

PRESIDENT'S MESSAGE

It is a privilege and honor for me to serve as President of the Western New York Chapter of LERA for the 2006-2007 year. Although I have been a member of the Chapter for over 25 years, and have served on various committees, I did not come to fully appreciate how vibrant an organization we have, until I was asked to head it for this coming year. Although we have an extensive membership roster, which I believe is one of the largest in the country, our Chapter is not just an organization to which people send in their renewal dues year after year to maintain their membership on their resume. Rather, we have many active, dedicated and involved members on our Executive Board, Advisory Board and among our members at large. We are never at a loss to find members to chair and participate on our standing committees, and to work to put together meaningful, timely and informative programs for our dinner meetings. We have a cadre of professionals who devote significant amounts of time to ensuring that our Chapter runs so smoothly. We would be hard pressed to find someone to do as thorough and

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LABOR AND EMPLOYMENT
RELATIONS ASSOCIATION

REMEMBERING JEREMY V. COHEN AND GENUINO J. GRANDE

By Joseph L. Randazzo

With the passing of my former law partners Jeremy V. Cohen, this past July 2006, and Genuino J. (Bill) Grande in 1996, I would like to take this opportunity to comment on their lives, careers and contributions to the WNY labor and employment law community.

Jeremy, who graduated from Oberlin College and the Albany Law School of Union University, and Bill, who graduated from Canisius College and the Georgetown University Law Center, both commenced their labor and employment law careers with the NLRB. Jeremy served in the Buffalo regional office of the NLRB, and Bill, after service as an officer in the US Marine Corp, served in the NLRB's Pittsburgh, and later the Buffalo regional offices. Jeremy joined Edward Flaherty in private, management side labor and employment law practice in 1966, with Bill joining him in 1969. Bill practiced until his retirement in 1995, during which time he also served as a Lecturer for the Millard Fillmore college of SUNY at Buffalo. Jeremy practiced until his retirement in 2001, at which time he commenced his career as a labor arbitrator/mediator. He also served as a
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BILL GRANDE HONORED AS LERA'S 2006 CITIZEN OF THE YEAR

The Citizen of the Year and Scholarship Award Dinner was held on May 16, 2006 at the Hearthstone Manor. LERA awarded two scholarships this year, to Darren Burdick and Melanie Janiszewski, for their pursuit of careers in labor relations. Bill Grande was honored as Citizen of the Year for his commitment to the field of labor relations.

Burdick is maintaining a 4.0 grade point average in his MBA studies at Medaille College. He works full time as an EMT for Rural Metro and is a union steward for Local 375. He has also been a Volunteer Firefighter in Middleport's Fire Department for ten years and is currently the 1st Assistant Chief. In expressing his appreciation for this award, Burdick observed that LERA is unique in the way it brings together all facets of the labor relations field.

Janiszewski graduated from Canisius College with a 4.0 grade point average in May with plans to pursue a Master's Degree in Labor Relations and Human Resources at Michigan State University. At Canisius, she was active in the honor society for business majors and the Society of Human Resources Management (SHRM). She also worked at the
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PRESIDENT'S MESSAGE

conscientious a job as Norm Stocker to serve, year in, year out, as our treasurer. And, thanks to Norm, we have been most fortunate to have secured the services of Mary Barone, to handle the many day to day "behind the scenes" business matters of the Chapter. Anyone who has ever served as President can attest to the fact that Mary is their indispensable right arm!

As I am composing these remarks, I hesitate to single out individuals for their contributions to the Chapter, not only because there is hardly enough space earmarked for the President's column to do so, but more importantly because of a fear that I will inadvertently forget to acknowledge someone who makes significant contributions. However, I would be remiss if I failed to acknowledge the work that Bill Grande does to ensure that our website is state of the art, given his knowledge as to the latest advancements in the world of computers. (I marvel at the tricks and short-cuts that Bill can bring to bear, given the fact that I am still somewhere in the Neanderthal age when it comes to computers.)

