



THE ADVOCATE

CAYUGA-ONONDAGA BOCES
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IN THIS ISSUE

- NEW YORK'S HIGHEST COURT HOLDS THAT DIVISION OF HUMAN RIGHTS LACKS JURISDICTION OVER PUBLIC SCHOOLS
- RECENT AREA TEACHER SETTLEMENTS
- AREA UNEMPLOYMENT RATES FOR AUGUST 2012
- CPI FOR SEPTEMBER 2012



New York's Highest Court Holds Division of Human Rights Lacks Jurisdiction Over Public Schools

In a 4-3 decision, the Court of Appeals, New York State's highest court, has ruled that the New York State Division of Human Rights does not have jurisdiction to investigate or remediate discrimination complaints by students against public school districts under Section 296(4) of the New York State Human Rights Law, which grants the Division of Human Rights jurisdiction over an "education corporation or association." Whether or not public schools fall within the meaning of "education corporation or association" has been an issue over which the lower courts have divided in the past.

In *East Meadow Union Free School District v. New York State Division of Human Rights*, 65 AD3d 1342 (2009), the Second Department of the Appellate Division observed that the terms "education corporation" and "education association" were not defined in the New York State Human Rights Law. Upon review of the legislative history, the court held that a public school district did not fall within the definition of either term and annulled the decision of the Division of Human Rights based on lack of jurisdiction.

The Third Department, however, in *Ithaca City School District v. New York State*

Division of Human Rights, 87 AD3d 268 (2011), held that the Division of Human Rights had "general jurisdiction" and the power to prevent and eliminate discrimination in the educational setting. Thus, it held that the Division of Human Rights did in fact have jurisdiction over public schools.

In *North Syracuse Central School District v. New York State Division of Human Rights*, 83 AD3d 1472 (2011), the Fourth Department reversed a lower court's ruling and allowed, on procedural grounds, for the Division of Human Rights to exercise jurisdiction over the school district, even though the lower court had held that the Division of Human Rights was without jurisdiction over the school district under the New York State Human Rights Law.

Leave to appeal was granted in the *North Syracuse* and *Ithaca* cases, which were consolidated and decided together by the New York State Court of Appeals. In a decision that reversed both the Third and Fourth Departments, the Court of Appeals took a similar view to that of the Second Department. The court followed the term "education corporation or association" back to its origins in the Tax Law and noted that within that context, the term refers to "only private, non-sectarian entities that are exempt from taxation under RPTL article 4." The court, therefore, concluded that there was no support for including a public school district within that definition.

The majority opinion of the Court of Appeals did note that its ruling did not leave public school students without a remedy, as recourse is still available under Federal Law, from the Commissioner of Education under Education Law Section 310 and from Article 2 of the Education Law, the "Dignity for all Students Act."

RECENT AREA TEACHER CONTRACT SETTLEMENTS (shaded areas = contract term)

CAYUGA-ONONDAGA BOCES

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
BOCES	6-08	4.50	4.50	open					4.50
Auburn	6-12	3.45	3.00	3.00	0.00	2.25	2.25		2.33
Cato-Meridian	9-09	3.80	3.80	3.80					3.80
Jordan-Elbridge *	1-12	3.85	3.90	0.50	2.01	2.18			2.49
Moravia	2-10	4.00	4.00	2.00	2.00				3.00
Port Byron	12-08	4.25	3.70						3.98
Skaneateles		3.75	3.75	1.50	1.50	1.50			2.40
So. Cayuga **	4-10	4.00	2.00	2.00					2.67
Union Springs	1-11	4.25	4.25	2.00	2.00				3.13
Weedsport	6-11	4.35	4.50	0.00	2.00				2.71
	Average	4.02	3.74	1.85	1.59	1.98	2.25		

* Jordan-Elbridge figures for 2012-13 and 2013-14 are calculated at step + 55% of average of Feb CPI figures

** So Cayuga 2009-11 contract renegotiated. 2.0% of 2009-10's 4.0% rate was paid in 2011-12

BROOME-TIOGA BOCES

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
Chenango Vall.	4-11	4.10	2.50	2.75	2.75	2.75			2.97
Deposit	1-08	4.25	open						4.25
Maine-Endwell	5-08	4.50	4.50	4.50	4.50				4.50
Owego-Apal.	6-10	4.35	2.95	2.95	2.95	re-open	re-open		3.30
Union-Endicott	11-10	4.00	\$2,253 cash	2.70	2.70	2.70	2.70		2.96
Whitney Point	10-09	3.00	3.30	3.50					3.27
	Average	4.03	3.58	3.28	3.23	2.73	2.70		

GENESEE VALLEY BOCES

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
Geneseo	6-12	4.20	4.20	2.00	2.00	2.00			2.88

GREATER SO. TIER BOCES

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
Hornell	1-12	4.40	4.00	2.20					3.53

