



THE ADVOCATE

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Providing comprehensive
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VOLUME XXXVII NOVEMBER-DECEMBER 2017

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Fair Labor Standards Act – A Few Common Mistakes

Under the FLSA, non-exempt employees are required to be paid for all time working for an employer, as well as time and a half for time spent working over 40 hours/week. This should come as no surprise. However, the FLSA is obviously more complicated than these two principles. Issues frequently arise concerning what is considered time spent working and how a collective bargaining agreement interacts with the FLSA. Other issues that our office has seen more frequently deal with how workers should be paid for overtime if they work multiple jobs at multiple salaries and whether time off is included in an employee's 40 hours/week.

Issue 1:

Is time spent at training for non-exempt employees considered compensable under the FLSA?

Many districts would like their non-instructional staff to attend trainings on subjects that will help them in school environments. Time spent at training during the workday should be paid at the employee's regular rate. However, most training sessions occur after the workday. In general, attendance at trainings will normally be compensable unless all four of the following criteria are met: (1) the hours are outside normal hours; (2) attendance is voluntary; (3) the subject material is not job related; and (4) no other work is concurrently being performed. If any one of these four elements is not met, employees must be paid for their time at training.

This analysis will be fact specific by analyzing each element separately. First, it should be easy to establish if the hours are

during the normal workday – if the hours are during the workday, they must be paid, but if the hours are after the workday, move on with the analysis. Second, look at attendance requirements. Attendance is not voluntary if (1) the employer requires it; (2) the employee believes that not attending would adversely affect his/her working conditions; (3) not attending would adversely affect continued employment; or (4) disciplinary action would be taken for not attending. If the answer to any one of those is “yes,” it would likely be considered time worked and compensable. However, if attendance appears voluntary, continue on with the analysis. Third, is the training directly related to the employee's job? It is likely directly related if it will help the employee perform his/her job more effectively or the training provides required skills for the employee's current job. There is likely no relationship if it is training the employee for another job or helping his/her advancement to a higher job. For example, a bus driver attending training for clerical work is likely not directly related to his/her job, but a bus driver attending training on student management probably would be directly related. Only if the first three elements are met, does the fourth element need to be considered – will work be performed to benefit the employer during attendance? If the answer is no, the training is likely not compensable under the FLSA.

Wait a second – my district's collective bargaining agreement requires certain non-exempt employees to attend training after the workday and does not specify that those employees will be paid for this time (i.e. teacher aides). Haven't the District and the union negotiated that training time will not be paid or that it was part of a negotiated raise? Unfortunately, the FLSA does not allow employees to waive their rights under the law by agreement or contract, including the hours to be counted as hours worked. Thus, employees are, in most cases, entitled to be paid for time spent at mandatory trainings if they occur

after the normal workday, regardless of contractual language.

Issue 2:

If an employee works two positions for the District and he/she works over 40 hours/week, what is his/her overtime rate?

It depends. In most cases, if an employee works overtime with two different jobs, the overtime rate must be the weighted average of both jobs. In other words, add up the earnings from all rates and divide by the total number of hours for all jobs to obtain the regular rate. Then, take the regular rate and multiply by 1.5 to determine the overtime rate. To make it easier, below is an example.

An employee works as a bus driver at \$17/hour for 30 hours. The same employee works as a cleaner for \$11/hour for 20 hours. Therefore, the employee worked 50 hours for the district in a workweek.

$30 \text{ hours} \times \$17/\text{hour} + 20 \text{ hours} \times \$11/\text{hour} = \$730$ (total regular rate compensation)

$\$730$ (total regular rate compensation) \div 50 hours worked = \$14.60 (regular rate)

$\$14.60$ (regular rate) \times 1.5 = \$21.90 (overtime rate)

$\$14.60$ (regular rate) \times 40 hours = \$584 (total straight time earnings)

$\$21.90$ (overtime rate) \times 10 (overtime hours)

\$219 (total overtime earnings)

Total compensation \$803

On the other hand, the FLSA allows the employee to agree before the work begins that he/she will get overtime based on the type of work being done at the time he/she is over 40 hours. Using the above example, if such agreement were in place, let's say the employee went over 40 hours while he was a cleaner making \$11/hour. The computation for overtime would be based on time and one half of \$11/hour or \$16.50 for time worked over 40. Such agreements are rare, but may be included in collective bargaining agreements. For instance, there could be language stating, "In the case of services provided in two or more areas, overtime rates shall be determined based on the rate for work being done at the time the employee exceeds 40 hours." However, unless it specifically states otherwise, the overtime rate for two positions will likely be based on the weighted average of both jobs.

Issue 3:

Does the FLSA require time off to be counted towards the 40 hours?

