



THE ADVOCATE

Cayuga-Onondaga BOCES
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PROTESTING THE PLEDGE OF ALLEGIANCE

Over the last several months, there has been much coverage of professional athletes who engage in silent protests during the National Anthem. Those protests have also been mimicked by student athletes before sporting events. More recently, there have been reports of similar protests within schools—by both students *and* teachers—during daily recitations of the Pledge of Allegiance.

This article summarizes the key court decisions arising from Pledge of Allegiance situations and explores the contours of a student or teacher's right to protest during the pledge.

Students' Protest Rights

When students protest during the Pledge of Allegiance, a school faces a delicate balancing act. The school's interest in promoting order and limiting disruptive controversy is balanced against the students' First Amendment free speech rights. There are three key court cases which have defined those rights for New York students.

First, in the early 1940s the U.S. Supreme Court decided the case of *West Virginia State Board of Education v. Barnette*. This case established that schools cannot force students to act in a prescribed manner during the Pledge of Allegiance. The case began when several students protested their school board's policy requiring a compulsory "stiff arm" to the U.S. flag as part of the daily pledge. Although the students were willing to recite the words, they objected to the compulsory salute because of its similarity to a Nazi salute. The consequence of failing to salute was expulsion from school. The United States Supreme Court held that the compulsory salute was unconstitutional.

Next, in the late 1960s the U.S. Supreme Court decided the famous "armband" case, *Tinker v. Des Moines Independent Community School District*. That case involved students who wished to wear black armbands to school to protest the Vietnam War. The U.S. Supreme Court famously

held that "students and teachers [do not] shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," and held that a school must have reasonable evidence that the student's speech would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school."

Finally, the case of *Frain v. Baron* was decided by a lower federal court in New York during the social turmoil of the late 1960s. In that case, several students protested by refusing to stand and recite the Pledge of Allegiance. Under *Barnette*, the students could not be compelled to participate, so the school forced them to leave their classrooms during the pledge. The federal court employed the *Tinker* standard. Because the school district failed to show that permitting the students to remain seated and silent during the pledge created a material risk of disorder or interference, the federal court held their protests were protected by their First Amendment rights.

Today, *Barnette* still prevents school districts from compelling students to participate in the Pledge of Allegiance. And, *Tinker's* standard still applies to student protests. Unless it will be materially disruptive, students have a constitutional right to kneel, remain silent, raise a fist, or make any other peaceful form of silent protest during the Pledge of Allegiance.

Teachers' Protest Rights

The constitutional standards for teacher protests was initially comparable to students, but they now appear to be much different. Within the last decade, a key decision from the U.S. Supreme Court has altered the First Amendment rights enjoyed by employees in the workplace.

Since *Tinker* was decided in the late 1960s, teachers and students shared similar First Amendment protest rights. For example, in the 1974 case of *James v. Board of Education of Central District No. 1, Town of Addison*, a teacher was disciplined for wearing a black armband during the school day to protest the Vietnam War. Following *Tinker*, a New York federal court held that the teacher had a First Amendment right to wear the armband because it had not caused any disruption.

Historically, the *Tinker* standard also applied to teacher protests during the Pledge of Allegiance.

Three years after the *Frain* case was decided, the case of *Russo v. Central School District No. 1, Town of Rush* involved a teacher who stood and faced the flag silently rather than recite the pledge. She was eventually terminated. A federal district court in New York held that the termination violated the teacher's First Amendment rights because the school failed to show that the teacher's protests caused a material disruption or interference within the school.

In 2006, the U.S. Supreme Court's decision in the case of *Garcetti v. Ceballos* dramatically altered the scope of First Amendment protection in the workplace. It appears to have reversed the protest rights enjoyed by teachers under the *Russo* decision.

The employee involved in the *Garcetti* case, Richard Ceballos, was an assistant district attorney in Los Angeles. While working on an assigned prosecution, he authored several critical memoranda—against his supervisors' wishes—describing contradictions in the evidence being used against a suspect. Soon thereafter, he was denied a promotion and transferred to a different courthouse. He claimed his memoranda were protected under the First Amendment and the retaliation against him was unconstitutional.

The U.S. Supreme Court disagreed. It held that there is no First Amendment protection to speech made *pursuant to one's job duties*. As a prosecutor, it was part of Mr. Ceballos' job duties to review evidence and advise on how best to proceed with a prosecution. When he wrote his controversial memos, he was speaking as a prosecutor, not as a private citizen. The Supreme Court held that "when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline." Since 2006, the *Garcetti* rule has been applied to all public employees, including teachers.

