



THE ADVOCATE

Cayuga-Onondaga BOCES
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Disciplining Students for Possession of Lewd Photographs



In the age of cell phones, social media and a plethora of computer/phone applications created for sharing photographs and video, school districts are facing issues concerning students sharing, viewing, and storing lewd images. These issues become increasingly worrisome when the lewd images depict other, possibly minor-aged, students. Not only must districts worry about the actual image(s), but also where the image was viewed, sent and/or stored, especially if it occurred off district property. While the Commissioner of Education has been clear in the past that students can be disciplined for off campus conduct that may endanger the health or safety of pupils and/or disrupts the educative process, districts should take notice that recent Commissioner's decisions appear to create a distinction for cases involving lewd photos viewed or received off campus.

In *Appeal of A.F.*, 56 Ed. Dept., Decision No. 16997 (2016), a video circulated around the district that showed two 14-year-old students engaged in sexual conduct. One student was from within the district and the other student was from a neighboring district. The district began an investigation and ultimately suspended 28 students, with either a one-day or five-day suspension depending on their involvement. Two students, A.F. and K.P., who received a one-day suspension for "inappropriate use of an electronic device," appealed the suspension and sought that the suspension be expunged from their record. During the investigation, A.F. and K.P. admitted that they received the video while at home and identified who sent them the video. However, both students denied sharing and/or sending the video to anyone else, and it was unclear

whether or not the two students watched the video.

On appeal, the students argued that the penalty was arbitrary and capricious and should be expunged from their records. They also argued that the code of conduct did not prohibit "inappropriate use of an electronic device," and they could not be punished for off campus conduct for possessing the video. In response, the district argued that the evidence supported the one-day suspension, the students had the video on their cell phones, which they both brought to school, and the resulting investigation caused a substantial disruption.

In sustaining the appeal, Commissioner Elia determined "that it was improper to suspend A.F. and K.P. because they did not solicit or request the video or engage in any other conduct with respect to the video at school or otherwise or in a way that endangered the health or safety of students or adversely affected the educative process." The Commissioner found that the video was unsolicited and received "at home during non-school hours." Additionally, whether or not the students viewed and/or retained the video, the Commissioner emphasized that there was no evidence that either student sent and/or showed the video to anyone else. Although the Commissioner agreed that the ensuing investigation was burdensome and discovered that students at the school viewed the video, the district presented no evidence that linked the disruption to A.F. or K.P. Finally, the district's charge for "inappropriate use of an electronic device" was unsubstantiated by the record. Therefore, the Commissioner acknowledged the gravity of the situation, but said that the one-day suspension "for receiving a video, unsolicited, which they did not show or send to anyone else, and which bore no nexus to an ensuing school disruption, was arbitrary and capricious" and must be expunged from their records.

In another recent decision, the Commissioner made a different determination based on factual differences. In *Appeal of L.Z.*, 56 Ed. Dept., Decision No. 16982 (2016), male students, including student M.Z., were sharing

photos and videos of nude and semi-nude middle and high school girls. The district's investigation established that M.Z. possessed at least 6 photos on his phone of nude teenage girls, one of which was in 8th grade. Moreover, the student admitted to possessing and transmitting at least one photo to other male students. Ultimately, the district suspended the student for 5 days. After a lengthy discussion about the student's due process rights and the district's adherence to the student hearing requirements, particularly informal conferences, the Commissioner upheld the five-day suspension.

While these two cases appear similar, there are two key differences that led to opposite decisions. In *Appeal of A.F.*, the students received an unsolicited message with a lewd video while at home; the student involvement was passive. Moreover, there was no evidence that the students sent the video to other students, watched the video at school or showed the video to other students at school. On the other hand, in *Appeal of L.Z.*, the student received lewd images and transmitted the image(s) to other male students. Thus, the actual dissemination and location the image/video was viewed and/or received is crucial when determining student discipline.

In sum, administrators should pay close attention to whether or not a student actively shared lewd images and where the student received, viewed and/or shared the image. The above decisions appear to indicate that discipline, even a one-day suspension, may not be warranted for a student who received an unsolicited message containing the lewd images outside of school. However, if an investigation uncovers that the student received and shared the lewd images, even off district property, the student may be disciplined as this could be interpreted as disrupting the school environment. It is also important to remember that each case is different, and situations involving lewd images, particularly of minor students, may also require the assistance of law enforcement officials.

As always, if you need assistance or guidance on this issue, please contact our office.

Substitute Work Can Count Toward Seniority, Regardless of Tenure Area

By Jay Worona
Deputy Executive Director
and General Counsel
On Board

A decision by the commissioner of education on filling a position from a preferred eligibility list illustrates that the math on seniority can be complex, making it prudent to consult legal counsel before hiring.

Appeal of Amanda DeRosa involved a teacher who was certified in elementary education and held a professional certificate to teach students with disabilities (grades 1–6). The question involved whether her work as a long-term, regular substitute outside her tenure area should count toward seniority when the district had an opening for an elementary teacher and was choosing the most senior candidate on a preferred eligibility list.