No. The FLSA does not count time off during a holiday break, vacation or sick leave, with or without pay, as time worked. However, the FLSA allows employers to give benefits that go above and beyond its requirements. This means that there could be district policy, CBAs or past practices in place that allow time spent away from work for holidays, vacations or sick leave to count towards the 40 hour workweek. If such policy, CBA or practice exists at your district, it would have to continue unless negotiated away. If no such practice exists at your district, retain the status quo and do not count time off towards the 40 hours.

In sum, due to the prevalence and cost of FLSA lawsuits, it is always better to make sure that all practices and agreements are in line with the FLSA. Our office would recommend reaching out with any questions and certainly recommend getting all contractual language reviewed prior to implementation to avoid these pitfalls.

Reasonable Assurance Notice Before Vacation Periods and Holiday Recess

Based on a December 7, 2017 decision from the Appellate Division of the Supreme Court of New York, Third Department, it is the advice of our office that reasonable assurance letters should be sent to all qualified *per diem* employees before all holiday recesses.

The case in question is the *Matter of Papapietro v. Rochester CSD*. As of this writing, the case may be found at: <http://decisions.courts.state.ny.us/ad3/Decisions/2017/524954.pdf>. The claimant in this matter was a *per diem* substitute teacher for the Rochester City School District and worked for the District “at least three days” at the end of December 2015. He applied for unemployment insurance benefits over the holiday recess due to a “lack of work” related to the recess and that he did not receive a letter of reasonable assurance for employment after the break.

It should be noted that this decision from the Third Department was from an August 12, 2016 interpretation of the law by the Unemployment Insurance Appeal Board (hereinafter “Board”), see Unemployment Appeal Board Decision Number 590044 (<http://uiappeals.ny.gov/uiappeal-decisions/590044-appeal-decision.pdf>). However, the August 12th ruling from the Board was its second decision related to this matter. It appears that the Board had previously made a determination in the claimant’s favor on July 27, 2015, see Unemployment Appeal Board Decision

Number 585960 (<http://uiappeals.ny.gov/uiappeal-decisions/585960-appeal-decision.pdf>). Knowing what happened in these prior decisions helps explain the Third Department’s decision.

The claimant’s initial application for benefits over the holiday break was denied based on a finding that the claimant had reasonable assurance, but then he requested a hearing on the matter before an Administrative Law Judge (hereinafter “ALJ”). On May 6, 2015, the ALJ sustained the initial decision to deny benefits. The claimant appealed that decision to the Board. In its July 27, 2015 decision, the Board found that there was no offer of reasonable assurance for employment after the holiday recess and gave the claimant \$840 in benefits. Unemployment Appeal Board Decision Number 585960.

The available record is not completely clear, but it appears that there was an attempt to recover an overpayment from the claimant in the amount of \$840, which was the same amount that the claimant received after the Board’s July 27, 2015 decision. The initial determination from the Department of Labor found that there was reasonable assurance and charged the claimant with an overpayment of \$840 to be recovered. On April 13, 2016, a telephone conference was held with the parties and the ALJ. The ALJ reopened the claimant’s application for benefits and overruled the initial determination to deny benefits. The District appealed to the Board.

The Board sided with the District and found that the claimant had received reasonable assurance of employment after the holiday recess. Its decision was based on testimony from a District witness who explained how *per diem* substitutes were given “priority” for work after such a holiday break. The Board determined that it was not necessary for the District to provide individual notice to *per diem* employees of assurance or how the substitute “priority system” worked.

The Board stated that it was sufficient that the District could explain how the “priority system” worked and the District made “a good-faith effort to contact the claimant for work” in the week following the holiday break. The Board did not seek a repayment of the \$840, but reversed the ALJ. Unemployment Appeal Board Decision Number 590044.

The Third Department, in a short but direct decision, noted that interpretation of the applicable law is a matter for the court to decide and it explicitly declined to give any deference to the Board’s interpretation. In reaching its decision the Third Department cited to a prior case that addressed this issue, which is as follows:

“Pursuant to Labor Law § 590 (10), a claimant who is employed in an instructional capacity by an educational institution is precluded from receiving unemployment insurance benefits during ‘any week commencing during an established and customary vacation period or holiday recess, not between such academic terms or years, provided the claimant performed services for such institution immediately before such vacation period or holiday recess and there is a reasonable assurance that the claimant will perform any services . . . in the period immediately following such vacation period or holiday recess’” (Matter of Scott[Commissioner of Labor], 25 AD3d 939, 939–940 [2006]).

The Third Department stated that the ‘reasonable assurance’ noted above “often takes the form of a letter from an employer assuring a per diem substitute teacher of future employment opportunities,” and specifically rejected the Board’s conclusion that the District did not need to provide notice of reasonable assurance to a per diem substitute before a holiday recess. The Court reversed the Board’s finding in favor of the District since the claimant was not sent a reasonable assurance letter or “any other form of notice that made

a representation regarding claimant’s employment after the recess.”

What does this decision mean for your district?

