

In the Matter of the Arbitration Between *	Re: CA-0070; M75-682
ALDEN POLICE BENEVOLENT ASSOCIATION *	Robert B. McKersie, Arbitrator
-and- *	Public Member and Chairman
THE VILLAGE OF ALDEN *	Arnold Aldinger, Arbitrator
	Employer Member
	Robert E. Young, Arbitrator
	Employee Member

Appearances:

For the Association:

Marvin Greenfield, Attorney for Alden Police Benevolent Association
 Robert D. Overhuff, President, Alden Police Benevolent Association

For the Village:

Edward J. O'Connor, Village Attorney
 M. Joan Wider, Village of Alden, Clerk-Treasurer
 James R. Huse, Village of Alden, Deputy Mayor

N. Y. S. PUBLIC EMPLOYMENT
 RELATIONS BOARD
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SEP 16 1976

CONCILIATION

Under the authority of Section 209.4 of the New York Civil Service Law, PERB appointed the three member panel, referenced above, to make a just and reasonable determination of the issues in dispute between the Village of Alden and the Alden Police Benevolent Association (PBA). The hearing was held in Buffalo, New York on August 4, 1976. Both parties had full and fair opportunity to present and to introduce evidence. Both sides declined the right to submit post hearing briefs.

BACKGROUND

The background for the dispute before arbitration is well covered in the fact-finding report of Mirim Winokur, dated October 23, 1975. In brief, the parties entered into negotiations in early 1975 for the purpose of reaching agreement on their first labor contract. An impasse developed in August of 1975 and the fact-finder was appointed and proceeded to hold a hearing and to write a report. The present arbitration panel was appointed in June

of 1976.

At the hearing the parties narrowed the issues in dispute to four in number:

- What is the appropriate salary for senior patrolman Overhoff effective June 1, 1975?
- What is the appropriate salary for senior patrolman and patrolmen effective June 1, 1976?
- Should a step system be instituted, and if so what is the appropriate structure?
- What is the proper retirement system for the senior patrolman and patrolmen?

DISCUSSION AND DECISION

Issue Number One

With respect to salaries effective 1 June, 1975 the only issue for the board is whether patrolman Overhoff's salary should be increased to the 13 percent received by the patrolmen or left at 8 percent as determined by the Village council. We feel the case for 13 percent is quite strong. The two patrolmen with just two years of service were increased by 13 percent and the chief was increased by almost 11 percent. We feel for this reason, as well as the fact that the Village has not overturned the reasoning of the fact-finder, that patrolman Overhoff receive a full 13 percent effect 1 June, 1975.

Issue Number Two*

The determination of the appropriate salaries for the patrolmen and senior patrolman effective 1 June, 1976 presents several difficulties. First, the recommendation of the fact-finder which was made last October cannot be used as a starting point since the framework of information that bears on the determination of salaries has changed considerably during the intervening months. Yet, the parties at the hearing did not present very much in the way

* Arnold Aldinger dissents from the majority view on this issue (see the Addendum).

of information about salary settlements elsewhere. The main point developed was by the Village that it had granted other employees of the Village a \$520 increase effective the first of June 1976, and it desired to implement the same increase for the policemen.

The Board can do either of two things. It can reopen the hearings and require the parties to develop substantial information on external and internal salary relationships; information of the sort envisioned in the criteria governing interest arbitration. Or, it can direct the parties to negotiate the salary issue for 1976 as part of a wage reopener occurring midway during the two-year contract which has been otherwise set in place as a result of this arbitration decision.

The Board adopts the second view since it feels strongly that it is important for the parties to engage in direct collective bargaining which has not happened since last year as the procedures of PERB were followed in hopes of reaching agreement on the terms of the first year of the contract. These terms have been agreed to by the parties as a result of negotiations and their acceptance of certain recommendations of the fact-finder as well as the disposition of the two other issues in other sections of this arbitration decision. It is the preference of the Board, since this is the first agreement between the parties, that they go back to the bargaining table and agree upon salaries for policemen effective June 1, 1976. This is to be viewed as a salary reopener with all other conditions closed to negotiations.

Issue Number Three

The board agrees that some type of increment or salary progression system is desirable. The Village has agreed that the starting salary for a patrolman of \$8,700 would be appropriate. The question then comes as to how a patrolman moves from the starting salary to higher salaries enjoyed by police officers with longer service. Certainly, they do not move in one year which would

be the presumption if no step system were in place. The board does not feel it is in a position to decide whether a three step, four step, or some other progression system is appropriate but it strongly urges the parties in negotiating the next agreement (commencing 1 June 1977) to agree upon some type of salary progression system for police officers.

Issue Number Four

The last issue deals with pensions and the board feels that the present system under Section 384 of State Legislation is the appropriate pension program. No convincing evidence was presented that a pattern has developed in western New York State for a pension program of half pay after 20 years.

Robert B. McKersie

Robert B. McKersie, Arbitrator
Public Member and Chairman

Arnold Aldinger

Arnold Aldinger, Arbitrator
Employer Member

Robert E. Young

Robert E. Young, Arbitrator
Employee Member

September 8, 1976
Date

Alice D. Moore

ALICE D. MOORE
Notary Public, State of New York
No. 55-8001695
Qualified in Tompkins County
Term Expires March 30, 1978

for R.B. McKersie

Virginia R. Hahn

VIRGINIA R. HAHN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1978

for A. Aldinger

Kathleen M. Wojtulska

KATHLEEN M. WOJTULSKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30 1977

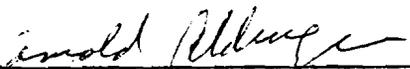
for R.E. Young

ADDENDUM

The Position of Arnold Aldinger regarding Issue Number Two: The Appropriate Salaries for the Patrolmen and Senior Patrolman effective 1 June 1976

In view of the fact that the Village of Alden has implemented a salary increase of \$520 for other employees, it is equitable that the same salary increase be applied to the Police Department. Internal salary relationships within the Village are important and the increase of \$520 would maintain this structure.

Given the small size of the bargaining unit for police, it would be very expensive for them to hire counsel to represent them in salary negotiations and this is a further reason for the position that the salary issue should be settled by the Arbitration Board.


Arnold Aldinger, Employer Member

