

MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF ALBANY
AND
ALBANY FIRE FIGHTERS, LOCAL 845,
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

Deferral Agreement

This Memorandum of Agreement is entered into between the City of Albany and the Albany Fire Fighters, IAFF, Local 845, hereafter referred to as the "City" and the "Union."

Recitals:

1. The Union has demanded that the City bargain over the impact of passage of SB 1049.
2. The City does not agree that it has an obligation to impact bargain over the passage of SB 1049.
3. January 1, 2020 is the effective date for Section 35 of SB 1049, which relates to the rehire of PERS retirees and the portions of SB 1049 which reduce the cap on the final average salary employees may receive credit for in calculating their benefits. July 1, 2020 is the effective date for Section 1 of SB 1049 which relates to employee pension stability contributions.
4. The parties anticipate that court litigation challenging the legality of SB 1049 will be filed.
5. The parties also understand that the Employment Relations Board may be requested to issue a Declaratory Ruling addressing whether the passage of SB 1049 triggers bargaining obligations.
6. Given the delayed effective date of the key provisions of SB 1049, uncertainty regarding the potential legal challenges to SB 1049, and disagreement over whether the City is obligated to bargain over the impact of passage of SB 1049, which may be resolved through a Declaratory Ruling, the parties agree that it would be mutually beneficial to defer any impact bargaining that may be required under Public Employees Collective Bargaining Act (PECBA).

Agreement:

Therefore, the parties agree as follows:

1. The parties agree to defer any impact bargaining, if there is an impact bargaining obligation, for 150-days following the signing of this Agreement or until a decision from the Employment Relations Board resolves questions regarding the City's obligation to bargain over the impacts of the bill.
2. The City will not assert that the Union waived its right to impact bargain, if any, or failed to timely demand bargaining by entering into this Agreement.
3. The Union reserves its right to renew its impact bargaining demand by issuing written notice to the City's Human Resources Director within thirty (30) calendar days following expiration of the agreed upon deferral period or the issuance of a decision by ERB.
4. The parties may by written agreement agree to extend the period for deferral of any bargaining obligation which may be owed under PECBA.
5. Nothing in this Agreement will be construed to be an admission that the City owes a bargaining obligation. The City reserves its right to claim that it has no obligation to bargain the impact of passage of SB 1049 in whole or part following expiration of the agreed upon deferral period(s).
6. Likewise, nothing in this Agreement is intended as an admission that the City is not obligated to bargain over the impacts of SB 1049 or as a waiver of any right the Union has under PECBA to demand bargaining or file an unfair labor practice charge challenging any such refusal in accordance with the PECBA.

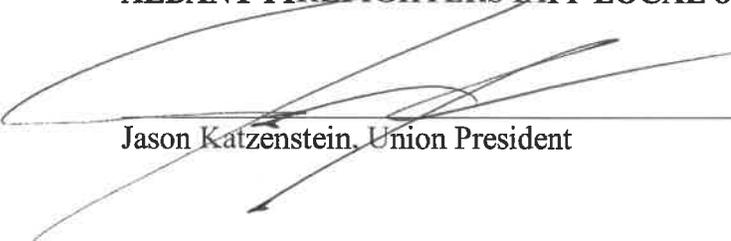
FOR THE CITY:



Danette Jamison, HR Director

10-11-2019
Date

ALBANY FIREFIGHTERS IAFF LOCAL 845:



Jason Katzenstein, Union President

10.11.2019
Date