OSWEGO BOCES

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
Hannibal	9-09	3.50	3.50	0.00					2.33
Oswego	3-11	4.00	4.00	0.00					2.67
	Average	3.75	3.75	0.00					

TOMPKINS-SENECA-TIOGA BOCES

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
BOCES		4.00	4.00	4.00					4.00
Candor	4-09	3.00	3.00						3.00
Dryden	7-12	4.20	2.60	2.60	3.00	3.00			3.08

RECENT AREA TEACHER CONTRACT SETTLEMENTS (shaded areas = contract term)

TOMPKINS-SENECA-TIOGA BOCES continued

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
George Jr. Rep.	9-08	3.26							3.26
Groton	2-09	7.50	3.00	3.00					4.50
Ithaca	6-11	2.20	2.00	2.00					2.07
Lansing	6-10	3.40	3.50	3.50					3.47
Newfield	8-12	3.50	2.50	2.00	2.00	3.00			2.60
South Seneca	6-12	4.00	4.00	1.50	1.50				2.75
Trumansburg	4-08	4.00	4.20	open					4.10
	Average	3.91	3.20	2.66	2.17	3.00			

WAYNE - FINGER LAKES BOCES

	Date Settled	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	AVG.
BOCES **	9-11	3.00	2.50	1.90	1.90				2.33
Bloomfield		3.90	3.85	3.60	3.35				3.68
Canandaigua		4.20	4.10	3.85					4.05
Clyde-Savan.	3-08	5.00	5.00	5.00					5.00
Dundee	1-12	4.00	4.00	2.60	2.50	2.50			3.12
Gananda		4.00	2.75	2.75					3.17
Geneva	10-08	4.58	4.22	4.15					4.32
Gorham-M'sex	6-11	3.50	3.50	2.25	2.25	2.50			2.80
Honeoye	2-12	4.00	2.60	2.50	2.50				2.90
Lyons	6-10	4.25	4.66	3.37	3.88				4.04
Man-S'ville	5-11	4.00	4.00	1.80					3.27
Marion		4.50	3.50	2.80	2.00	2.00			2.96
Naples	9-11	4.00	4.00	2.25	2.25	2.25			2.95
Newark	9-11	4.00	2.50	2.50	1.25				2.56
N Rose-Wolcott	4-12	4.32	4.27	1.00	2.47	1.90			2.79
Pal-Mac ***	6-09	3.20	3.90	3.90	2.48	3.90			3.48
Penn Yan	6-11	4.00	4.00	2.29	2.29				3.15
Phelps-CI Spr.	9-10	4.00	2.89	2.89	2.89				3.17
Red Creek	12-10	4.50	4.50	2.75	2.75				3.63
Romulus ****	10-10	3.33	3.33	3.50	3.50				3.42
Seneca Falls	7-10	3.67	3.91	3.50	3.50				3.65
Sodus		4.15	3.80						3.98
Victor		4.30	4.30	4.00					4.20
Waterloo	6-08	4.05	3.89	3.72					3.89
Wayne		4.25	4.00	3.00	2.30				3.39
Williamson	2-10	4.00	3.00	3.00					3.33
	Average	4.03	3.73	2.99	2.59	2.51			

** BOCES settlement also included a 3.10% for 2008-09

*** Pal-Mac re-opened and settled at 2.48% for 2012-13 and will take original 3.90% in 2013-14 instead

**** Romulus figures for 2009-10 and 2010-11 are approximate

DATA COLLECTED BY THE CAYUGA-ONONDAGA BOCES OFFICE OF PERSONNEL RELATIONS

AREA UNEMPLOYMENT RATES

New York State Rate

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	9.1%	9.2%	8.7%	8.1%	8.6%	9.1%	9.1%	8.8%					
2011	8.9%	8.6%	8.2%	7.7%	7.8%	8.1%	8.3%	8.1%	8.2%	8.0%	7.9%	8.0%	8.2%

Syracuse, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	9.4%	9.4%	8.7%	8.1%	8.5%	9.0%	8.9%	8.6%					
2011	9.3%	9.0%	8.5%	7.8%	7.8%	8.2%	8.2%	7.8%	8.1%	7.7%	7.8%	8.2%	8.2%

Auburn, NY Micropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	9.2%	9.3%	8.6%	7.9%	8.1%	8.4%	8.3%	7.9%					
2011	9.1%	9.0%	8.5%	7.5%	7.3%	7.5%	7.5%	7.1%	7.2%	7.1%	7.3%	7.8%	7.7%

Cayuga County Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	9.2%	9.3%	8.6%	7.9%	8.1%	8.4%	8.3%	7.9%					
2011	9.1%	9.0%	8.5%	7.5%	7.3%	7.5%	7.5%	7.1%	7.2%	7.1%	7.3%	7.8%	7.7%

