

**Resolutions Voted On By the Rochester Board of Education at Its
Meeting of January 31, 2002**

RESOLUTION NO. 2001-2002: 581

Budgetary Arrangements for the Superintendent of Schools

By Member of the Board Brown

Whereas, it is the intention of the Superintendent of Schools to participate in payroll deferral on in a manner equivalent to District employees, as a symbol of unity and or our collective determination to improve the District's overall fiscal well-being; it is

Resolved, that the Superintendent of Schools shall participate in the deferred payroll program covering up to ten bi-weekly payrolls on the same terms and conditions as set forth for that program for Article IV employees and Board of Education staff under Resolution No. 2001-2002: 582.

Seconded by Member of the Board Porter

RESOLUTION NO. 2001-2002: 582

Budgetary Arrangements for Article IV Employees of the District and the Board of
Education Staff

By Member of the Board Brown

Whereas, the Board of Education has determined that payroll standardization and a deferred payroll program constitutes a valid and worthwhile tools for addressing a portion of the projected deficit which the District may face by June 30, 2002 unless protective measures are promptly taken, and has further determined that the Superintendent of Schools should have the same latitude to invoke that method upon management and nonunionized employees and he may be able to invoke upon unionized employees pursuant to Memoranda of Understanding achieved or under negotiation with various collective bargaining agents, it is

Resolved, that the Superintendent of Schools is authorized to implement a deferred payroll program, as the needs of the District demand, upon the following terms:

An amount of salary equivalent to a maximum of ten (10) days' base pay shall be deferred and shall become due and payable to Article IV employees in the fiscal year in which as the member separates from employment with the District, at the base pay rate applicable to the employee at the time of separation. The deferral authorized

under this agreement shall be construed so as to be compliant with State and Federal law; so as to effectuate the intent of the parties that base pay rates, however calculated, shall be unchanged and unaffected for contract calculation purposes; and so as to effectuate the parties' intent that the deferred money be deemed to be pensionable salary; but with the further intent that the financial obligation of payment shall accrue only in the fiscal year in which separation occurs. More specifically:

- (a) Implementation. For purposes of minimizing practical detriments for employees as the deferral is accomplished, for a period of up to ten successive payrolls, beginning with a pay date to be determined by the Superintendent coinciding with the date selected for similar action under memoranda of understanding being there shall be a spacing of eleven business days rather than ten between pay periods, in order to achieve a deferral of a total of ten days' pay. Paychecks during the ten-payroll period shall reflect the time allocations approved for each employee (duty, vacation, sick or personal leave, etc.) provided, however, that the paycheck shall not contain compensation for more than ten days' service in the aggregate. Payment of salary for the deferral periods so withheld shall be paid to the employee at the time of separation from service to the District at the rate of pay due to the employee at the time of separation, either as an inclusion in the final paycheck, or by separate payment as close in time, but prior to, to the last day of service as administratively possible.
- (b) Pro rating. In the event that any person begins employment between the date of this agreement and the final deferral payroll noted above, such person shall be subject to the deferral payroll for each payroll period from joining until the tenth or final deferral payroll date. In the event that an employee is employed in a status other than full time, the amount of the deferral shall be in proportion between full time employment and the average hours of employment of the individual. If an employee separates from employment during the implementation period, the amount of deferred income which is payable shall not exceed the amount of deferred income attributed to the employee between the date of the initial deferred payroll in which he or she participated, and the date of separation.
- (c) Superintendent's discretion. The decision to exercise the deferral power under this Resolution is left to the sole discretion of the Superintendent of Schools, who may implement the above terms in whole, or may as the financial needs of the District dictate, implement the deferral for a shorter period (and, therefore, for a smaller number of deferred days, not to exceed one per pay period); or may elect not to exercise the authority. In the event that the agreements achieved with collective bargaining agreements differs from this resolution, the Superintendent is authorized to implement Article IV deferred income in a manner equivalent with that applicable to the collective bargaining units.

