changes during the school year provided it inform teachers with 30 days' notice of any proposed change in a school's bell time.

- ii. Upon notification of said changes, teachers at the affected schools will be placed at the top of the transfer list for the upcoming school year based on their seniority;
 - iii. For the 2022-2023 school year only, in the event that a change in bell schedule creates a legitimate hardship for a teacher, he/she may apply for a hardship transfer, which will not be unreasonably denied.
 - iv. The starting time shall begin no earlier than 7:30 a.m. and end no later than 4:45 p.m.”
2. The parties agree to amend lines 20 and 21 in Article VIII(A)(1) to state, “The starting time shall begin no earlier than 7:30am and end no later than 4:45pm.
 3. This agreement shall not be construed by either party as modifying the rights of the parties under the CBA between the parties, except as specifically set forth above, nor shall it constitute a precedent or practice with regard to any other matters.

For the District:

For the BTF:

Dr. Touja Williams
Superintendent of Schools

Philip Rumore
President

Date

Date

9/25/19

IV. Proposal: Article VIII-Teaching Schedules

- a. Article VIII(A)(1): Amend 7:50am to 7:40.
- b. Reflect that the process for changing starting and ending times during the be in effect during each and every school year. Article VIII(A)(2): Delete in entirety from, "In those schools not affected.....Associate Superintendent of Instructional Services and the Federation."
- c. Article VIII(B)(1): Amend 42 weeks to 44 weeks
 - i. Propose that two professional development days may be used during the last week in August prior to the opening of school.
- d. Article VIII(B)(2): Change 42nd week to 44th week.
- e. Article VIII(C): ~~Amend to change Associate Superintendent for Finance and Research to appropriate cabinet member or Chief of Staff.~~

?

3/17/22

Teaching Schedules

Contract Provision: Article VIII

- a. Article VIII(A)(1): Modify the current language to delete “For the 2018-2019 school year (July 1, 2018 to June 30, 2019) only,” such that the language will read “The District may change the starting and ending time at schools to accommodate saving on bus routes under the following conditions:
 - i. Teachers will be notified in writing of any such change on or before January 1st of the year in which the change will take effect (e.g. notice must be provided on or before January 1, 2023 for a change to take effect for the 2023-2024 school year);
 - ii. Upon notification of said changes, teachers at the affected schools will be placed at the top of the transfer list for the upcoming school year based on their seniority;
 - iii. Unless agreed to by the faculty of the affected schools, no other changes within the starting and ending times will occur;
 - iv. Starting and/or ending time changes will be no more than one (1) hour;
 - v. The starting time shall begin no earlier than 7:50 a.m. and end no later than 4:05 p.m.”
- b. Article VIII(A)(2): Delete in entirety from “In those schools not affected...” to “Associate Superintendent of Instructional Services and the Federation.”
- c. Article VIII(B)(1): Amend 42 weeks to 44 weeks.
 - i. Two professional development days may be used during the last week in August prior to the opening of school.
- d. Article VIII(B)(2): Change 42nd week to 44th week.

Teaching Load and Assignments

Contract Provision: Article X

- I. **Article X(A)**
Amend 240 to 255.
- II. **Flexible Scheduling**
Insert a new provision regarding the implementation of flexible scheduling based on the learning needs of the student population at buildings.

Tentatively Agreed Upon Proposals, Pending Approval of this Package Proposal

Incorporated into this Package Proposal are all of the proposals and terms previously tentatively agreed to by the parties:

- District Proposal I, as countered by the BTF.
- District Proposal II(b)
- District Proposal IV(e)
- District Proposal V(a)(i) (section stating Remove (e))
- District Proposal VIII(a)(b)(f)
- District Proposal XVII(a)(6) and (f) (regarding Article XXIII(H)(I))
- District Counter Proposal to BTF #75
- BTF Proposal 27, as modified by the BTF on October 8, 2019
- BTF Proposal 29
- BTF Proposal 30, as modified by the District’s Counter Proposal on October 17, 2019
- BTF Proposal 41

4/28/22

- II. Article XIV(K)
Change "Associate Superintendent for Instructional Services" to "Associate Superintendent for Human Resources."