The Third Department hears appeals from Unemployment Insurance Appeal Board decisions. Therefore, this case should be considered precedent setting; and it will remain precedent setting unless the decision is appealed to the New York Court of Appeals and overturned or if the legislature acts to clarify the law in the favor of school districts.

Before this becomes an issue, a *per diem* employee would have to first qualify for benefits. A brief refresher on how an employee qualifies for these benefits may be found at: <https://www.labor.ny.gov/ui/claimantinfo/beforeyouapplyfaq.shtm>. If you believe your district has employees who qualify for unemployment insurance then reasonable assurance letters need to be provided.

An example of a notice of reasonable assurance for a substitute teacher should include written or verbal notification that the substitute will be placed on a substitute list, that the list will be used for placing substitutes, there is a reasonable expectation that a substitute position will exist, and that he or she can expect to earn at least 90% of the prior term’s remuneration (including wages and benefits). See <https://www.labor.ny.gov/ui/claimantinfo/school-personnel-faq.shtm#7>.

It is strongly suggested that to adequately protect your district from unemployment insurance claims from *per diem* workers over holiday breaks that the district should send reasonable assurance notice letters to these employees before any holiday recess.

RECENT AREA TEACHER CONTRACT SETTLEMENTS

CAYUGA-ONONDAGA BOCES												
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	AVG.
BOCES	4.50	1.50	1.75	2.25	2.25	2.25	2.50	2.70	2.75	2.80		2.53
Auburn	3.00	3.00	0.00	2.25	2.25	2.60	2.60	2.60				2.29
Cato-Meridian	3.80	3.80	2.00	2.00	2.00	2.70	2.60	2.50				2.68
Jordan-Elbridge	3.90	0.50	2.01	2.18	2.50	2.50	2.50	2.80	2.80	2.80		2.45
Moravia	4.00	2.00	2.00	0.00	2.50	2.50	2.50	2.90	2.85	2.80		2.41
Port Byron	3.70	2.00	2.00	2.00	2.00	2.50	2.60	2.70	2.60			2.46
Skaneateles	3.75	1.50	1.50	1.50	2.50	2.60	2.75					2.30
So. Cayuga	2.00	2.00	2.00	2.00	2.25	2.25	2.75	2.75	2.75			2.31
Union Springs	4.25	2.00	2.00	2.00	2.00	2.50	2.50	2.50				2.47
Weedsport	4.50	0.00	2.00	2.00	2.00	2.50	2.50	2.75	2.75	2.75		2.38
	3.74	1.83	1.73	1.82	2.23	2.49	2.58	2.69	2.75	2.79		
BROOME-TIOGA BOCES												
Chenango Valley	2.50	2.75	2.75	2.75	2.75	2.75	2.75	2.75				2.72
Deposit	2.50	2.50	2.00	2.50	2.50	3.00	3.00	3.00	2.99			2.67
Maine-Endwell	4.50	4.50	4.50	2.60	2.80	2.95						3.64
Owego-Apal.	2.95	2.95	2.95	2.00	2.00	2.95	2.85	2.75				2.68
Union-Endicott	\$2,253	2.70	2.70	2.70	2.70	2.60	2.90	2.90				2.74
Vestal			\$1,500	2.60	2.95	2.95	2.95					2.86
Whitney Point	3.30	3.50	0.00	2.20	2.20	2.50	2.60	2.70				2.38
	3.15	3.15	2.48	2.48	2.56	2.81	2.84	2.82	2.99			
GENESEE VALLEY BOCES												
Geneseo	4.20	2.00	2.00	2.00	3.00	3.00	3.00	3.75	3.60	3.50		3.01
OSWEGO BOCES												
Hannibal	3.50	0.00	1.75	1.75	2.20	2.20	2.20	2.75	3.00	3.00	3.00	2.30
Oswego	4.00	0.00	1.75	2.00	2.00	2.00	0.00	3.00	3.00	3.00		2.08
	3.75	0.00	1.75	1.88	2.10	2.10	1.10	2.88	3.00	3.00	3.00	
TOMPKINS-SENECA-TIOGA BOCES												
BOCES	4.00	4.00										4.00
Candor	3.00		2.00	2.00	1.5 + \$1000	1.5 + \$1000	2.0 + \$500					2.33
Dryden	2.60	2.60	3.00	3.00	3.00	3.00	3.05					2.89
Groton	3.50	3.50	3.50	2.50	2.60	2.70	2.70	6.00	6.00	6.0/5.0/4.0		3.80
										% depends on years		
Ithaca	2.00	2.00	2.00	2.00	2.00	2.00	4.50	\$1,930	3.00			2.44
Lansing	3.50	3.50	2.70	2.70	3.00	3.00	3.25	2.85	2.90	2.65		3.01
Newfield	2.50	2.00	2.00	3.00	3.50	2.75	2.50	3.25	3.00	3.25		2.78
South Seneca	4.00	1.50	1.50	2.45	2.45	1.45	2.75	3.25	3.25			2.51
Trumansburg	4.20	2.70	2.70	3.00	3.00	2.50	3.00	3.25	3.50	3.50		3.14
	3.26	2.73	2.43	2.58	2.79	2.49	3.11	3.72	3.61	3.13		

