

Adopted: December 12, 2017

Councilman D'Esposito offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A MEMORANDUM OF AGREEMENT NEGOTIATED BY THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., AMENDING 45 OF THE COLLECTIVE BARGAINING AGREEMENT AND SECTION 1.4 OF THE DISCIPLINARY PROCEDURE of the 2017-2021 COLLECTIVE BARGAINING AGREEMENT

WHEREAS, The Town of Hempstead has entered into a collective bargaining agreement (CBA) with the Civil Service Employees Association (CSEA) AFSCME LOCAL 1000 by and through its Town of Hempstead Local 880; and,

WHEREAS, the benefits contained therein were duly negotiated with representatives of the CSEA; and,

WHEREAS, the memorandum of agreement modifying Section 45 of the CBA, and 1.4 of the Disciplinary Procedure of the 2017-2021 CBA between the Town of Hempstead and the Civil Service Employees Association (CSEA) AFSCME local 1000 is in the best interest of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, this Town Board deems that the terms and conditions set forth in said memorandum of agreement are fair and reasonable and further that it is in the best interests of the Town of Hempstead to enter into said memorandum of agreement amending Section 45 of the CBA and Section 1.4 of the Disciplinary Procedure of the CBA with the CSEA incorporating those changes enumerated in the memorandum of agreement; and

BE IT FURTHER

RESOLVED, that the Supervisor be and he hereby is authorized to execute the memorandum of agreement amending Section 45 of the CBA and Section 1.4 of the Disciplinary Procedure of the 2017-2021 CBA embodying the changes outlined in the memorandum of agreement negotiated by representatives of the Town of Hempstead and the CSEA; and,

The foregoing resolution was adopted upon roll call as follow:

AYES: FOUR (4)

NOES: THREE (3)

COUNCILMEMBERS GOOSBY, BLAKEMAN, KING SWEENEY VOTED NO

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is entered into on this *13* day of December, 2017 by and between the TOWN OF HEMPSTEAD and the CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., Local 1000, AFSCME, A.F.L.-C.I.O., by and through its Local 880 (hereinafter collectively referenced as "the Parties").

WHEREAS, the Parties have agreed to and are bound by a collective bargaining agreement ("CBA") which is in effect from January 1, 2017- December 31, 2021; and

WHEREAS, the Parties have agreed to amend Section 45 of the CBA and Section 1.4 of the Disciplinary Procedures annexed to the CBA;

NOW, THEREFORE, IT IS

AGREED by and between the undersigned for the Parties that the CBA shall be amended as follows:

Effective on the date this MOA is signed by the last of the Parties hereto:

Section 45 of the CBA shall be amended to have the current provision be denoted as paragraph (a). The follow language shall be added to Section 45 and shall read as follows:

(b) Notwithstanding paragraph (a) of this Section, effective on the date this MOA is signed by the last of the Parties hereto, no employee shall be terminated for reasons due to budgetary, economy, consolidation, abolition of functions, abolition of position or curtailment of activities but may be terminated only for misconduct or incompetence.

(c) While paragraph (b) above remains in effect, the provisions in paragraph (a) of this Section shall cease to be in force and effect and Section 15 of the CBA shall cease to be in force and effect. However, if the above paragraph (b) ceases to be in effect, then paragraph (a) of this Section shall control and Section 15 shall be restored.

Section 1.4 of the Disciplinary Procedure annexed to the CBA shall be amended to read as follows:

"An employee who is other than full-time, temporary, provisional, or in the unclassified service shall not have the protections of this procedure in this Agreement. An employee in the Office of the Supervisor, Town Board, Town Clerk or Receiver of Taxes who is exempt (unless otherwise protected under the Civil Service Law), or in the unclassified service, or in a position designated by the Civil Service Commission as "confidential" or "influencing policy" in those offices shall not have the protections of this procedure in this Agreement. However, during the time that an other than full-time employee is on the Eligibility List (provided under Section 49B of the parties' CBA), such employee shall be eligible for the protections of the Disciplinary Procedure of this Agreement. Time served in any such position shall not be credited towards a

trial period, except that following a permanent appointment, time served in subsequent positions (other than: full-time, temporary, unclassified, or positions designated by the Civil Service Commission as "confidential" or "influencing policy") shall be credited towards the trial period."

This MOA represents the full and entire understanding and agreement between the Parties with regards to the changes to be made to Section 45 of the CBA and Section 1.4 of the Disciplinary Procedure annexed to the CBA. All other terms and conditions of the CBA remain in full force and effect and enforceable.

This MOA may be executed in counterparts, each of which shall be deemed to be an original and all of which, taken together, shall be deemed to be one and the same document.

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, have signed this Memorandum of Agreement the date and year above written.

TOWN OF HEMPSTEAD

By: _____

[Signature]
Anthony J. Santino
Town Supervisor

State of New York)
):ss
County of Nassau)

On the 13th day of December in the year 2017, before me, the undersigned notary public, personally appeared Anthony J. Santino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public

KEVIN J. DENNING
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DE6122462
Qualified In Nassau County
Commission Expires 02-14-2021

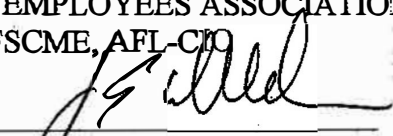
Approved: *[Signature]*
Stephen G. DiFosposito
Chief of Staff

APPROVED AS TO
AVAILABLE FUNDS
By *[Signature]* Date 11/29/17
KEVIN R. CONROY
TOWN COMPTROLLER

Dated: 11-29-17


CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.
LOCAL 1000, AFSCME, AFL-CIO

By:


James Dellarocca
Labor Relations Specialist

State of New York)
):ss
County of Nassau)

On the 27 day of ^{November}~~December~~ in the year 2017, before me, the undersigned notary public, personally appeared James Dellarocca, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

FEDERICO A. AMORINI
Notary Public, State of New York
No. 02AM6092714
Qualified in Nassau County
My Commission Expires May 27, 20 18