

CA-0117, M76-711

In the Matter of Interest Arbitration

between

Batavia, New York

and

Genesee Police Benevolent Association

NEW YORK STATE PUBLIC EMPLOYMENT
RELATIONS BOARD
RECEIVED

MAR 8 - 1977

CONCILIATION

Arbitration Award

I. Hearing

A Hearing was held before the undersigned Arbitration Panel in accordance with the provisions of Civil Service Law, Section 209. Appearing for the City of Batavia were Mr. Charles Schultz and Mr. George E. Schaefer, Jr. Appearing for the Genesee Police Benevolent Association were Mr. Nicholas Sargent, Sgt. James Burdett, Mr. John Ferrara and Mr. Daniel King.

The parties were given full opportunity to present oral and written testimony and documentation and to raise questions whenever appropriate. The panel's reasoning and decision in this case is based on the record developed in the above hearing.

II. Issues

The number of unsettled issues at the outset of the Hearing was substantially reduced during the course of this Hearing and this report will not deal with issues mutually agreed upon in the pre-hearing discussion.

Salary

The major issue was salaries. The arguments of both sides focused on the criteria of comparability and ability to pay. The testimony and supporting documents appeared to show that:

- 1) The City has agreed to an 18% increase for Firefighters between 1977-1979.

- 2) Batavia, New York police salary levels are well below the average for comparable size cities in the Western New York area.
- 3) The Police retirement plan costs about 5 to 7% less than anticipated between 1974-76.
- 4) The Consumer Price Index has increased about 26.5 per cent between 1974 and 1976.

Given these facts, this panel unanimously concludes that a fair wage increase for the years 1977 and 1978, would be 14 and 6 percent respectively. Our rationale is as follows: The difference between the award and the first two years of the settlement with the Firefighters is about 8 per cent. The Panel is mindful of the fact that the Firefighter settlement was achieved voluntarily and without the imposition of interest arbitration and, therefore, it suggests to us that our task is to justify the 8 per cent difference. First off, is the observation that "fringes buy very little." That is to say, that management's agreement to grant a 20 year retirement plan in 1974 in order to achieve a reduced wage demand was useful only in the short run. Fringe benefits fade from view and inequities in "take home pay" become more invidious. However, in this particular situation, the savings in pension costs of about 5 to 7 per cent provide the basis for our large first year salary increase of 14 per cent.

In addition, this panel also is persuaded that the City of Batavia policemen are paid significantly below the average. The panel is aware that this argument can be somewhat spurious in that if one is below the average and then gets an increase, the mean also increases and the recipient of the increase may still be below the

mean. However, in this instance, Batavia ranges from 6.5 per cent to 35% below other surrounding area police association salary leads. This provides further support for our decision.

Our recommendations on other issues are laid out without discussion because they are acceptable to the parties and were discussed during the arbitration hearing.

Hospitalization

The City will elect the Blue Shield/Blue Cross Hospitalization Plan 50/51 with drug rider and coverage for all retired members of the Genesee Police Benevolent Association.

Overtime

Overtime will be paid at time and one-half. This excludes the race track and the two-hour minimum court time.

Sick Pay

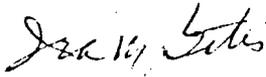
Starting in 1978 employees eligible under the City retirement plan at time of retirement will receive \$5 for each day of unused accrued sick leave. It is agreed that the \$5 per day amount will not be changed at least until 1982.

Vacations

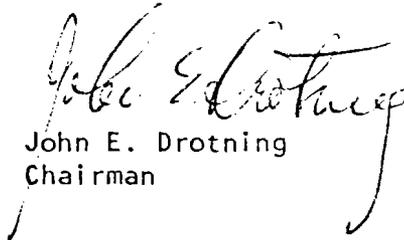
The present vacation plan is: 3 weeks at 5 years and 4 weeks at 17 years and the latter will be changed to 4 weeks at 15 years.

In conclusion, the panel would like to express its appreciation at the way in which the Hearing was conducted and to the participants for their graciousness and good taste in offering arguments and counterarguments.

This Interest Arbitration Award for the City of Batavia for
the period 1/1/77 - 12/31/78 is respectfully submitted by



Ira M. Gates
Member



John E. Drotning
Chairman



Al Sgaglione
Member

February 10, 1977

BENNY POTRZEBOWSKI
Council President

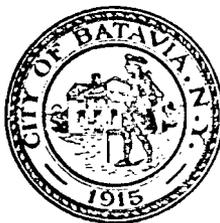
JOHN J. HODGINS
President Pro Tem

IRA M. GATES
City Administrator

CHARLES M. SCHULTZ
Clerk-Treasurer

GEORGE E. SCHAEFER, JR.
City Attorney

CITY OF BATAVIA



COUNCILMEN AT LARGE
BENNY POTRZEBOWSKI
JOHN J. HODGINS
CATHERINE ROTH

COUNCILMEN
BRUCE R. TEHAN
JAMES M. KLIPPEL
JAMES G. KUSTAS
JOHN C. BANNISTER
J. ROBERT BUCKLEY
JOHN H. BYRNE

Batavia, New York 14020

February 22, 1977

Mr. John E. Drotning
16205 Shaker Boulevard
Shaker Heights, Ohio 44120

Dear John:

I am enclosing the three (3) signed copies of the Interest Arbitration Award between the City of Batavia and the Genesee Police Benevolent Association.

Since I had agreed at the hearing to sign the document to make it an unanimous opinion, I will do so, however, I would like to state my opposition to the 14% including the Sergeants and Lieutenants as there was no evidence or discussion regarding them during the hearing. Furthermore, the percentage raise would put them at a much higher level than corresponding supervisors in other departments as well as making their total salaries on level with various department heads.

I would like to have the wording deleted in the second paragraph on page 3 and substitute the following:-

"Our findings on other issues are as follows:

Hospitalization

The City will elect the Blue Shield/Blue Cross"

The reason for this change is that I am already having difficulty with the Fire Department. They have delayed signing the contract, even though both parties have signed a Memo of Agreement, until they see what comes from the Police arbitration award. The Firemen have heard of most of the items that are to be included in the Police award and are consequently trying to get changes made to their contract. We would like to keep the total economic package which the City agreed to at the 6% and anything over and above that be included in the arbitration award.

Thank you for your cooperation. If you have any questions, please call.

Sincerely,

Ira M. Gates
City Administrator

IMG:ble
Encs.