RECENT AREA TEACHER CONTRACT SETTLEMENTS

WAYNE - FINGER LAKES BOCES

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	AVG.
BOCES	2.50	1.90	1.90	2.50	2.45	2.45	3.00	3.00				2.46
Bloomfield	3.85	3.60	3.35	1.98	2.00	2.00						2.80
Canandaigua	4.10	3.85	2.00	2.69	2.65	2.57						2.98
Clyde-Savannah	5.00	5.00	2.25	2.25	2.25	2.25	3.50	3.25	3.25			3.22
Dundee	4.00	2.60	2.50	2.50	3.00	3.30	3.40	2.50	4.00	3.25	3.25	3.12
Gananda	2.75	2.75	2.60	2.60	2.75	3.00	3.00	3.20				2.83
Geneva	4.22	4.15	2.00	2.00	2.00	3.00	3.50	3.50	2.50			2.99
Gorham-Middlesex	3.50	2.25	2.25	2.50	2.50	2.50	3.00	3.00	3.00	3.00		2.75
Honeoye	2.60	2.50	2.50	2.50	2.75	2.75	2.90	3.30	3.30	3.35	3.45	2.90
Lyons	4.66	3.37	3.88	2.50 + \$1,000	2.50 + \$600	2.70 + \$300	2.90 + \$700	2.90 + \$300	2.90 + \$200			3.97
Manchester-Shortsville	4.00	1.80	2.00	2.00	2.00	2.50	3.00	2.50	2.50	2.50		2.48
Marion	3.50	2.80	2.00	2.00	2.40	2.25	3.00	3.25	3.50	3.65		2.84
Naples	4.00	2.25	2.25	2.25	2.25	2.50	2.50	2.60				2.58
Newark	2.50	2.50	1.25	2.50	2.50	3.00	3.00	3.00				2.53
N Rose-Wolcott	4.27	1.00	2.47	1.90	2.00	2.30						2.32
Palmyra-Macedon	3.90	3.90	2.48	3.90	2.50	1.75 + \$500	2.75	2.75	2.75			3.12
Penn Yan	4.00	2.29	2.29	1.90	2.00	2.00	2.30	3.00	3.00	3.00		2.58
Phelps-Cl Springs	2.89	2.89	2.89	2.00	2.00	2.00	3.00	3.00	3.00	3.00		2.67
Red Creek	4.50	2.75	2.75	2.50	2.40	2.40	4.00	3.25	3.00	2.50		3.01
Romulus	3.33	3.50	3.50	1.50	1.50	5.00	3.00	3.00	3.00			3.04
Seneca Falls	3.91	3.50	3.45	2.00	2.00	3.00	2.75	2.50	2.00			2.79
Sodus	3.80	3.80	2.00	2.00	2.20	3.00	3.00	3.30	3.30			2.93
						* 2015-16 and 2016-17 3.0 percent settlement for on-step unit members						
Victor	4.30	4.00	2.00	2.50	2.50	3.10	3.10	3.10				3.08
Waterloo	3.89	3.72	2.00	1.50	1.75	1.95	3.00	3.00				2.60
Wayne	4.00	3.00	2.00	3.00	2.00	3.50	4.00	2.50				3.00
Williamson	3.00	3.00	2.00	2.25	2.50	2.50	2.60	2.50				2.54
	3.73	3.03	2.41	2.29	2.27	2.70	3.06	2.95	3.01	3.03	3.35	

