

MEMORANDUM OF AGREEMENT
by and between the
KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT
and the KEN-TON SCHOOL EMPLOYEES ASSOCIATION

WHEREAS, the Kenmore-Town of Tonawanda Union Free School District (“the District”) and the Ken-Ton School Employees Association (“KTSEA”) are parties to a valid and binding collective bargaining agreement (“CBA”) covering the period July 1, 2009 through June 30, 2013; and

WHEREAS, the District closed school for students due to the weather on February 13, 2015 and directed that certain staff report to work; and

WHEREAS, this was not the District’s first emergency closing day; and

WHEREAS, non-essential KTSEA staff were *not* to report to work on February 13, 2015; and

WHEREAS, on February 23, 2015, the KTSEA filed a grievance (“Grievance”) on behalf of 16 non-essential KTSEA staff who reported to work on February 13, 2015 based upon news media (radio and television) communications (hereinafter referred to as “KTSEA Grievants”), as set forth and confirmed in the attached as Exhibit 1; and

WHEREAS, the District denied the Grievance in accordance with the grievance procedure outlined in the CBA; and

WHEREAS, the KTSEA submitted the Grievance to arbitration; and

WHEREAS, the arbitration hearing for the Grievance was scheduled to be heard on Thursday, September 17, 2015 before Arbitrator Thomas Rinaldo (AAA case No. 01-15-0003-1868); and

WHEREAS, the parties have mutually agreed to resolve this matter without resorting to binding arbitration;

NOW, THEREFORE, IT IS HEREBY AGREED:

1. Upon the execution of this Memorandum of Agreement, the grievance in this matter is withdrawn by the KTSEA and KTSEA Grievants with prejudice. The KTSEA and the District will equally split the costs associated with the cancellation of the arbitration hearing.

2. In return for the withdrawal of the Grievance, the District agrees to pay only those the KTSEA Grievants set forth in Exhibit 1 for one (1) hour at one and a half (1½) times their regular rate of pay, in accordance with that set forth in the attached as Exhibit 2.

3. The District and the KTSEA agree that the District has no obligation other than that set forth in the current language contained in Section 11.06 of the CBA to pay for KTSEA members on a District declared or emergency day.

4. The KTSEA agrees that it, nor its members, may not bring any claims regarding the interpretation and/or application of the current language contained in Section 11.06 of the CBA, whether based on past, present or future events.

5. This Memorandum of Agreement does not create or establish a past practice or precedent for any other matter.

6. The terms of this Memorandum of Agreement are governed pursuant to the CBA and any dispute as to the terms of this Agreement or compliance of the parties with its terms shall be resolved under the grievance procedure contained in the CBA.

7. This Memorandum of Agreement constitutes the full and complete agreement of the parties and may not be modified, altered or changed orally.

Dated: September __, 2015

ACCEPTED FOR THE DISTRICT:

By: _____
Dawn Mirand, Superintendent

Dated: September __, 2015

ACCEPTED FOR THE KTSEA:

By: _____
John Mooney, President

EXHIBIT 1

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Teresa Patterson

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Julie Miller

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September __, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Gina Bath

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Lynn Kluge

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Marcia Wiewiorski

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Ann Sorrentino

Sworn to before me this
_____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Dawn Mathewson

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Mary Dankovich

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Patricia Baer

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Russell LaManna

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Debbie Reynolds

Sworn to before me this
_____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September __, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Kathy Abbate

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ___, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Jo Rodenhaus

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Susan Walker

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ____, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Paula Pera

Sworn to before me this
____ day of September, 2015.

Notary Public

TO: Kenmore-Town of Tonawanda Central School District
c/o Tracie L. Lopardi (*Attorney for District*)

DATE: September ___, 2015

By signing this document, I hereby assert that:

1. I am currently an employee with the Kenmore-Town of Tonawanda Union Free School District;
2. While employed by the District, I showed up to my regularly assigned work place on February 13, 2015 when school was closed for students and certain other employees were to report to work; and
3. I reported to work on February 13, 2015 because I believed I was supposed to do so as I had heard by way of television or radio that "staff was to report".

I am making this statement with regard to a grievance that was filed by my union representatives on my behalf, the Ken-Ton School Employees Association (KTSEA).

By: _____
Sharon Hadaway

Sworn to before me this
_____ day of September, 2015.

Notary Public

EXHIBIT 2

KTSEA SALARIES for SNOW DAY GRIEVANCE

Rev 9/15/15 2:38 pm

KE				2014-2015		1.5 times	
				hourly rate	longevity	Total	rate
Patterson	Teresa	PT	aide	17.28	0.3	17.58	26.37
Miller	Julie	FT	RN	28.71	0.27	28.98	43.47
HAMILTON							
Bath	Gina	PT	aide	17.28	0.3	17.58	26.37
Kluge	Lynn	PT	aide	16.51		16.51	24.77
Wiewiorski	Marcia	PT	aide	17.28	0.3	17.58	26.37
Sorrentino	Ann	PT	aide	17.28	0.3	17.58	26.37
Mathewson	Dawn	PT	aide	17.28	0.3	17.58	26.37
Dankovich	Mary	FT	secretary	21.39	0.93	22.32	33.48
Baer	Patricia	PT	aide	17.28	0.3	17.58	26.37
LaManna	Russell	PT	aide	17.28	0.3	17.58	26.37
Reynolds	Debbie	FT	library clerk	21.03	0.27	21.3	31.95
HOLMES							
Abbate	Kathy	PT	aide	17.28	0.3	17.58	26.37
Rodenhaus	Jo	PT	aide	17.28	0.3	17.58	26.37
Walker	Susan	PT	aide	17.28	0.3	17.58	26.37
Pera	Paula	PT	library aide	15.56	0.2	15.76	23.64
Hadaway	Sharon	PT	aide	17.28	0.2	17.48	26.22