Broome County Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	9.7%	9.4%	8.7%	8.2%	8.6%	9.2%	9.3%	9.0%					
2011	9.7%	9.2%	8.8%	8.3%	8.0%	8.5%	8.5%	8.0%	8.2%	7.9%	8.0%	8.4%	8.5%

Ithaca, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	6.9%	6.5%	5.9%	5.7%	6.3%	7.2%	7.0%	6.7%					
2011	6.4%	5.8%	5.3%	5.3%	5.4%	6.5%	6.7%	6.2%	5.9%	5.6%	5.5%	5.6%	5.8%

Ontario/Seneca/Wayne/Yates Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	9.1%	9.1%	8.5%	7.5%	7.9%	8.1%	7.7%	7.4%					
2011	9.2%	9.0%	8.5%	7.6%	7.3%	7.4%	7.1%	6.8%	6.9%	6.6%	6.8%	7.6%	7.6%

Rochester, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2012	8.5%	8.6%	8.0%	7.7%	8.0%	8.4%	8.5%	8.3%					
2011	8.6%	8.4%	7.9%	7.3%	7.3%	7.7%	7.8%	7.5%	7.6%	7.2%	7.2%	7.5%	7.7%

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

CONSUMER PRICE INDEX

September 2012

	INDEX 1982-84 BASE YEAR=100	% INCREASE FROM 2011	% INCREASE FROM PRIOR MONTH
NY-Northeastern New Jersey Area			
1. All Urban Consumers	254.554	1.6	0.4
2. Urban Wage Earners & Clerical Workers	250.980	1.7	0.5
U.S. City Average			
1. All Urban Consumers	231.407	2.0	0.4
2. Urban Wage Earners & Clerical Workers	228.184	2.0	0.5

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-10	212.6	3.3	216.7	2.6	234.1	2.9	239.0	2.4
Feb-10	212.5	2.8	216.7	2.1	234.2	2.4	238.9	1.8
Mar-10	213.5	3.0	217.6	2.3	235.2	2.7	240.1	2.1
Apr-10	214.0	2.9	218.0	2.2	235.8	2.7	240.5	2.1
May-10	214.1	2.6	218.2	2.0	236.1	2.5	241.1	2.2
Jun-10	213.8	1.4	218.0	1.1	235.9	1.7	240.8	1.5
Jul-10	213.9	1.6	218.0	1.2	236.3	1.8	241.1	1.5
Aug-10	214.2	1.4	218.3	1.1	236.8	1.7	241.6	1.4
Sep-10	214.3	1.4	218.4	1.1	236.7	1.4	241.5	1.2
Oct-10	214.6	1.5	218.7	1.2	237.5	1.9	242.0	1.5
Nov-10	214.8	1.3	218.8	1.1	237.6	1.6	242.0	1.3
Dec-10	215.3	1.7	219.2	1.5	237.6	1.8	241.9	1.4
Jan-11	216.4	1.8	220.2	1.6	238.4	1.8	242.6	1.5
Feb-11	217.5	2.3	221.3	2.1	239.8	2.4	243.8	2.1
Mar-11	220.0	3.0	223.5	2.7	241.7	2.7	245.6	2.3
Apr-11	221.7	3.6	224.9	3.2	242.7	2.9	246.5	2.5
May-11	223.0	4.1	226.0	3.6	244.3	3.5	248.1	2.9
Jun-11	222.5	4.1	225.7	3.6	244.6	3.7	248.5	3.2
Jul-11	222.7	4.1	225.9	3.6	245.3	3.8	249.2	3.3
Aug-11	223.3	4.3	226.5	3.8	246.0	3.9	250.1	3.5
Sep-11	223.7	4.4	226.9	3.9	246.9	4.3	250.6	3.8
Oct-11	223.0	3.9	226.4	3.5	246.3	3.7	250.1	3.3
Nov-11	222.8	3.8	226.2	3.4	245.5	3.3	249.3	3.0
Dec-11	222.2	3.2	225.7	3.0	244.6	3.0	248.3	2.7
Jan-12	223.2	3.1	226.7	2.9	245.5	3.0	249.3	2.8
Feb-12	224.3	3.1	227.7	2.9	246.5	2.8	250.3	2.6
Mar-12	226.3	2.9	229.4	2.7	248.2	2.7	245.1	2.5
Apr-12	227.0	2.4	230.1	2.3	248.7	2.5	245.9	2.3
May-12	226.6	1.6	229.8	1.7	249.0	1.9	252.7	1.8
Jun-12	226.0	1.6	229.5	1.7	248.5	1.6	252.4	1.6
Jul-12	225.6	1.3	229.1	1.4	248.2	1.2	252.0	1.1
Aug-12	227.1	1.7	230.4	1.7	249.7	1.5	253.5	1.4
Sep-12	228.2	2.0	231.4	2.0	251.0	1.7	254.6	1.6
Oct-12								
Nov-12								
Dec-12								

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