Denotes Current Contract
Denotes Previous Contract

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS

CAYUGA-ONONDAGA BOCES												
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Avg.
BOCES												
Aides (CSEA)	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50				2.44
Tchr. Ass't	3.00	2.00	2.00	2.00								2.25
Non-Instructional	4.50	2.00	2.00	2.00	2.00	2.50	2.50	2.70	2.75			2.55
Auburn												
Aides/Clerical (NYSUT)	3.35	3.35	3.00	1.00	2.00	2.00	2.60	2.60	2.60			2.50
Bus Drivers (CSEA)	3.30	3.30	2.90	0.00	2.25	2.25	2.60	2.60	2.60			2.42
Cust/Maint. (CSEA)	3.30	3.30	2.90	0.00	2.25	2.25	2.60	2.60	2.60			2.42
Nurses (SEIU)	3.50	2.00	0.00	2.00								1.88
Cato-Meridian												
Aides/Ass'ts (SEIU)	4.75	4.75	50¢/hr	50¢/hr	50¢/hr	75¢/hr	75¢/hr	75¢/hr				4.75
Bus Drivers (CSEA)	3.30	2.00	2.00	2.00	2.00	2.00	2.00	2.50	2.50	2.25	2.25	2.25
Cust./Maint. (CSEA)	3.30	2.00	2.00	2.00	2.00	2.00	2.00	2.50	2.50	2.25	2.25	2.25
Jordan-Elbridge												
Aides/Clerical(SEIU)	3.00	3.00	3.00	3.00	3.00	2.50	2.50	2.50				2.81
Bus Drivers	3.00	2.00	2.00	2.00								2.25
Cust./Maint (SEIU)	3.00	3.00	3.00	3.00	3.00	2.50	2.50	2.50				2.81
Cafeteria (SEIU)	3.00	3.00	3.00	3.00	3.00	2.50	2.50	2.50				2.81
Transportation				1.00	1.00	1.00						1.00
Moravia												
Aides/Ass't (CSEA)	4.00	4.00	2.00	0.00	2.00	2.00	2.75	2.75	2.75			2.47
CSEA	4.00	4.00	2.00	0.00	2.00	2.00	2.75	2.75	2.75			2.47
Port Byron												
Aides (SEIU)	3.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50	2.50			2.33
Cust./Maint. (CSEA)	3.00	1.60	1.40	2.00	2.00	2.00	2.50	2.50	2.50			2.17
Cafeteria (CSEA)	3.00	1.60	1.40	2.00	2.00	2.00	2.50	2.50	2.50			2.17
Nurse (CSEA)	3.00	1.60	1.40	2.00	2.00	2.00	2.50	2.50	2.50			2.17
Clerical (SEIU)	3.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50	2.50			2.33
Skaneateles												
Aides (CSEA)	3.50	1.50	1.50	1.50	2.50	2.60						2.18
Tchr Ass't (CSEA)	3.50	1.50	1.50	1.50	2.50	2.60						2.18
Cust./Maint (CSEA)	3.50	1.50	1.50	1.50	2.50	2.60						2.18
Nurses (CSEA)	3.50	1.50	1.50	1.50	2.50	2.60						2.18
Clerical (CSEA)	3.50	1.50	1.50	1.50	2.50	2.60						2.18
So. Cayuga												
Aides (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30
Tchr. Ass't (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30
Bus Drivers (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30
Bus Mech (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30
Cust./Maint (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30
Cafeteria (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS

CAYUGA-ONONDAGA BOCES cont'd												
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Avg.
So. Cayuga cont'd												
Nurses (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30
Clerical (CSEA)	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr				2.30
Union Springs												
Aides (SEIU)	3.00	3.00	2.00	2.00	2.50	2.50	2.50					2.50
Tchr. Ass'ts (SEIU)	3.00	3.00	2.00	2.00	2.50	2.50	2.50					2.50
Bus Drivers (CSEA)	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50				2.44
Bus Mech (CSEA)	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50				2.44
Cust/Maint. (CSEA)	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50				2.44
Cafeteria (CSEA)	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50				2.44
Nurses (SEIU)	3.00	3.00	2.00	2.00	2.50	2.50	2.50					2.50
Clerical (SEIU)	3.00	3.00	2.00	2.00	2.50	2.50	2.50					2.50
Weedsport												
Aides (CSEA)	4.00	4.00	1.95	1.95	1.95	2.50	2.50	2.50				2.67
Bus Drivers (CSEA)	4.00	4.00	1.95	1.95	1.95	2.50	*2.50	*2.50				2.73
						*Bus drivers @ % + 30¢						
Bus Mech (CSEA)	4.00	4.00	1.95	1.95	1.95	2.50	2.50	2.50				2.67
Cust/Maint. (CSEA)	4.00	4.00	1.95	1.95	1.95	2.50	2.50	2.50				2.67
Nurses, Clerical	4.00	4.00										4.00
C-O BOCES Avg.	3.26	2.55	2.09	1.90	2.27	2.35	2.49	2.54	2.58	2.25	2.25	
BROOME-TIOGA BOCES												
Chenango Valley												
Non-Instruct. (NYSUT)	3.30	3.30	3.30	2.25	2.50	2.90	3.00	3.00	3.00	3.00		2.96
Deposit												
CSEA	4.00	4.00	2.00	2.00								3.00
Maine-Endwell												
Cust./Maint.	\$0.65	2.00	2.00	2.00	50¢/hr	50¢/hr	50¢/hr					2.00
School Lunch	4.60	4.60										4.60
Supp Staff	4.50	4.50	4.50	2.95	3.00	3.15						3.77
Transp	3.00	3.00	3.00	\$600	\$700	\$800						3.00
Owego-Apalachin												
NYSUT	3.90	4.00	0.00	1.99	1.99	2.50	2.50	2.50				2.42
Union Endicott												
Cafe. Workers	3.90	2.70	2.70	2.70	2.70	2.70	2.70					2.87
Cent Office	2.00	2.70	2.70	2.70	2.70	2.70	2.70	3.40				2.70
Comp & Tech	3.90	2.70	2.70	2.70	2.70	2.70	2.70					2.87
Dist Office	3.90	2.70	2.70	2.70	2.70	2.70	2.70					2.87
Maint. Workers	3.90	2.70	2.70	2.70	2.70	2.70	2.70	3.40				2.94
School Aides	3.90	2.70	2.70	2.70	2.70	2.70	2.70					2.87
Transp	4.00	2.70	2.70	2.70	2.70	2.70	2.70					2.89