The commissioner ruled that service as a long-term, regular substitute should be counted even when the teacher's work as a substitute was not immediately followed by a probationary appointment in a tenure area. Notably, the district contends that prior commissioner's decisions on this topic had yielded a different result, and plans to appeal.

DeRosa had been employed with the district intermittently since the beginning of 2007 in various positions. Effective June 30, 2010 the school district abolished 13 full-time positions in the elementary tenure area. At that time, DeRosa was notified that her position was being abolished and that she would be placed on a preferred eligibility list with the right to recall in the elementary tenure area. When a position in the elementary tenure area opened effective Sept. 1, 2013, it went to another teacher, Ms. Galligan. DeRosa claimed that the school district illegally failed to recall her from the preferred eligibility

list based upon her assertion that she had more seniority than Galligan.

DeRosa contended that she had four years of service in the system, more than Galligan. DeRosa argued that, pursuant to applicable provisions of the education law, that she should have been recalled first. In calculating the time of service in the district, DeRosa contended that long-term substitute service can be considered and that tenure area is irrelevant to the calculation of service.

DeRosa requested that the commissioner issue an order declaring that long-term substitute service should be included when calculating the length of service in the system for recall purposes and directing that she be appointed to a teaching position in the elementary tenure area with retroactive salary, benefits and seniority credit from Sept. 1, 2013.

The school district argued that long-term substitute service in positions that do not ripen into probationary appointments are not counted towards seniority and thus, DeRosa's position as library media specialist in 2007-08 cannot be counted towards seniority.

In ruling in favor of DeRosa, the commissioner set forth that in determining the recall rights of teachers on a preferred eligibility list, length of service in the system is used, not length of service within a particular tenure area. In addition, the commissioner stated that full-time regular substitute service counts for seniority purposes when it does not immediately precede the teacher's probationary appointment, when the teacher performed part-time services for the district in the interim. "Teachers lose seniority rights when they sever service with the school district, not when they have interrupted service."

The commissioner rejected the school district's reliance upon a prior commissioner's decision, which the district asserted stood for the proposition that substitute service not connected to a probationary appointment should not be counted towards seniority. On this point, the commissioner stated: "[the school district] has not articulated any compelling policy reason why long-term substitute service that did not lead to a probationary appointment should not be counted for recall purposes when the law is clear that service in another tenure area may be counted. . . . I find no basis in the statute or as

a matter of policy, for disregarding service as a professional educator in a long-term substitute position in determining total years of service in the system. . . ."

Accordingly, the commissioner found that DeRosa's first position with the district, namely the temporary appointment from Jan. 23, 2007 through March 27, 2007, should have been used to calculate her seniority in the system. In addition, the commissioner determined that DeRosa's position during the 2007-08 school year as a long-term substitute leave replacement should have been counted as well, notwithstanding the disagreement between the parties as to which tenure area DeRosa was serving in at that time. The decisions states: "either way. . . [DeRosa] was serving in a position as a professional educator. . . [under provisions of the Commissioner's regulations and she had not] severed service with the district; rather her service was only interrupted by service in a different tenure area."

The commissioner argued that the district's interpretation of the law "would have required [DeRosa] to decline the substitute position in another tenure area in hopes of a position becoming available in the elementary tenure area within seven years [and that] such an interpretation is inconsistent with both past commissioner's decisions and the law in this area."

The commissioner's decision would suggest that all substitute service should be counted towards determining the educator's seniority for purposes of being recalled from the preferred eligibility rights, regardless of whether the substitute service is in the same tenure area as the position.

The school district plans to appeal its loss, arguing that the commissioner either misconstrued or has rejected a number of previous commissioner's decisions which make it clear that, under the facts of this case, educators are not entitled to have such regular substitute service counted for purposes of calculating their recall rights.

Notwithstanding whether the district is successful in its appeal, however, school districts would be wise to consult with legal counsel about how they should precede in the near future in calculating the recall rights of educators.

State Court Upholds Termination of Teacher for Ineffectiveness

By Kimberly A. Fanniff, Senior Staff Counsel
On Board

While it is uncommon for a tenured teacher in New York State to be discharged for incompetence, a state Supreme Court in New York City recently upheld the termination of a 25-year veteran teacher for incompetence under a new section of law.

In *Brown v. City of New York*, the school district brought charges against a teacher under Education Law section 3020-b. Lyhnn Brown, who worked in a Bronx elementary school as a writing cluster teacher, was dismissed after being rated ineffective for both the 2013-14 and 2014-15 school years.

Adopted in 2015, section 3020-b states that two consecutive ineffective ratings pursuant to the annual professional performance review (APPR) provisions of section 3012-c or 3012-d shall constitute prima facie evidence of incompetence. The burden of proof at the hearing is borne by the teacher, who must show clear and convincing evidence that he or she is not incompetent.