It is Further Resolved, that Effective March 1, 2002, all salary payments to Article IV employees shall be by direct deposit to a financial institution of the member's

individual choice, provided that such institution has agreed to accept direct deposits from the District. Prior to March 1, 2002, each member will make appropriate arrangements with the financial institution and with the District for such direct deposit. Effective March 1, 2002, all pay reports and other payroll documents shall be distributed to members by U.S. Mail; and it is

Further Resolved, that in a manner similar to that agreed upon by the Association of Supervisors and Administrators of Rochester (ASAR), business and professional expenses ordinarily permissible under Section 16 of the Rules and Regulations of the Board of Education Relating to Employees Appointed by the Superintendent of Schools shall be frozen for the balance of the 2001-2002 fiscal year, unless the Superintendent expressly determines, in advance of any such expenditure, that the expenditure is vital to the operations of the District and cannot be deferred to a time after June 30, 2002; and it is

Further Resolved, that the foregoing provisions shall be applied in the same manner, and with the same effect to all employees assigned directly to the service of the Board of Education.

Seconded by Member of the Board Porter

RESOLUTION NO. 2001-2002: 583

Budgetary Arrangements for the Association of Supervisors and Administrators of Rochester

By Member of the Board Brown

RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools, hereby approves as one component of Phase II of the 2001-2002 budget plan hereby approves the tentative agreement between the Association of Supervisors and Administrators of Rochester and the Rochester City School District dated January 31, 2002, and filed with the Clerk of the Board, providing for a deferred payroll plan and other contract accommodations intended to contribute to the solution of the budgetary issues faced by the District in the current fiscal year, and previously ratified by the Association of Supervisors and Administrators of Rochester.

Seconded by Member of the Board Porter

RESOLUTION NO. 2001-2002: 584

Budgetary Arrangements for the Mid-Level Managers' and Supervisors' Association

By Member of the Board Brown

RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools, hereby approves as one component of Phase II of the 2001-2002 budget plan hereby approves the tentative agreement between the Mid-Level Managers' and Supervisors' Association and the Rochester City School District dated January 31, 2002, and filed with the Clerk of the Board, providing for a deferred payroll plan and other contract accommodations intended to contribute to the solution of the budgetary issues faced by the District in the current fiscal year, and previously ratified by the Mid-Level Managers' and Supervisors' Association.

Seconded by Member of the Board Porter

RESOLUTION NO. 2001-2002: 585

Budgetary Arrangements for the Rochester Association of Paraprofessionals

By Member of the Board Brown

RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools, hereby approves as one component of Phase II of the 2001-2002 budget plan hereby approves the tentative agreement between the Rochester Association of Paraprofessionals and the Rochester City School District dated January 31, 2002, and filed with the Clerk of the Board, providing for a deferred payroll plan and other contract accommodations intended to contribute to the solution of the budgetary issues faced by the District in the current fiscal year, and previously ratified by the Rochester Association of Paraprofessionals.

Seconded by Member of the Board Porter

RESOLUTION NO. 2001-2002: 586

Budgetary Arrangements for the Rochester Teachers' Association

By Member of the Board Brown

RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools, hereby approves as one component of Phase II of the 2001-2002 budget plan hereby approves the tentative agreement between the Rochester Teachers' Association and the Rochester City School District dated January 31, 2002, and filed with the Clerk of the Board, providing other contract accommodations intended to contribute to the solution of the budgetary issues faced by the District in the current fiscal year.

Seconded by Member of the Board Porter

RESOLUTION NO. 2001-2002: 587

Budgetary Arrangements for BENTE/AFSCME LOCAL 2419 (AFL-CIO)

By Member of the Board Brown

RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools, hereby approves as one component of Phase II of the 2001-2002 budget plan hereby approves the tentative agreement between the BENTE/AFSCME LOCAL 2419 (AFL-CIO) and the Rochester City School District dated January 31, 2002, and filed with the Clerk of the Board, providing for contract accommodations intended to contribute to the solution of the budgetary issues faced by the District in the current fiscal year.

Seconded by Member of the Board Porter

RESOLUTION NO. 2001-2002: 588

Phase II Plan for 2001-2002 Budget Reductions

By Member of the Board Brown

RESOLVED, that the deficit reduction plan proposed by the Superintendent of Schools be adopted, as amended, contingent upon the ratification of necessary contract amendments by the Rochester Teachers Association (RTA) and the Board of Education Non Teaching Employees union (BENTE); and it is

FURTHER RESOLVED: that in the event that either or both BENTE and RTA memberships do not ratify their respective tentative agreements, the Superintendent of Schools is authorized in his discretion, with appropriate advice and consent of the Board, to implement alternative means of achieving cost reductions equal to those contained in the unratified agreements.

Seconded by Member of the Board Porter