When teachers lead the Pledge of Allegiance in their classrooms, they are doing so as part of their job duties. Most aspects of a school's Pledge of Allegiance program are controlled by state laws or regulations. Under Education Law 802(1), all New York schools must implement a program providing for a daily salute to the U.S.

flag and a recitation of the Pledge of Allegiance. Moreover, the Commissioner's Regulations provide specific recommendations on how the Pledge of Allegiance should be conducted in schools. According to the regulations, which can be found at 8 N.Y.C.R.R. 108.5:

(a) It is recommended that schools use the following pledge to the flag:

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

(b) In giving the pledge to the flag, the procedure is to render the pledge by standing with the right hand over the heart.

Garcetti's rule appears to give schools the authority to prescribe teacher standards for the daily recitation of the Pledge of Allegiance. If a school institutes a policy requiring a teacher to stand and participate in the pledge, a silent protest would likely no longer be permitted as an exercise of First Amendment rights, regardless of whether or not the teacher's conduct posed a material risk of disorder or interference.

New Amendment Relaxes Restrictions on Uncertified Substitutes

There is no question that school districts in NYS are facing immense difficulties finding and utilizing substitute teachers. Prior to recent amendments to Commissioner's regulations, districts could only hire and retain substitutes in 3 separate ways:

1. Individuals not certified or not pursuing certification can only work in a district for 40 days during the school year;
2. Individuals with a valid certificate can teach an unlimited number of days, but not more than an itinerant basis (40 days or less) unless employed in their certification area; and
3. Individuals without a valid certificate but pursuing their certification at a rate of not less than 6 semester hours/year can teach an unlimited number of days, but not more than an itinerant basis (40 days or less) unless pursuing certification in area they are employed in.

In other words, only certified teachers or those working towards certification could substitute longer than 40 days. Uncertified substitutes could not work beyond 40 days, no matter how successful or competent they were in the classroom. Even if a district could not find available or interested certified substitutes, the district would have to find another uncertified substitute, who would then have to become familiar with the students and curriculum. Thus, school districts were faced with the possibility of violating the regulations in order to have an uncertified substitute continue to teach students over 40 days, or comply with the regulations and create a revolving door of substitutes, which could ultimately confuse and frustrate students. To address this issue, an amendment to the Commissioner's Regulations, 8 NYCRR 80-5.4(c)(3), became effective on July 27, 2016, which eases the 40-day limit for uncertified substitutes. The amendment did not affect a district's ability to employ certified teachers, or those pursuing certification, as substitutes in any area 40 days or less throughout the year or, if substituting in their certified area, an unlimited number of days.

The amendment to 8 NYCRR 80-5.4(c)(3) allows districts to employ an uncertified substitute beyond 40 days in certain circumstances. Specifically, a district or BOCES can in "extreme circumstances where there is an **urgent need for a substitute teacher** and the district has undertaken a **good faith recruitment search** for a properly certified candidate, and determined that there are no available certified teachers to perform the duties of such position" employ an uncertified substitute "for up to an **additional 50 days (90 days total)** in limited circumstances where the district superintendent (for districts that are a component district of a board of cooperative educational services or a BOCES)... certifies that the district or BOCES, as applicable, has conducted a good faith recruitment search and there are no available certified teachers that can perform the duties of such position" (emphasis added).

In rare circumstances, the District may also be able to hire beyond these 90 days "if a district superintendent or superintendent attests that a good faith recruitment search has been conducted and that there are still no available certified teachers who can perform the duties of such position and that a particular substitute teacher is needed to work with a specific class

or group of students until the end of the school year." If these criteria are met, an uncertified substitute may teach longer than 40 days per school year.

In other words, a district needs to request certification from its BOCES district superintendent that:

1. There is an urgent need for substitutes;
2. The District performed a good faith recruitment search; and
3. There are no available certified teachers or those pursuing certification that can perform the duties of the position.

To simplify the process, NYSED created a waiver form that districts can fill out and submit to their BOCES district superintendents for certification. The form can be found at the end of this article.

In addition, the amendment requires the chief school officer (or district superintendent in the case of a BOCES) to annually submit a report indicating the number of uncertified substitutes that worked more than 40 days and the number that worked over 90 days in the district. These reports must include each waiver received from the BOCES district superintendent as described above. Keep in mind that the regulations still require districts to annually report uncertified substitutes who worked 40 days or less. Thus, a district should continue to annually report **all** uncertified substitutes.

The new regulations should help districts maintain continuity for both students and substitutes. Our office recommends following the straightforward process and contacting your local BOCES district superintendent to request certification through the attached form.

