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Contract Database Metadata Elements

Title: **Yonkers, City of and International Brotherhood of Teamsters, Local 456 (2009)**

Employer Name: **Yonkers, City of**

Union: **International Brotherhood of Teamsters**

Local: **Local 456**

Effective Date: **01/01/09**

Expiration Date: **06/30/09**

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BC 16961

1/1/09 - 6/30/09

STIPULATION OF AGREEMENT, made and entered into this 23rd day of December, 2008 by and between **LOCAL 456, INTERNATIONAL BROTHERHOOD OF TEAMSTERS** (hereinafter referred to as the "Union") and the **CITY OF YONKERS** (hereinafter referred to as the "City").

WHEREAS, the Union and the City are party to a Stipulation of Agreement dated June 1, 2007 that provides terms and conditions of employment for individuals employed by the City and represented by the Union for the period of January 1, 2007 to December 31, 2008 (hereinafter referred to as the "Stipulation"), and;

WHEREAS, Paragraph 8 and Appendix A of the Stipulation provide for a wage increase of 2.5% effective December 31, 2008 for employees of the City represented by the Union, and;

WHEREAS, Paragraph 5 of the Stipulation extends the provisions of the underlying collective bargaining agreement between the City and the Union and;

WHEREAS, Section 23:05 of the underlying collective bargaining agreement provides for a quarterly contribution in January and April 2009 by the City to the Local 456 Welfare Fund, and

WHEREAS, the City has advised the Union that it will lay-off fifty (50) employees represented by the Union effective January 2, 2009 due to the City's financial condition, and

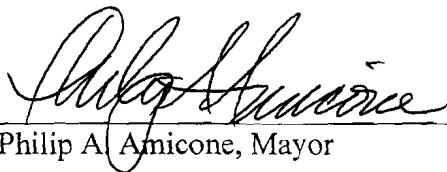
WHEREAS, the parties have negotiated in good faith concerning the lay-off of the fifty (50) employees, and;

WHEREAS, the parties have arrived at a tentative agreement;

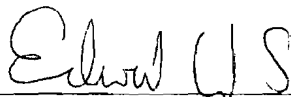
NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby stipulate and agree as follows:

1. Paragraph 8 and Appendix of the Stipulation are modified to change the effective date of the wage increase due on December 31, 2008 to July 1, 2009.
2. Section 23:05 of the underlying collective bargaining agreement is modified to relieve the City of the obligation to provide quarterly contributions to the Local 456 Welfare Fund in the quarters commencing in January and April 2009.
3. The City shall rescind the lay-off and/or re-classification of the fifty (50) employees scheduled for January 2, 2009.

CITY OF YONKERS


Philip A. Amicone, Mayor

LOCAL 456, INTERNATIONAL BROTHERHOOD OF TEAMSTERS


Edward Doyle, Jr., President

APPROVED AS TO FORM:


Office of the Corporation Counsel

IN THE MATTER OF ARBITRATION BETWEEN
CITY of YONKERS,

Employer

and

LOCAL 456 IBT,

Union

CONSENT AWARD

AAA Case # 13 300 01827 08

APPEARANCES:

For The Employer: Christopher Feldman Attorney

For the Union: Emily Roscia Attorney

Pursuant to the provisions of the grievance procedure between the aforesaid parties, the undersigned was appointed by the parties to serve as the arbitrator. The undersigned Arbitrator was called upon to hear and determine a controversy regarding subcontracting of new Public Works construction projects and renovations to City Facilities.

Accordingly a hearing was held on 12/19/08 and 2/5/09, at the City of Yonkers, City Hall.

The parties during the course of the hearing entered into settlement discussions for resolution of this dispute. Given these discussions, the parties were able to arrive at a mutual resolution of this dispute which they agreed should be set forth in a consent award which is as follows.

CONSENT AWARD

This Agreement ("Agreement") is entered into by and between the City of Yonkers ("Employer"), and Local 456 IBT ("Union") this 5th day of February, 2009.

WHEREAS, the Union filed a grievance over the Employer's subcontracting of alleged Bargaining Unit work; and

WHEREAS, the Employer denied the grievance and the matter was submitted to arbitration pursuant to the collective bargaining agreement; and

WHEREAS, the arbitration convened on December 19, 2008 and February 5, 2009 before Arbitrator Roger Maher; and

* WHEREAS, the Employer and the Union are desirous of resolving the instant grievance without the time, expense and uncertainty of litigation;

NOW, THEREFORE, in exchange for the mutual promises contained herein, the sufficiency of which is hereby acknowledged, it is stipulated and agreed as follows:

1. Effective February 5, 2009, the Employer agrees to provide timely notice to the Union of all work that may involve subcontracting of Bargaining Unit work.
2. In the event the Union claims the phase of work to be subcontracted by the Employer, both the Employer and Union will meet on an expedited basis to confer to assess the disputed work in question and attempt to resolve the Unions claim to the work and or the Employers intent to subcontract the disputed work.
3. In the event the parties are unable to resolve a disputed phase of work to be sub contracted the parties will notify Arbitrator Roger Maher within 72 hours of deadlock and Arbitrator Maher agrees upon notice to confer with the parties or convene an expedited hearing to render an expedited final and binding decision.

4. The Union in consideration of this agreement agrees to withdraw with prejudice NYS PERB Improper Practice Charge Case # U-28785. The Union also agrees to withdraw this Arbitration AAA Case # 13 300 01827 08 and all its related grievances with prejudice, and is on a non precedent basis not to be used by either side in any future arbitration, except for the enforcement of the express terms of this Consent Award.

5. This settlement shall be incorporated into a Consent Award by Arbitrator Maher who shall, by consent of the parties have continuing jurisdiction over the enforcement of this agreement.

Dated: February 5, 2009
Brooklyn, New York

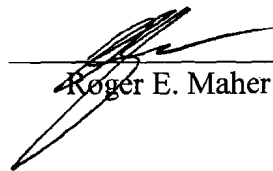


ROGER E. MAHER, Arbitrator

AFFIRMATION

STATE OF NEW YORK)
COUNTY OF KINGS)

The undersigned under penalty of perjury affirms that he is the arbitrator in the within proceeding, and signed same in accordance with arbitration law of the State of New York.



Roger E. Maher