

**BEFORE THE PUBLIC EMPLOYMENT
RELATIONS BOARD OF THE STATE OF NEW YORK**

In the Matter of

THE CITY OF BUFFALO, NEW YORK

ANSWER

and

Case No.:35068

Local 650

Respondent, **CITY OF BUFFALO** (hereinafter, "the City"), through its Director of Employee Relations, Omar R. Price, Esq., for its Response to the Petition, alleges the following is true, upon information and belief, to the best of the undersigned's knowledge:

City's Response to Paragraphs 1-4, 6 and 7 of the Charge

1. Admits upon information and belief the allegations in paragraph 1 of the Charge.
2. Admits the allegations in paragraph 2 of the Charge.
3. Denies information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 3, 6, and 7 of the Charge.
4. Asserts that the allegations set forth in paragraph 4 of the Charge constitute conclusions of law and/or points of argument for which a responsive

pleading is not required, but to the extent that a response is deemed required, all such allegations are denied.

5. Denies all remaining allegations in paragraphs 1-4, 6 and 7 of the Charge not otherwise specifically addressed herein.

City's Response to Paragraph 5 of amended Improper Practice Charge

6. Admits the allegations in subparagraph(s) (a), (b), (c), (d), (e), (f), (g) and (h) of paragraph 5 of the charge.
7. Denies the allegations set forth in subparagraph (i) of paragraph 5 of the charge.
8. Asserts that the allegations set forth in subparagraphs (j) of paragraph 5 of the Charge constitute conclusions of law and/or points of argument for which a responsive pleading is not required, but to the extent that a response is deemed required, and all such allegations are denied.
9. Denies all remaining allegations in paragraph 5 of the Charge not otherwise specifically addressed herein.

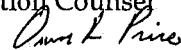
FIRST DEFENSE

10. There is a pending criminal investigation, which involved the seizure of the members' computer. As such, the City gathered the information requested by the union with the intent to release the information once the outside agency concluded their investigation.

11. Thus, the City has no intention with moving forward with a termination arbitration without the union having access to the requested information.

WHEREFORE, the Respondent, **CITY OF BUFFALO, NEW YORK**, requests that the Improper Practice Charge be dismissed in all respects.

Timothy A. Ball, Esq.
Corporation Counsel



BY _____

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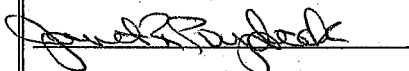
VERIFICATION

OMAR R. PRICE, the Director of Employee Relations for the City of Buffalo, and an attorney admitted to practice law in the Courts of the State of New York, being duly sworn, deposes and says that I represent the respondent, City of Buffalo, in this action. I have read the annexed Response and know the contents thereof, and the Response is true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, investigation, and other pertinent information contained in my files. Pursuant to CPLR 3020(d)(2), I make this verification because I am acquainted with the facts and the Defendant is the City of Buffalo.



OMAR R. PRICE.

Sworn to before me this 15th
day of July, 2016



NOTARY PUBLIC

JANET R. POYDOCK
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01PO6204394
QUALIFIED IN ERIE COUNTY
COMMISSION EXPIRES 4/20/20 17