Finally, please note that at the September 2016 Board of Regents meeting, a proposed amendment was presented to this regulation which would sunset the ability to hire uncertified substitutes beyond 40 days on June 30, 2018. The Board of Regents indicated that during the sunset timeframe, the Commissioner has agreed to examine how districts recruit, employ and retain substitute teachers. This sunset provision is planned to become effective on December 28, 2016.

Please feel free to contact our office if you have any questions.

Waiver for Extension of a Substitute Teacher Without Valid Teaching Certification

District: _____

Superintendent: _____

Name of Substitute Teacher: _____

Address of Substitute Teacher: _____

Subject/Content Area: _____

Please explain the cause of the vacancy and when the vacancy occurred. Please include whether it was as a result of a retirement, resignation or a new position:

Specific reasons why there is a need for the services of this substitute:

Specific reasons why the employment of this particular substitute is in the best educational interests of the district or board:

What specific steps did the District take to recruit a certified candidate and how did the District locate this substitute if it was not through the recruitment process. Please include information on the number of candidates that applied for the position and indicate if any were certified. For each certified person that applied, list why they were not selected. If no certified persons applied, just state so.

List the newspapers and/or online resources in which the job advertisement was placed to fill this position. Please attach copies of newspaper ads, online job listings and district staff posting as documentation of the ads/postings.

The District has undertaken a good faith recruitment search for a properly certified candidate and has determined no certified candidate can be found.

The District verifies that the substitute will participate in all applicable professional development as prescribed in the District's professional development plan. This includes, but is not limited to, classroom management, cultural competency, linguistic competency, understanding the needs of ENL students, working with children with special needs and best practice pedagogy.

The candidate has been fingerprinted and has Child Abuse identification and D.A.S.A training.

Superintendent Signature: _____

Date: _____

District Superintendent Signature: _____

Date: _____

RECENT AREA TEACHER CONTRACT SETTLEMENTS

CAYUGA-ONONDAGA BOCES

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	AVG.
BOCES	4.50	4.50	1.50	1.75	2.25	2.25	2.25	2.50				2.69
Auburn	3.45	3.00	3.00	0.00	2.25	2.25	2.60	2.60	2.60			2.42
Cato-Meridian	3.80	3.80	3.80	2.00	2.00	2.00	2.70	2.60	2.50			2.80
Jordan-Elbridge	3.85	3.90	0.50	2.01	2.18	2.50	2.50	2.50				2.49
Moravia	4.00	4.00	2.00	2.00	0.00	2.50	2.50	2.50				2.44
Port Byron	4.25	3.70	2.00	2.00	2.00	2.00	2.50	2.60	2.70	2.60		2.64
Skaneateles	3.75	3.75	1.50	1.50	1.50	2.50	2.60	2.75				2.48
So. Cayuga	4.00	2.00	2.00	2.00	2.00	2.25	2.25	2.75	2.75	2.75		2.48
Union Springs	4.25	4.25	2.00	2.00	2.00	2.00	2.50	2.50				2.69
Weedsport	4.35	4.50	0.00	2.00	2.00	2.00	2.50	2.50				2.48
	4.02	3.74	1.83	1.73	1.82	2.23	2.49	2.58	2.64	2.68		

BROOME-TIOGA BOCES

Chenango Vall.	4.10	2.50	2.75	2.75	2.75	2.75	2.75	2.75	2.75			2.87
Deposit	4.25	2.50	2.50	2.00	2.50	2.50	3.00	3.00	3.00	2.99		2.82
Maine-Endwell	4.50	4.50	4.50	4.50	2.60	2.80	2.95					3.76
Owego-Apal.	4.35	2.95	2.95	2.95	2.00	2.00	2.95	2.85	2.75			2.86
Union-Endicott	4.00	\$2,253	2.70	2.70	2.70	2.70	2.60	2.90	2.90			2.90
Vestal				\$1,500	2.60	2.95	2.95	2.95				2.85
Whitney Point	3.00	3.30	3.50	0.00	2.20	2.20	2.50	2.60	2.70			2.44
	4.03	3.15	3.15	2.48	2.48	2.56	2.81	2.84	2.82	2.99		

GENESEE VALLEY BOCES

Geneseo		4.20	4.20	2.00	2.00	2.00	3.00	3.00	3.00			2.93
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OSWEGO BOCES

Hannibal	3.50	3.50	0.00	1.75	1.75	2.20	2.20	2.20				2.14
Oswego	4.00	4.00	0.00	1.75	2.00	2.00	2.00	0.00				1.97
	3.75	3.75	0.00	1.75	1.88	2.10	2.10	1.10				

