

# **BUFFALO TEACHERS FEDERATION**

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**FOR IMMEDIATE RELEASE**

**July 26, 2011**

**Arbitrator Rules for BTF  
Superintendent Violated BTF Contract in Denying  
Voluntary Transfers**



Arbitrator Louis Ricci, Ph.D., has ruled that the Superintendent violated the BTF contract in 2010 when he denied transfers to 50-100 teachers who applied and should had them granted.

As a result, the District will have to recreate the list of teachers and the vacancies and offer said positions to the affected teachers as well as compensating them for any additional stipends they would have received, e.g. coaching , clubs. Over 500 teachers applied for approximately 100 vacancies.

The Superintendent first cited the late NYS budget as the reason for denying the transfers. The BTF pointed out NYS has a history of late budgets and never had the District denied the transfers.

The Superintendent also claimed that NYS law gave him the authority to deny transfers. The BTF pointed out that NYS law actually allows the parties to negotiate such transfers.

The Arbitrator found that the District had violated the long-standing past practice of the parties dating from 1967.

The Arbitrator states "It is the opinion of the Arbitrator that three issues surface as a result of this unfortunate decision: inadequate planning on the part of the District, lack of informal fiscal prioritizing and a lack of understanding the contractual significance of 'past practice.' "

**Award**

"As a result of this decision, the District will offer positions that would have been filled by those who applied for voluntary transfers for the 2010-2011 school year and be made whole for any financial losses as a result of this decision.

The current voluntary transfer practice will remain in effect until and unless collective bargaining occurs between the district and the Union.

The Arbitrator will retain jurisdiction of this case until the remedy is implemented."

**"It is important to remember that in a letter to the Superintendent and Board dated August 25, 2010 we advised the District that; 'Please be advised that your decision to deny voluntary transfers will carry serious and severe disruptions of the District. When we win the arbitration on this denial, and we will win, we will demand that teachers be placed in the positions they should have been placed in this year. That will mean that teachers currently in those positions will have to be removed and placed in other positions in the District causing a domino effect unlike any seen in this District' "** stated BTF President Phil Rumore.

**"Now the District, as we warned, will have to grant the transfers of hundreds of teachers as they should have.**

**We warned them but they chose confrontation. It is the District who chose this course and it is the District that is responsible for the disruption that needed not have been" concluded Rumore. Complete Award available at BTF - (716) 881-5400**