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Avg.
BROOME-TIOGA BOCES cont'd												
Whitney Point												
Aides/Food Serv (NYSUT)	3.30	0.00	2.25	2.25	2.50	2.50	2.50					2.19
B-T BOCES Avg	3.72	2.95	2.57	2.49	2.63	2.72	2.69	3.08	3.00	3.00		
OSWEGO BOCES												
Hannibal												
CSEA	2.00	0.00	1.75	1.75	1.95	2.00	2.50	2.75	3.00			1.97
HEA	3.50	0.00	1.75	1.75	2.20	2.20	2.20	2.25				1.98
Oswego												
CSEA		1.00	2.00	2.00	2.00	2.00	0.00	3.00	3.00	3.00	3.00	2.10
Osw. BOCES Avg.	2.75	0.33	1.83	1.83	2.05	2.07	1.57	2.67	3.00	3.00	3.00	
TOMPKINS-SENECA-TIOGA BOCES												
BOCES												
Local	4.00											4.00
Candor												
Local	1.90	2.00	2.00									1.97
Dryden												
NYSUT	2.50	2.50	2.20	3.00	2.85	2.66	2.90	3.75	3.50	3.50		2.94
Groton												
CSEA	4.00	2.85	2.85	2.50	2.75	2.75	2.25	2.25	2.25			2.72
Ithaca												
Supp Prof.					2.00	3.00	2.00	2.00				2.25
Lansing												
NYSUT	3.90	3.90		90¢/hr	3.50	60¢/hr	3.00					3.58
Newfield												
CSEA	3.50	1.95	2.25	2.50	1.50	2.25	2.25	3.00	3.00	3.00	3.00	2.56
South Seneca												
Local	5.00	5.00	1.00	2.00	2.00	2.00	2.60	2.10	2.00			2.63
Trumansburg												
Local	\$0.60	2.00	2.25	2.50	2.50	2.50	50¢/hr	56¢/hr	3.50			2.54
T-S-T Avg.	3.54	2.89	2.09	2.50	2.44	2.53	2.50	2.62	2.85	3.25	3.00	

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Avg.
WAYNE-FINGER LAKES BOCES												
BOCES												
NYSUT	3.50	3.50	3.75	1.90	2.75	2.45	2.45					2.90
Bloomfield												
NEA/NYSUT	3.40	3.40	3.40	1.95	1.85	1.85						2.64
Canandaigua												
Cust./Maint.	3.85	3.00	3.00	3.00	3.00	3.00						3.14
Cler./Aides	3.85			3.00	2.40	2.40						2.91
Food Service	3.00	3.50	4.00	2.25	2.25	3.00	3.00	3.00				3.00
Bus Drivers	3.75	3.75	2.25	2.25	2.25							2.85
Monitors	3.00	3.50	4.00	2.25	2.00	3.47	2.40	2.35				2.87
Clyde-Savannah												
Supp Pers (CSEA)	4.25	4.25	4.00	2.50	2.50	2.50	3.50	3.50	3.50	3.50		3.40
Transp.	4.75	4.50	4.00	2.00	2.00	2.00	3.75	3.60	3.50	3.50		3.36
Dundee												
CSEA	3.10	3.20	2.00	2.00	2.00	2.00	2.50	2.50	2.50			2.42
Gananda												
CSEA	2.50	2.50	1.40	2.80	2.80	2.80						2.47
Geneva												
CSEA	4.00	0.00	2.00	2.00	2.00	3.00	3.00	3.00				2.38
Gorham-Middlesex												
Bus Drivers (NYSUT)	3.70	3.70	1.90	2.25	2.25	2.70	2.70	2.70				2.74
Cust./F Serv (NYSUT)	3.70	3.70	3.75	3.75	2.70	2.70	2.50	50¢/hr	50¢/hr	3.00	3.00	3.20
Teacher Aides (NYSUT)	3.75	2.75	2.50	2.25	2.70	2.70	2.50	50¢/hr	50¢/hr	3.00	3.00	2.79
Honeoye												
NYSUT	2.50	2.50	2.50	2.50	2.75	2.50	3.00	2.95	2.95			2.68
Lyons												
NYSUT	3.00	3.00	3.00	2.50	2.50	2.50	1.80	1.80	1.80			2.43
							+ 54¢/hr	+ 54¢/hr	+ 54¢/hr			
Manchester-S'ville												
CSEA	5.50	1.80	1.00	1.90	1.90	2.50	2.50	2.50				2.45
Marion												
CSEA	3.50	3.50	1.75	1.75	1.75	1.75						2.33
Naples												
CSEA	3.25	3.50	3.50	2.70	2.70	2.70	2.80	2.90	2.90			2.99