TOMPKINS-SENECA-TIOGA BOCES

BOCES	4.00	4.00	4.00									4.00
Candor	3.00	3.00		2.00	2.00	1.5 + \$1000	1.5 + \$1000	2.0 + \$500				2.15
Dryden	4.20	2.60	2.60	3.00	3.00	3.00	3.00	3.05				3.06
Groton	3.50	3.50	3.50	3.50	2.50	2.60	2.70	2.70				3.06
Ithaca	2.20	2.00	2.00	2.00	2.00	2.00	2.00	4.50	\$1,930	3.00		2.41
Lansing	3.40	3.50	3.50	2.70	2.70	3.00	3.00					3.11
Newfield	3.50	2.50	2.00	2.00	3.00	3.50	2.75	2.50				2.72
South Seneca	4.00	4.00	1.50	1.50	2.45	2.45	1.45					2.48
Trumansburg	4.00	4.20	2.70	2.70	3.00	3.00						3.27
	3.53	3.26	2.73	2.43	2.58	2.79	2.48	3.19		3.00		

RECENT AREA TEACHER CONTRACT SETTLEMENTS

WAYNE - FINGER LAKES BOCES

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	AVG.
BOCES	3.00	2.50	1.90	1.90	2.50	2.45	2.45					2.39
Bloomfield	3.90	3.85	3.60	3.35	1.98	2.00	2.00					2.95
Canandaigua	4.20	4.10	3.85	2.00	2.69	2.65	2.57					3.15
Clyde-Savannah	5.00	5.00	5.00	2.25	2.25	2.25	2.25	3.50	3.25	3.25		3.40
Dundee	4.00	4.00	2.60	2.50	2.50	3.00	3.30	3.40				3.16
Gananda	4.00	2.75	2.75	2.60	2.60	2.75	3.00	3.00	3.20			2.96
Geneva	4.58	4.22	4.15	2.00	2.00	2.00	3.00	3.50	3.50	2.50		3.15
Gorham-Middlesex	3.50	3.50	2.25	2.25	2.50	2.50	2.50	3.00	3.00	3.00	3.00	2.82
Honeoye	4.00	2.60	2.50	2.50	2.50	2.75	2.75	2.90				2.81
Lyons	4.25	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		3.26
Manchester-Shortsville	4.00	4.00	1.80	2.00	2.00	2.00	2.50	3.00	2.50	2.50	2.50	2.62
Marion	4.50	3.50	2.80	2.00	2.00	2.40	2.25					2.78
Naples	4.00	4.00	2.25	2.25	2.25	2.25	2.50	2.50	2.60			2.73
Newark	4.00	2.50	2.50	1.25	2.50	2.50	3.00	3.00	3.00			2.69
N Rose-Wolcott	4.32	4.27	1.00	2.47	1.90	2.00	2.30					2.61
Palmyra-Macedon	3.20	3.90	3.90	2.48	3.90	2.50	1.75 + \$500	2.75	2.75			3.01
Penn Yan	4.00	4.00	2.29	2.29	1.90	2.00	2.00					2.64
Phelps-CI Springs	4.00	2.89	2.89	2.89	2.00	2.00	2.00	3.00	3.00	3.00	3.00	2.79
Red Creek	4.50	4.50	2.75	2.75	2.50	2.40	2.40	4.00	3.25	3.00	2.50	3.14
Romulus	3.33	3.33	3.50	3.50	1.50	1.50	5.00	3.00	3.00	3.00		3.07
Seneca Falls	3.67	3.91	3.50	3.45	2.00	2.00	3.00	2.75	2.50	2.00		2.88
Sodus	4.15	3.80	3.80	2.00	2.00	2.20	3.00	3.00	3.30	3.30		3.06
							* 2015-16 and 2016-17 3.0 percent settlement for on-step unit members					
Victor	4.30	4.30	4.00	2.00	2.50	2.50	3.10	3.10	3.10			3.21
Waterloo	4.05	3.89	3.72	2.00	1.50	1.75	1.95	3.00	3.00			2.76
Wayne	4.25	4.00	3.00	2.00	3.00	2.00	3.50	4.00	2.50			3.14
Williamson	4.00	3.00	3.00	2.00	2.25	2.50	2.50	2.60	2.50			2.71
	4.03	3.73	3.03	2.41	2.29	2.27	2.70	3.11	2.94	2.84	2.83	

