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BY EMAIL (RKZ@LambBarnosky.com)

February 16, 2017

Richard Zuckerman, Esq.
Lamb & Barnosky, LLP
534 Broadhollow Road, Suite 210
Melville, NY 11747

Dear Mr. Zuckerman,

I am in receipt of your letter dated February 15, 2017 concerning the status of the wage reopener for the 2015/2016 school year and the possibility of the ECC program closing. The idea that the school has not heard from the union is simply not correct, albeit you may not be aware of the interactions that have transpired since the January 23rd meeting.

On January 24, 2017, the ECC staff was told by Superintendent Fran Bogdanoff that the ECC school was closing in June 2017. As you can imagine, the union leadership and staff were stunned to hear this since it contradicted what was stated at the wage reopener meeting one day earlier: that no definitive decision had been made to close the school. However, the situation became more perplexing the following day when on January 25, 2017, Ms. Bogdanoff met with the DEC staff and told them that the school was probably closing in June. After I reached out to you later that day for clarification, you stated the official position of the school was that a decision had not yet been made. At some point during these two days, MNMEA leadership met with Ms. Bogdanoff to advocate on behalf of the children and parents of the ECC that the school should consider keeping the program open during the summer to allow parents more time to find a placement for their children if the school would ultimately be closed.

On January 26, 2017, Ms. Bogdanoff came to MNMEA leadership with a message from CEO Michael Killian that was, and I'm paraphrasing, "the school will consider keeping the ECC program open for an additional six weeks but it must be done through negotiations of the contract. The school has only one thing they want in return." The union leadership told Ms. Bogdanoff "no" since the school already has the right under Article III section 6 of the CBA to run the summer program and staff it with the current staff. Ms. Bogdanoff then asked the union to reconsider. On January 30, 2017, the union delivered a written response to Ms. Bogdanoff stating they were rejecting the request to open negotiations over the 6-week summer school program for the ECC since the issue was not contractual, but rather related to the educational well-being of the ECC students. The written response further stated the union is willing to work with administration and requested the school provide a written proposal which the union would review. To date, that written response has gone unanswered.

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As for the status of the wage reopener for the 2015-2016 school year and the union's wage proposal, the original proposal was 4% plus increment, which was put across the table in May 2016. On November 22, 2016, the proposal was rejected without a counter proposal from the school. After caucusing, MNMEA came back to the school and modified the original proposal by removing the increment. If I recall correctly, due to Andrew Berko not being present at that meeting, you couldn't respond to the modified proposal but thanked our team for the movement. Our next meeting was January 23, 2017 which is when Mr. Killian made his brief presentation. After he left the room and I asked if the school had a response to our modified proposal, the response was "at this time, the school does not want to increase their discretionary spending with relation to personnel costs."

If the school is now in a position to make a counter-proposal on the wage reopener for the 2015-2016 school year, then the union is willing to meet to hear that proposal. With respect to alternatives to closing the ECC, on January 30, 2017, the union asked the school to put any proposals in writing. Based on the so-called losses the school claims are due to the "above-average labor costs" of the ECC and the lack of fiscal transparency on the part of the school, it's unclear what, if anything, the union can do to prevent the ECC from closing.

After completing an analysis of the ECC staff who are members of the union, the total cost of salaries is approximately \$1.2 million dollars. When including the school's costs for health insurance, pension contributions, and FICA, we believe the total labor costs of union employees in the ECC program total \$1,738,714. When compared to the reported revenues on the Loss/Profit statement that the school provided, the reported revenue for 2016 is \$2,931,888, leaving \$1,193,175 of unaccounted funds. The median salary of union employees in the ECC is \$32,298 and the average salary of union employees in the ECC is \$41,803. Even when isolating the teachers at the ECC program, the median salary is \$55,571 and the average salary is \$59,198. The school's position that these salaries are "above average" is insulting, especially after the union already agreed to new salary schedules for new employees for the July 1, 2015-June 30, 2018 CBA.

The union welcomes a counter-proposal on the 2015-2016 wage reopener if the school has one. As for the ECC program and possible closure, the union welcomes transparency of the issue, including the audited financial statements of the last three years that support the losses the school claims they are experiencing due to the ECC program. We also repeat our request made January 30, 2017 for a written proposal from the school on an alternative to closing the ECC program.

Respectfully,



Kevin Pollitt
Labor Relations Specialist

cc: Diane Cusker, Co-President, Mill Neck Manor Education Association
Rebecca Pilson, Co-President, Mill Neck Manor Education Association
Michael Del Piano, Esq., NYSUT OGC