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS

WAYNE-FINGER LAKES BOCES cont'd												
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Avg.
Newark												
Custodians (CSEA)	2.95	2.50	1.25	2.00	2.00	2.40	2.00					2.16
Tchr Aides/Asst (NYSUT)	2.50	2.30	1.50	1.50	2.40	2.00	*2.25	*2.25	1.50			2.02
							* 2016-17 & 2017-18 2.25-3.0% based on years					
N Rose-Wolcott												
NYSUT	3.75	0.00	1.90	1.90	1.90	1.95						1.90
Palmyra-Macedon												
CSEA	3.90	3.90	3.90	2.90	2.90	2.90	2.90	\$2,400/salary	\$2,500/salary	\$2,500/salary	\$2,500/salary	3.33
							or	\$1.15/hr	\$1.20/hr	\$1.20/hr	\$1.20/hr	
Penn Yan												
CSEA	3.90	3.90	2.25	2.25	2.25	2.25	2.35	2.35				2.69
Phelps-CI Springs (NYSUT)												
Nurses/Food Serv/ Bus Driv/Maint	4.05	4.05	4.05	2.00	2.00	2.00	3.00	3.00	3.00	3.00		3.02
Aides/Clerical	2.89	2.89	2.89	2.00	2.00	2.00	3.00	3.00	3.00	3.00		2.67
Red Creek												
CSEA	4.50	4.50	2.75	2.00	2.00	* 3.50	2.50	2.50				2.96
						* 2015-16 % based on hire date						
Romulus												
CSEA	4.32	4.00	1.50	1.50	3.00	3.00	3.00					2.90
Seneca Falls												
NEA/NYSUT	3.50	2.00	2.00	2.00	2.00	3.00	2.75	2.50	2.00			2.42
Sodus												
CSEA	3.00	3.00	2.00	2.00	2.00	2.00						2.33
Victor												
CSEA	4.00	1.00	1.00	1.50	2.00	2.00	2.00					1.93
Waterloo												
NEA/NYSUT	4.31	2.00	2.00	1.50	1.75	1.95	3.00	3.00				2.44
Wayne												
CSEA			2.50	2.50	2.70	2.90	2.90	2.70	2.90			2.73
Williamson												
CSEA	5.00	2.70	2.80	3.00	2.00	1.75	2.00	3.50	3.25	3.00	3.00	2.91
WFL BOCES Avg.	3.68	3.13	2.85	2.27	2.28	2.44	2.73	2.83	2.81	3.09	3.00	

AREA UNEMPLOYMENT RATES

New York State Rate

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2017	4.9%	5.0%	4.4%	4.2%	4.3%	4.5%	4.9%	4.9%	4.7%	4.6%			
2016	5.3%	5.3%	5.1%	4.6%	4.3%	4.7%	5.0%	4.9%	4.9%	4.8%	4.5%	4.5%	4.8%

Syracuse, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2017	5.5%	5.7%	4.9%	4.7%	4.6%	5.0%	5.0%	4.8%	4.8%	4.6%			
2016	5.6%	5.5%	5.2%	4.7%	4.4%	4.7%	4.9%	4.7%	4.9%	4.6%	4.6%	5.0%	4.9%

Cayuga County Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2017	5.9%	6.1%	5.3%	4.7%	4.3%	4.6%	4.9%	4.8%	4.5%	4.3%			
2016	6.1%	6.0%	5.8%	5.1%	4.5%	4.5%	4.8%	4.7%	4.7%	4.6%	4.6%	5.1%	5.0%

Broome County Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2017	6.2%	6.3%	5.4%	5.3%	5.0%	5.6%	5.5%	5.2%	5.1%	4.9%			
2016	6.3%	6.1%	5.8%	5.3%	4.8%	5.3%	5.5%	5.1%	5.3%	5.1%	5.0%	5.3%	5.4%

Ithaca, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2017	4.3%	4.3%	3.8%	3.8%	3.8%	4.9%	4.8%	4.4%	4.3%	4.0%			
2016	4.6%	4.3%	4.0%	3.9%	3.8%	4.6%	4.5%	4.2%	4.3%	3.9%	3.8%	3.8%	4.1%

Ontario/Seneca/Wayne/Yates Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2017	5.5%	5.6%	4.9%	4.5%	4.1%	4.4%	4.3%	4.2%	4.2%	4.1%			
2016	5.5%	5.4%	5.2%	4.5%	4.0%	4.3%	4.3%	4.2%	4.4%	4.2%	4.3%	4.8%	4.6%

Rochester, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2017	5.2%	5.4%	4.8%	4.6%	4.5%	4.8%	5.0%	4.9%	4.7%	4.6%			
2016	5.2%	5.1%	4.9%	4.5%	4.2%	4.5%	4.8%	4.6%	4.8%	4.5%	4.5%	4.7%	4.7%