I also think it appropriate to recognize the work of the co-editors of Common Ground, Susan Johnson and Aaron Kaplan. But for their efforts and dedication, this column and the many more that they arrange, and in many instances directly author, would not appear in print. Susan and Aaron are always looking for volunteers to contribute articles and other information to Common Ground, and I urge you to do so, as our publication not only enables the membership to keep current between meetings, but also showcases to the world at large our vitality as a Chapter, when they read Common Ground on line.

I look forward to the year ahead, and hope with the help of many of you, to arrange programs which are relevant, interesting and informative, and serve to continue as vehicles for the constructive dialogue among management, labor and others in the field of labor relations in Western New York. I urge you to invite a colleague, client or associate to our meetings, so that they experience first hand what the Chapter has to offer, and decide to become a member. Direct them to our website, at www.lerawny.org, which has a wealth of easily accessible and current information, as well as a printable membership application. Programs in the spring will include a tour of Emerson High School and a dinner prepared by the culinary arts students at Emerson Commons; the program on identifying and preventing potential workplace violence, will be put on by Dick and Tia Denenberg of Workplace Solutions, in April, (which was cancelled on October 17 due to the October surprise snowstorm) and the presentation of awards to our scholarship recipients and to the LERA Citizen of the Year will occur at the May meeting.

Once again, thanks to all of you who share your time and talent to make our LERA Chapter the dynamic organization that it continues to be.

Charlie Donner

CITIZEN OF THE YEAR

National Labor Relations Board for six months. Janiszewski was deeply grateful for this award and acknowledged those who drove her into this field.

The Citizen of the Year was introduced by both Kathy O'Hara and Joe Giroux. O'Hara listed Grande's many accomplishments: his 20 years of practicing labor law, his service as mediator for the EEOC, his teaching at Cornell's ILR School, UB and Canisius, his involvement in LERA as past president and master of the listserv and website. Giroux spoke of Grande's professional development, from the time Grande convinced Giroux he could be a good union side labor attorney in 1987, to the time shortly thereafter Giroux gave Grande his own clients because Giroux's confidence in him had grown so, to the time Grande advised Giroux he was ready to start his own practice.

Grande expressed his gratitude to LERA and the committee for this recognition and to his family for their support. Among many practitioners who influenced Grande's professional development, he specially acknowledged his father for playing a pivotal role and for teaching him that the secret to success is honesty and integrity. He recognized his father's partners, Jeremy Cohen and Joe Randazzo, from whom he learned dedication and commitment to family, community and each other. He attributed his success to Giroux, whom he feels fortunate to have worked with early in his career and who taught him the importance of a healthy dose of common sense. Grande concluded his comments by summarizing his vision for LERA as a "unique and invaluable forum to discuss challenges and solutions brought on by a global economic environment."

TRIBUTE

member of the adjunct faculty of the Cornell University School of Industrial and Labor Relations, and also participated in the EEOC Mediation Program.

Both Jeremy and Bill were recognized for many years in the publication "Best Lawyers in America. Among their personal and professional accomplishments, Bill served on the Board of Trustees of St. Joseph Collegiate Institute, and also as a trustee on the Msgr. James Healey Foundation. Jeremy was recipient of the "Whitney North Seymour, Jr." award from the American Arbitration Association, for "The responsible use of arbitration." Jeremy also experienced his career highlight, in arguing the "Buffalo Forge" sympathy strike case before the US Supreme Court.

Jeremy and Bill were highly intelligent, and were mentally tough and totally dedicated and devoted to their profession. They were very industrious and confident in their abilities, with each possessing common sense and a wonderful sense of humor. Their philosophy of practice could be described with two words, "excellence" and "integrity." In 2001, Jeremy had the occasion to describe their firm in publication as follows: "It was a Firm that valued people for themselves, and developed a community of work relationships that contributed to the Firm's success." A large part of the success that Jeremy and Bill achieved, is attributed to their ability to understand and relate to those with whom they dealt, and above all, their genuine compassion and concern for others. Jeremy and Bill had deep and abiding friendships with individuals from all segments of the local labor and employment law community, and on countless occasions, were sought out, and always available for counsel with such individuals. The respect that they earned, is evidenced by each of them having been selected as IRRA Citizens of the year.