denotes Current Contract
denotes Previous Contract

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS												
CAYUGA-ONONDAGA BOCES												
	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Avg.
BOCES												
Aides (CSEA)	4.50	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50			2.67
Tchr. Ass't	4.50	3.00	2.00	2.00	2.00							2.70
Non-Instructional	4.50	4.50	2.00	2.00	2.00	2.00	2.50	2.50				2.75
Auburn												
Aides/Clerical (NYSUT)	3.45	3.35	3.35	3.00	1.00	2.00	2.00	2.60	2.60	2.60		2.60
Bus Drivers (CSEA)	3.65	3.30	3.30	2.90	0.00	2.25	2.25	2.60	2.60	2.60		2.55
Cust/Maint. (CSEA)	3.65	3.30	3.30	2.90	0.00	2.25	2.25	2.60	2.60	2.60		2.55
Nurses (SEIU)	3.50	3.50	2.00	0.00	2.00							2.20
Cato-Meridian												
Aides/Ass'ts (SEIU)	4.75	4.75	4.75	50¢/hr	50¢/hr	50¢/hr	75¢/hr	75¢/hr	75¢/hr			
Bus Drivers (CSEA)	4.75	3.30	2.00	2.00	2.00	2.00	2.00	2.00				2.51
Cust./Maint. (CSEA)	4.75	3.30	2.00	2.00	2.00	2.00	2.00	2.00				2.51
Jordan-Elbridge												
Aides/Clerical(SEIU)	3.00	3.00	3.00	3.00	3.00	3.00	2.50	2.50	2.50			2.83
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	3.00	2.50	2.50	2.50			2.83
Cafeteria (SEIU)	3.00	3.00	3.00	3.00	3.00	3.00	2.50	2.50	2.50			2.83
Transportation					1.00	1.00	1.00					1.00
Moravia												
Aides/Ass't (CSEA)	4.00	4.00	4.00	2.00	0.00	2.00	2.00					2.57
CSEA	4.00	4.00	4.00	2.00	0.00	2.00	2.00					2.57
Port Byron												
Aides (SEIU)	3.00	3.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50	2.50		2.40
Cust./Maint. (CSEA)	3.00	3.00	1.60	1.40	2.00	2.00	2.00	2.50	2.50	2.50		2.25
Cafeteria (CSEA)	3.00	3.00	1.60	1.40	2.00	2.00	2.00	2.50	2.50	2.50		2.25
Nurse (CSEA)	3.00	3.00	1.60	1.40	2.00	2.00	2.00	2.50	2.50	2.50		2.25
Clerical (SEIU)	3.00	3.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50	2.50		2.40
Skaneateles												
Aides (CSEA)	3.75	3.50	1.50	1.50	1.50	2.50	2.60					2.41
Tchr Ass't (CSEA)	3.75	3.50	1.50	1.50	1.50	2.50	2.60					2.41
Cust./Maint (CSEA)	3.75	3.50	1.50	1.50	1.50	2.50	2.60					2.41
Nurses (CSEA)	3.75	3.50	1.50	1.50	1.50	2.50	2.60					2.41
Clerical (CSEA)	3.75	3.50	1.50	1.50	1.50	2.50	2.60					2.41
So. Cayuga												
Aides (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53
Tchr. Ass't (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53
Bus Drivers (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53
Bus Mech (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS												
CAYUGA-ONONDAGA BOCES cont'd												
	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Avg.
So. Cayuga cont'd												
Cust./Maint (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53
Cafeteria (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53
Nurses (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53
Clerical (CSEA)	3.70	2.00	2.00	2.50	2.50	2.50	45¢/hr	45¢/hr	45¢/hr			2.53
Union Springs												
Aides (SEIU)	3.00	3.00	3.00	2.00	2.00	2.50	2.50	2.50				2.56
Tchr. Ass'ts (SEIU)	3.00	3.00	3.00	2.00	2.00	2.50	2.50	2.50				2.56
Bus Drivers (CSEA)	4.00	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50			2.61
Bus Mech (CSEA)	4.00	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50			2.61
Cust/Maint. (CSEA)	4.00	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50			2.61
Cafeteria (CSEA)	4.00	4.00	2.00	2.00	2.00	2.00	2.50	2.50	2.50			2.61
Nurses (SEIU)	3.00	3.00	3.00	2.00	2.00	2.50	2.50	2.50				2.56
Clerical (SEIU)	3.00	3.00	3.00	2.00	2.00	2.50	2.50	2.50				2.56
Weedsport												
Aides (CSEA)	4.00	4.00	4.00	1.95	1.95	1.95	2.50	2.50	2.50			2.82
Bus Drivers (CSEA)	4.00	4.00	4.00	1.95	1.95	1.95	2.50	*2.50	*2.50			2.82
Bus Mech (CSEA)	4.00	4.00	4.00	1.95	1.95	1.95	2.50	2.50	2.50			2.82
Cust/Maint. (CSEA)	4.00	4.00	4.00	1.95	1.95	1.95	2.50	2.50	2.50			2.82
Nurses, Clerical	4.00	4.00	4.00				*Bus drivers @ % + 30¢					4.00
C-O BOCES Avg.	3.72	3.26	2.55	2.09	1.90	2.27	2.35	2.47	2.52			
BROOME-TIOGA BOCES												
Chenango Valley												
Non-Instruct. (NYSUT)	4.10	3.30	3.30	3.30	2.25	2.50	2.90					3.09
Deposit												
CSEA	4.00	4.00	4.00	2.00	2.00							3.20
Maine-Endwell												
Cust./Maint.	\$0.60	\$0.65	2.00	2.00	2.00	50¢/hr	50¢/hr	50¢/hr				2.00
School Lunch	4.60	4.60	4.60									4.60
Supp Staff	4.50	4.50	4.50	4.50	2.95	3.00	3.15					3.87
Transp	\$0.60	3.00	3.00	3.00	\$600	\$700	\$800					3.00
Owego-Apalachin												
NYSUT	3.80	3.90	4.00	0.00	1.99	1.99	2.50	2.50	2.50			2.58
Union Endicott												
Cafe. Workers	3.90	3.90	2.70	2.70	2.70	2.70	2.70	2.70				3.00
Cent Office	2.00	2.00	2.70	2.70	2.70	2.70	2.70	2.70				2.53
Comp & Tech	3.90	3.90	2.70	2.70	2.70	2.70	2.70	2.70				3.00