Source: New York State Department of Labor
Labor Statistics
www.labor.state.ny.us

CONSUMER PRICE INDICES

INDEX 1982-84 BASE YEAR=100	% INCREASE FROM PRIOR MONTH	% INCREASE FROM PRIOR YEAR
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October 2017

NY-Northeastern New Jersey Area

1. All Urban Consumers	269.575	-0.2	1.8
2. Urban Wage Earners & Clerical Workers	264.578	-0.3	2.2

U.S. City Average

1. All Urban Consumers	246.663	-0.1	2.0
2. Urban Wage Earners & Clerical Workers	240.573	-0.2	2.1

November 2017

NY-Northeastern New Jersey Area

1. All Urban Consumers	269.381	-0.1	1.6
2. Urban Wage Earners & Clerical Workers	264.185	-0.1	1.9

U.S. City Average

1. All Urban Consumers	246.669	0.0	2.2
2. Urban Wage Earners & Clerical Workers	240.666	0.0	2.3

COST OF LIVING UPDATE

ALL CITIES

NY - NORTHEASTERN NEW JERSEY

Month	Revised Wage Earner Index	%	All Urban Consumers Index	%	Revised Wage Earner Index	%	All Urban Consumers Index	%
Jan-15	228.3	-0.8	233.7	-0.1	253.2	-0.9	258.4	-0.5
Feb-15	229.4	-0.6	234.7	0.0	254.0	-0.6	259.2	0.1
Mar-15	231.1	-0.6	236.1	-0.1	254.4	-0.6	259.6	-0.1
Apr-15	231.5	-0.8	236.6	-0.2	254.7	-0.5	260.0	0.0
May-15	232.9	-0.6	237.8	0.0	255.9	-0.5	261.1	-0.1
Jun-15	233.8	-0.4	238.6	0.1	256.4	-0.3	261.5	0.1
Jul-15	233.8	-0.3	238.7	0.2	256.1	-0.5	261.2	0.1
Aug-15	233.4	-0.3	238.3	0.2	256.0	-0.3	261.3	0.1
Sep-15	232.7	-0.6	237.9	0.0	256.4	-0.2	261.9	0.3
Oct-15	232.4	-0.4	237.8	0.2	255.9	0.0	261.5	0.4
Nov-15	231.7	0.1	237.3	0.5	255.4	0.3	261.0	0.6
Dec-15	230.8	0.4	236.5	0.7	254.4	0.5	260.6	0.7
Jan-16	231.1	1.2	236.9	1.4	255.0	0.7	260.3	0.8
Feb-16	231.0	0.7	237.1	1.0	255.2	0.5	260.9	0.6
Mar-16	232.2	0.5	238.1	0.9	256.0	0.7	261.5	0.7
Apr-16	233.4	0.8	239.3	1.1	257.3	1.0	262.6	1.0
May-16	234.4	0.7	240.2	1.0	257.7	0.7	263.3	0.9
Jun-16	235.3	0.6	241.0	1.0	258.4	0.8	264.0	1.0
Jul-16	234.8	0.4	240.6	0.8	258.2	0.8	263.9	1.0
Aug-16	234.9*	0.7*	240.9*	1.1*	258.4*	0.9*	264.2*	1.1*
Sep-16	235.5	1.2	241.4	1.5	259.1	1.0	264.6	1.0
Oct-16	235.7	1.4	241.7	1.6	259.0	1.2	264.7	1.2
Nov-16	235.2	1.5	241.4	1.7	259.3	1.6	265.2	1.6
Dec-16	235.4	2.0	241.4	2.1	259.8	2.1	265.4	2.1
Jan-17	236.9	2.5	242.8	2.5	261.4	2.5	266.9	2.5
Feb-17	237.5	2.8	243.6	2.7	262.1	2.7	267.7	2.6
Mar-17	237.7	2.3	243.8	2.4	262.2	2.4	267.6	2.3
Apr-17	238.4	2.1	244.5	2.2	262.5	2.0	267.9	2.0
May-17	238.6	1.8	244.7	1.9	262.8	2.0	268.2	1.8
Jun-17	238.8	1.5	244.9	1.6	263.2	1.9	268.7	1.8
Jul-17	238.6	1.6	244.8	1.7	262.6	1.7	268.1	1.6
Aug-17	239.4	1.9	245.5	1.9	263.5	2.0	268.7	1.7
Sep-17	240.9	2.3	246.8	2.2	265.3	2.4	270.1	2.1
Oct-17	240.6	2.1	246.7	2.0	264.6	2.2	269.6	1.8
Nov-17	240.7	2.3	246.7	2.2	264.2	1.9	269.4	1.6
Dec-17								

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Inquiries regarding the District’s non–discrimination policies should be directed to:

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