Employment and Termination of Personnel

Contract Provision: Article XII

- I. Hiring of Athletic Coaches
Include the previously drafted MOU regarding the hiring of Athletic Coaches to the Collective Bargaining Agreement by reference.
- II. Hiring of Teachers During the Summer (Article XII(G)(1))
Amend to change "number of years of summer employment" to "District seniority."

Teaching Schedules

Contract Provision: Article VIII

- a. Article VIII(A)(1): Modify the current language to delete "For the 2018-2019 school year (July 1, 2018 to June 30, 2019) only," such that the language will read "The District may change the starting and ending time at schools to accommodate saving on bus routes under the following conditions:
 - i. Teachers will be notified in writing of any such change on or before January 1st of the year in which the change will take effect (e.g. notice must be provided on or before January 1, 2023 for a change to take effect for the 2023-2024 school year); For the 2022-2023 school year only, the District may notify teachers by July 1, 2022.
 - ii. Upon notification of said changes, teachers at the affected schools will be placed at the top of the transfer list for the upcoming school year based on their seniority;
 - iii. Unless agreed to by the faculty of the affected schools, no other changes within the starting and ending times will occur;
 - iv. Starting and/or ending time changes will be no more than one (1) hour;
 - v. The starting time shall begin no earlier than 7:50 a.m. and end no later than 4:05 p.m."
- b. Article VIII(A)(2): Delete in entirety from "In those schools not affected..." to "Associate Superintendent of Instructional Services and the Federation."
- c. Article VIII(B)(1): Amend 42 weeks to 43 weeks.
 - i. Two professional development days may be used during the last week in August prior to the opening of school.
- d. Article VIII(B)(2): Change 42nd week to 43rd week.

Teaching Load and Assignments

Contract Provision: Article X

- I. Article X(A)
Amend 240 to 255.
- II. Flexible Scheduling
Insert a new provision regarding the implementation of flexible scheduling based on the learning needs of the student population at buildings.

Tentatively Agreed Upon Proposals, Pending Approval of this Package Proposal

money to be used to increase teacher salaries and benefits shall
be used, to the extent so required, to increase such salaries and/
or benefits over and above those established in this Agreement
and the specific manner of application of such monies shall be
negotiated with the Federation.

D. The Federation shall be notified of any anticipated federal
and state programs, and the Board shall negotiate with the
Federation concerning the effect of such programs on teaching
conditions and shall otherwise confer regarding such programs.

ARTICLE VIII
Teaching Schedules

A.(1) The hours of service for teachers shall not exceed
(6) hours and fifty (50) minutes for each school day beginning
no earlier than 7:50 a.m. and ending no later than 3:40 p.m.
Effective September 1, 2017 the hours of service for
teachers shall not exceed seven (7) hours and fifteen (15)
minutes. The twenty-five (25) additional minutes will be
added at the end of the day. The starting time shall begin
no earlier than 7:50 a.m. and end no later than 4:05 p.m.
Changes from the previous year in starting and ending times
at a particular school shall be made by the principal of each
school in conjunction with the Federation Building Committee,
subject to the approval of the Associate Superintendent of
Instructional Services and the Federation. School Start and
End Times: For the 2018-2019 school year (July 1, 2018 to
June 30, 2019) only, the District may change the starting
and ending time at schools to accommodate saving on
bus routes under the following conditions.

- (a) Teachers will be notified in writing of any such
change on or before January 1, 2018.
- (b) Upon notification of said changes, teachers at the
affected schools will be placed at the top of the
transfer list for the upcoming school year based
on their seniority.
- (c) Unless agreed to by the faculty of the affected
schools, no other changes within the starting and
ending times will occur.
- (d) Starting and/or ending time changes will be no
more than one (1) hour.
- (e) The starting time shall begin no earlier than 7:50
a.m. and end no later than 4:05 p.m.

(2) There shall be no increase in noon-time assignments
unless such assignment is used to replace the sixth duty of a