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS												
	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Avg.
BROOME-TIOGA BOCES cont'd												
Union Endicott cont'd												
Dist Office	\$0.51	3.90	2.70	2.70	2.70	2.70	2.70	2.70				2.87
Maint. Workers	3.90	3.90	2.70	2.70	2.70	2.70	2.70	2.70				3.00
School Aides	\$0.42	3.90	2.70	2.70	2.70	2.70	2.70	2.70				2.87
Transp	\$0.53	4.00	2.70	2.70	2.70	2.70	2.70	2.70				2.89
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	3.86	3.72	2.95	2.57	2.49	2.63	2.72	2.66	2.50			
OSWEGO BOCES												
Hannibal												
CSEA	3.50	2.00	0.00	1.75	1.75	1.95	2.00					1.85
HEA	3.50	3.50	0.00	1.75	1.75	2.20	2.20	2.20	2.25			2.15
Oswego												
CSEA			1.00	2.00	2.00	2.00	2.00	0.00				1.50
Osw. BOCES Avg.	3.50	2.75	0.33	1.83	1.83	2.05	2.07	1.10	2.25			
TOMPKINS-SENECA-TIOGA BOCES												
BOCES												
Local	4.00	4.00										4.00
Candor												
Local	5.00	1.90	2.00	2.00								2.73
Dryden												
NYSUT	4.00	2.50	2.50	2.20	3.00	2.85	2.66					2.82
Groton												
CSEA	4.00	4.00	2.85	2.85	2.50	2.75	2.75	2.25	2.25	2.25		2.85
Ithaca												
Supp Prof.						2.00	3.00	2.00	2.00			2.25
Lansing												
NYSUT	3.90	3.90	3.90		90¢/hr	3.50	60¢/hr	3.00				3.64
Newfield												
CSEA	3.25	3.50	1.95	2.25	2.50	1.50	2.25	2.25				2.43
South Seneca												
Local	4.50	5.00	5.00	1.00	2.00	2.00	2.00					3.07
Trumansburg												
Local	\$0.55	\$0.60	2.00	2.25	2.50	2.50						2.31
T-S-T Avg.			4.09	3.54	2.89	2.09	2.50	2.44	2.53	2.38	2.13	2.25