According to testimony, evaluators determined that no new learning took place during observed lessons. They reported seeing students arguing with one another and judged the teacher's questions to students to be unchallenging. Although the district prepared a detailed teacher improvement plan (TIP), the teacher did not take advantage of the professional development offered and ultimately failed to improve.

The teacher represented herself in her appeal. She claimed the hearing officer's decision was irrational, arbitrary and capricious. In his decision, the hearing officer found that the school district had shown a pattern of ineffective teaching and that the petitioner failed to rebut this presumption. The court found it was not

irrational for the hearing officer to reach this conclusion as the ratings were supported by unsatisfactory observations conducted by both the petitioner's supervisors and a peer evaluator.

The hearing officer also noted that the petitioner's failures were consistently documented in the record. While the hearing officer did not individually address the unsatisfactory ratings in the award, witness testimony described why the observed lessons were not satisfactory. The court also rejected Brown's argument that section 3020-b unlawfully shifts the burden of proof of innocence to the teacher. According to the court, this contention is without merit because the language of section 3020-b shows the Legislature's intent to create a streamlined hearing procedure for teachers who demonstrate a pattern of ineffectiveness and clarifies the specific standard to be applied by hearing officers.

Lastly, the court found the penalty of termination was not shocking. Prior court decisions have held, the termination of a veteran teacher who has been adjudged incompetent is not shocking to one's sense of fairness. Here, given the record of repeated ineffective ratings documented by multiple people and the petitioner's failure to take advantage of the remediation provided for her, termination was appropriate.

While this case is not the first interpreting section 3020-b, it adds to the precedent courts have been making in favor of school districts. The streamlined removal of incompetent teachers for a pattern of ineffectiveness pursuant to this statute will enable districts to ensure a competent and effective workforce.

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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				2.91
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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	3.25	3.50	3.50	3.25	3.21
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	3.20	3.50	3.25	3.25	

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-Cl 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	2.75	2.75	2.75		2.63
CSEA	4.00	4.00	4.00	2.00	0.00	2.00	2.00	2.75	2.75	2.75		2.63
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	2.49	2.54	2.58		
BROOME-TIOGA BOCES												
Chenango Valley												
Non-Instruct. (NYSUT)	4.10	3.30	3.30	3.30	2.25	2.50	2.90	3.00	3.00	3.00	3.00	3.06
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	2.69	2.75	3.00	3.00	
OSWEGO BOCES												
Hannibal												
CSEA	3.50	2.00	0.00	1.75	1.75	1.95	2.00	2.50	2.75	3.00		2.12
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	1.57	2.50	3.00		
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	2.60	2.10	2.00		2.82
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	2.42	2.12	2.13

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	2.80	2.90	2.90		3.10
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	*2.25	*2.25	1.50		2.20
				* 2016-17 & 2017-18 2.25-3.0% based on years								
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				3.40
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	3.00	3.00	3.00	3.00	3.11
Aides/Clerical	2.89	2.89	2.89	2.89	2.00	2.00	2.00	3.00	3.00	3.00	3.00	2.69
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	2.73	2.79	2.78	3.13	

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%	5.1%	4.9%	4.7%	4.5%	
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%	4.8%	4.6%	4.6%	4.9%	
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%	4.4%	4.5%	4.5%	4.5%	5.0%	
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%	5.2%	5.2%	5.1%	5.4%	
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%	3.7%	3.6%	3.4%	3.4%	
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%	4.3%	4.2%	4.4%	4.8%	
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%	4.7%	4.6%	4.5%	4.7%	
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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December 2016

NY-Northeastern New Jersey Area

1. All Urban Consumers	265.421	0.1	2.1
2. Urban Wage Earners & Clerical Workers	259.789	0.2	2.1

U.S. City Average

1. All Urban Consumers	241.432	0.0	2.1
2. Urban Wage Earners & Clerical Workers	235.390	0.1	2.0

January 2017

NY-Northeastern New Jersey Area

1. All Urban Consumers	266.917	0.6	2.5
2. Urban Wage Earners & Clerical Workers	261.409	0.6	2.5

U.S. City Average

1. All Urban Consumers	242.839	0.6	2.5
2. Urban Wage Earners & Clerical Workers	236.854	0.6	2.5

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-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	235.7	1.4	241.7	1.6	259.0	1.2	264.7	1.2
Nov-16	235.2	1.5	241.4	1.7	259.3	1.6	265.2	1.6
Dec-16	235.4	2.0	241.4	2.1	259.8	2.1	265.4	2.1
Jan-17	236.9	2.5	242.8	2.5	261.4	2.5	266.9	2.5
Feb-17								
Mar-17								
Apr-17								
May-17								
Jun-17								
Jul-17								
Aug-17								
Sep-17								
Oct-17								
Nov-17								
Dec-17								

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PAST ISSUES OF “THE ADVOCATE”

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Inquiries regarding the District's non-discrimination policies should be directed to:

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