Jeremy and Bill have made substantial contributions to the local labor and employment law community, not only as outstanding professionals, but also as outstanding individuals, and we all have good reason to be proud of them and to honor their memory.

BUFFALO MAYOR BYRON BROWN ANNOUNCES NEW INITIATIVE AT LERA MEETING

LERA of WNY was pleased to have Buffalo Mayor Byron Brown address members at the March 15, 2006 LERA meeting. Mayor Brown started off by discussing his views on the Buffalo Fiscal Stability Authority. As a BFSA member, Mayor Brown voiced his desire to see the Control Board move from its active state into an advisory role. Mayor Brown acknowledged that the Control Board fails to include any projection of growth in their estimates and that their budget for health care is inflated. Mayor Brown also disagrees with the Control Board on their refusal to look into opportunities that may increase the City's revenue and thereby allow the City to become more flexible and allow the City to rebound more quickly. Additionally, Mayor Brown stated that he had devised a four-year plan to lift the wage freeze.

Mayor Brown recognized the hard work of City employees and aired his belief that the public does not realize how hard City employees work. He aired a strong desire to restore trust, respect and confidence in public employees and to accomplish this he has made it a priority to deliver services more effectively and efficiently. Mayor Brown acknowledged that morale among City employees was at an all-time low and that it is important to let the employees know that they are valued and appreciated. Mayor Brown discussed his implementation of CitiStat, which will allow the City to better track employees. Mayor Brown declared that the use of CitiStat will reinforce the accountability of City employees and make the employees more efficient.

Brown then proceeded to announce a new employment initiative for the City, an employee suggestion program. This program was inspired by other cities and the private sector and is implemented with the hope of reaching out to employees. Brown stated that the employees know best how their jobs should be done and he hopes that by listening to their suggestions he can increase efficiency and reduce costs. Mayor Brown was considering the possibility of including monetary rewards for employees who make suggestions that improve the City's efficiency.

Mayor Brown concluded his appearance by answering questions from the audience. In doing so, Mayor Brown acknowledged the possibility of merging City services with other municipalities including the City of Lackawanna.

PENSION PLANS DISCUSSED AT FEBRUARY 2006 MEETING

The February 2006 meeting brought together members of LERA and the Employee Relations Association for discussion on “Pensions: The Future of Defined Benefit Plans and the Prospect of Reform.” Charles A. Jeszeck, Assistant Director for Education, Workforce and Income Security Issues at the U.S. Government Accountability Office, was the featured speaker. Jim Wooten, Professor at the University at Buffalo Law School, also commented on the pension problem.

Mr. Jeszeck began with an examination of the problems with the current pension system, which includes Social Security, personal savings, defined contribution plans. In focusing on the problems of the defined benefit system he observed that the number of plans and participants have decreased in the last 20 years, sponsors of large plans have gone bankrupt and have terminated their plans, and the Pension Benefit Guaranty Corporation (“PBGC”) is largely underfunded and is unable to pay for liabilities.

Mr. Jeszeck stated that legislation will likely pass setting the interest rate for valuing liabilities and increasing pension premiums and termination fees. He believes that the best outcome of reformation would be a smaller, more financially-stable defined benefit system.

Professor Wooten commented on Congress’s initiative to mandate more stringent contributions. As he sees it, the problem with defined benefit plans is that there are insufficient mechanisms to control liability growth, and the PBGC ends up insuring more. Congress is attempting to make it more difficult for companies to increase liabilities, but it is still possible.

Professor Wooten believes that a shift to a defined contribution system would make sense for most firms. The defined benefit system was created in response to realities that no longer exist. Specifically, employees worked for one employer for a long time and there were tax advantages that can now be achieved through 401(k) plans. The challenge with a defined contribution system is that there is more risk and responsibility on workers who will have to make more complicated investment decisions.