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Avg.
WAYNE-FINGER LAKES BOCES												
BOCES												
NYSUT	3.50	3.50	3.50	3.75	1.90	2.75	2.45	2.45				2.98
Bloomfield												
NEA/NYSUT	3.40	3.40	3.40	3.40	1.95	1.85	1.85					2.75
Canandaigua												
Cust./Maint.	3.85	3.85	3.00	3.00	3.00	3.00	3.00					3.24
Cler./Aides	3.85	3.85			3.00	2.40	2.40					3.10
Food Service	4.00	3.00	3.50	4.00	2.25	2.25	3.00	3.00	3.00			3.11
Bus Drivers	3.75	3.75	3.75	2.25	2.25	2.25						3.00
Monitors	4.00	3.00	3.50	4.00	2.25	2.00	3.47	2.40	2.35			3.00
Clyde-Savannah												
Supp Pers (CSEA)	5.00	4.25	4.25	4.00	2.50	2.50	2.50	3.50	3.50	3.50	3.50	3.55
Transp.	5.00	4.75	4.50	4.00	2.00	2.00	2.00	3.75	3.60	3.50	3.50	3.51
Dundee												
CSEA	3.00	3.10	3.20	2.00	2.00	2.00	2.00	2.50	2.50	2.50		2.48
Gananda												
CSEA	4.00	2.50	2.50	1.40	2.80	2.80	2.80					2.69
Geneva												
CSEA	4.00	4.00	0.00	2.00	2.00	2.00	3.00	3.00	3.00			2.56
Gorham-Middlesex												
Bus Drivers (NYSUT)	3.70	3.70	3.70	1.90	2.25	2.25	2.70	2.70	2.70			2.84
Cust./F Serv (NYSUT)	3.50	3.70	3.70	3.75	3.75	2.70	2.70	2.50				3.29
Teacher Aides (NYSUT)	3.75	3.75	2.75	2.50	2.25	2.70	2.70	2.50				2.86
Honeoye												
NYSUT	4.00	2.50	2.50	2.50	2.50	2.75	2.50	3.00	2.95	2.95		2.82
Lyons												
NYSUT	4.25	3.00	3.00	3.00	2.50	2.50	2.50	1.80	1.80	1.80		2.62
								+ \$.54/hour				
Manchester-S'ville												
CSEA	5.80	5.50	1.80	1.00	1.90	1.90	2.50	2.50	2.50			2.82
Marion												
CSEA	3.50	3.50	3.50	1.75	1.75	1.75	1.75					2.50

RECENT AREA NON-INSTRUCTIONAL CONTRACT SETTLEMENTS												
WAYNE-FINGER LAKES BOCES cont'd												
	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Avg.
Naples												
CSEA	4.00	3.25	3.50	3.50	2.70	2.70	2.70					3.19
Newark												
Custodians (CSEA)	3.80	2.95	2.50	1.25	2.00	2.00	2.40	2.00				2.36
Tchr Aides/Asst (NYSUT)	3.75	2.50	2.30	1.50	1.50	2.40	2.00					2.28
N Rose-Wolcott												
NYSUT	3.90	3.75	0.00	1.90	1.90	1.90	1.95					2.19
Palmyra-Macedon												
CSEA	3.90	3.90	3.90	3.90	2.90	2.90	2.90	2.90	3.00	3.00	3.00	3.29
Penn Yan												
CSEA	3.90	3.90	3.90	2.25	2.25	2.25	2.25	2.35	2.35			2.82
Phelps-CI Springs (NYSUT)												
Nurses/Food Serv/ Bus Driv/Maint	4.05	4.05	4.05	4.05	2.00	2.00	2.00					3.17
Aides/Clerical	2.89	2.89	2.89	2.89	2.00	2.00	2.00					2.51
Red Creek												
CSEA	4.50	4.50	4.50	2.75	2.00	2.00	* 3.50	2.50	2.50			3.16
							* 2015-16 % based on hire date					
Romulus												
CSEA	4.34	4.32	4.00	1.50	1.50	3.00	3.00	3.00				3.08
Seneca Falls												
NEA/NYSUT	3.50	3.50	2.00	2.00	2.00	2.00	3.00	2.75	2.50	2.00		2.53
Sodus												
CSEA	3.75	3.00	3.00	2.00	2.00	2.00	2.00					2.54
Victor												
CSEA	4.00	4.00	1.00	1.00	1.50	2.00	2.00	2.00				2.19
Waterloo												
NEA/NYSUT	4.47	4.31	2.00	2.00	1.50	1.75	1.95	3.00	3.00			2.66
Wayne												
CSEA	4.40			2.50	2.50	2.70	2.90	2.90	2.70	2.90		2.94
Williamson												
CSEA	5.00	5.00	2.70	2.80	3.00	2.00	1.75	2.00				3.03
WFL BOCES Avg.	3.97	3.68	3.13	2.82	2.27	2.31	2.44	2.68	2.79	2.83	3.17	

denotes Current Contract
denotes Previous Contract

AREA UNEMPLOYMENT RATES

New York State Rate

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2016	5.4%	5.4%	5.2%	4.6%	4.2%	4.5%	5.0%	4.9%					
2015	6.4%	6.3%	5.7%	5.3%	5.3%	5.2%	5.4%	5.0%	4.8%	4.7%	4.8%	4.7%	5.3%

Syracuse, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2016	5.5%	5.3%	5.1%	4.7%	4.3%	4.5%	4.7%	4.5%					
2015	6.6%	6.4%	5.9%	5.5%	5.5%	5.5%	5.5%	5.0%	5.0%	4.7%	4.8%	4.9%	5.4%

Cayuga County Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2016	6.0%	5.8%	5.7%	5.1%	4.4%	4.2%	4.6%	4.5%					
2015	6.7%	6.7%	6.3%	5.4%	5.1%	5.0%	5.2%	4.8%	4.8%	4.8%	4.9%	5.2%	5.4%

Broome County Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2016	6.3%	5.9%	5.7%	5.4%	4.8%	5.1%	5.3%	5.0%					
2015	7.4%	7.1%	6.7%	6.1%	6.0%	6.1%	6.1%	5.6%	5.5%	5.3%	5.3%	5.6%	6.0%

Ithaca, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2016	4.1%	3.7%	3.5%	3.6%	3.5%	4.0%	4.0%	3.7%					
2015	4.9%	4.4%	3.9%	3.8%	4.1%	4.6%	4.6%	4.0%	3.8%	3.6%	3.7%	3.5%	4.1%

Ontario/Seneca/Wayne/Yates Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2016	5.6%	5.4%	5.2%	4.6%	4.0%	4.1%	4.2%	4.0%					
2015	6.5%	6.4%	6.0%	5.3%	5.0%	4.9%	4.8%	4.3%	4.4%	4.2%	4.4%	4.9%	5.1%

Rochester, NY Metropolitan Statistical Area

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2016	5.2%	5.1%	4.9%	4.7%	4.2%	4.3%	4.7%	4.5%					
2015	6.2%	6.1%	5.7%	5.3%	5.3%	5.2%	5.3%	4.8%	4.8%	4.5%	4.6%	4.7%	5.2%

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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August 2016

NY-Northeastern New Jersey Area

1. All Urban Consumers	264.160 (R)	0.2 (R)	1.1 (R)
2. Urban Wage Earners & Clerical Workers	258.374 (R)	0.1 (R)	0.9 (R)

U.S. City Average

1. All Urban Consumers	240.849 (R)	0.1 (R)	1.1 (R)
2. Urban Wage Earners & Clerical Workers	234.904 (R)	0.1 (R)	0.7 (R)

September 2016

NY-Northeastern New Jersey Area

1. All Urban Consumers	264.602	0.2 (R)	1.0
2. Urban Wage Earners & Clerical Workers	259.059	0.3 (R)	1.0

U.S. City Average

1. All Urban Consumers	241.428	0.2 (R)	1.5
2. Urban Wage Earners & Clerical Workers	235.495	0.3 (R)	1.2

(R) = revised by the US Dept of Labor Bureau of Labor Statistics.

The indexes for prescription drugs were incorrect as published for May 2016 through August 2016, which affected the "U.S. All items index." Incorrect prices were used in the calculation of indexes in several local areas. A list of the series affected by the errors can be found at www.bls.gov/bls/errata/cpi-price-corrections-10182016.htm.

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-14	230.0	1.6	233.9	1.6	255.5	1.8	259.6	1.9
Feb-14	230.9	1.0	234.8	1.1	254.8	1.0	259.0	1.1
Mar-14	232.6	1.4	236.3	1.5	255.9	1.3	260.0	1.3
Apr-14	233.4	2.0	237.1	2.0	255.9	1.6	260.0	1.6
May-14	234.2	2.1	237.9	2.1	257.1	1.9	261.2	1.9
Jun-14	234.7	2.0	238.3	2.1	257.1	1.7	261.4	1.7
Jul-14	234.5	1.9	238.3	2.0	257.3	1.6	261.5	1.6
Aug-14	234.0	1.6	237.9	1.7	256.7	1.2	261.1	1.3
Sep-14	234.2	1.6	238.0	1.7	256.9	1.0	261.1	1.0
Oct-14	233.2	1.5	237.4	1.7	256.0	1.2	260.5	1.3
Nov-14	231.6	1.1	236.2	1.3	254.6	0.6	259.4	0.8
Dec-14	229.9	0.3	234.8	0.8	253.2	0.1	258.1	0.3
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								
Nov-16								
Dec-16								

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