The meeting concluded with Mr. Jeszeck and Professor Wooten taking questions from the audience on a variety of topics, including cons of the defined contribution system and the overfunding of multiemployer plans.

NEW MEMBERS

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Blue Cross/Blue Shield of WNY
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John Lichtenthal
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Timothy M. McNamara
Lifetime Health Medical Group
Vice President Human Resources
205 Park Club Lane
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Scott Nostaja
University at Buffalo
Human Resources
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Buffalo, NY 14260

André Pigeon
BCTGM Local 36G
225 Louisiana Street
Buffalo, NY 14204

LERA MEMBERS TREATED TO DISPLAY OF COOPERATION AT CHEESE FACTORY

Contributed by Lise Gelernter

Cheese was on the menu on April 4, 2006, when members of the Labor and Employment Relations Association of Western New York went on a plant tour of the Sorrento cheese factory in South Buffalo. Sorrento has several plants in the United States, but the Buffalo plant, which employs about 330 manufacturing employees, is the only one that produces Sorrento's ricotta cheeses for both retail and food service customers and is the world's largest producer of ricotta cheese – 280,000 pounds per day. The Buffalo plant also produces about 155,000 pounds of mozzarella cheese each day. The plant runs continuously, seven days per week, 24 hours a day, with three shifts of employees.

The tour went through the production rooms for both the mozzarella and ricotta operations, as well as the packaging rooms. We also saw the bays for the trucks that deliver between 1.5 and 2 million pounds of milk each day. In the production rooms, employees operate specialized equipment that heat huge vats of milk, separate it and then process it into cheese, and for the mozzarella, shred it. In the packaging rooms, bulk and retail cheeses slip into bags or cups, which are then sealed, date stamped and rotated, turned and stacked, with a combination of machine and worker intervention.

The sanitary practices were daunting but reassuring. Prior to the tour, each participant had to don white coats, booties to cover shoes, hairnets, hardhats and plastic glasses. This is to protect the food, not the tour participant. Before entering the plant, everyone had to wash hands, and use a hand sanitizer as well as walk through a shoe bath. This process was repeated at several steps when moving from room to room.

After the tour, Joel M. Johnson, Sorrento's Human Resources Manager (and one of the tour guides) and Ed McDonald, the Business Agent for Local 264 of the Teamsters, spoke about what seems to be a very successful labor-management relations program at Sorrento. Sorrento had started out as a small, family-owned business in 1947 and then grew over the years. It was not unionized until 1995 after Lactalis, a French company, bought Sorrento.

Ed McDonald has found that Sorrento has been a good place to try new things, perhaps because of the short history of a union presence and the relative novelty of the collective bargaining process at the plant. In 2003, management and the union decided to work with the Federal Mediation and Conciliation Service in a program to help parties use interest-based bargaining, instead of the traditional offer/counter-offer position-based bargaining process. Mr. Johnson and Mr. McDonald found that this type of bargaining, at least for non-wage issues, was a more effective and cooperative way to reach agreement.

One of the constant challenges facing the workforce is the 24-hour/seven day per week operation of the plant. Management had always thought that workers would prefer having at least one weekend day and one other day off, even if the days were not consecutive, and scheduled them accordingly. But as the result of labor-management discussions, the plant switched to a policy of giving workers two days off in a row, even if neither of those days is a Saturday or Sunday. Much to management's surprise, the majority of workers preferred the new system.

Management and union cooperation, as well as a growing level of comfort with a union presence on the part of workers and management, has led to a reduction in grievances from 167 in the first year of the contract to only seven or eight so far for 2006. Mr. Johnson and Mr. McDonald both thought that the reduction was due to more problems being worked out on the shop floor quickly. Overall, the transition at Sorrento to collective bargaining has been relatively smooth and has improved some plant operations and worker-supervisor relations. Although the union and management still have their differences, they have found productive and innovative ways to meet the challenges raised by and between the workforce and the plant's operations.

COMMON GROUND EDITORS

If you have an event or announcement you would like to see in the next Common Ground newsletter please contact one of our editors.

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