

In the Matter of Arbitration Between
TOWN OF CAMILLUS
-and-
CAMILLUS POLICE BENEVOLENT ASSOCIATION

* IA-39; M77-677
*
* Robert B. McKersie, Arbitrator
* Public Member and Chairman
* Garth C. Lax, Arbitrator
* Employer Member
* Sidney H. Greenberg, Arbitrator
* Employee Member

Appearances:

For the Town:

Lee Blanding, Councilman
Steve Oslica, Councilman; Chairman, Public Safety Committee
Rocco Pirro, Supervisor, Town of Camillus
John E. Ferris, Attorney

For the Association:

Douglas Jacoby, Patrolman
Robert LaRochelle, Patrolman
Vincent J. Finocchio, Jr., Attorney

Under the authority of Section 209, subdivision 5 of the New York Civil Service Law, PERB appointed the three member panel, referenced above on March 16, 1978 to make a just and reasonable determination of the issues in dispute between the Town of Camillus and the Camillus Police Benevolent Association (PBA). The hearing was held in Camillus, New York on May 8, 1978.

BACKGROUND

The issues brought to arbitration by the Camillus PBA are as follows:

"The petitioner seeks a 12% increase in 1978 and a 10% increase in 1979. The respondent has offered 4.5% and 4% for the same period."

"The petitioner requests a change in Article 13 Retirement Plan from the existing plan 375-C to 25 year Retirement Plan 384.

JUNE 19, 1978

Both parties waived a stenographic transcript of the hearing. Equal opportunity was afforded to both sides to present witnesses and data bearing on the issues in dispute. Post hearing briefs were submitted by the two attorneys and the hearing was declared closed upon their receipt.

The criteria under which this decision is reached are contained in Subdivision v, Paragraphs a through d of Civil Service Law #209:

(v) The public arbitration panel shall make a just and reasonable determination of the matters in dispute in arriving at such determination, the panel shall specify the basis for its findings, taking into consideration, in addition to any other relevant factors, the following:

a. comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services or requiring similar skills under similar working conditions and with other employees generally in public and private employment in comparable communities;

b. the interests and welfare of the public and the financial ability of the public employer to pay;

c. comparison of peculiarities in regard to other trades or professions, including specifically, (1) hazards of employment, (2) physical qualifications; (3) educational qualifications; (4) mental qualifications; (5) job training and skills;

d. the terms of collective agreements negotiated between the parties in the past providing for compensation and fringe benefits, including, but not limited to, the provisions for salary, insurance and retirement benefits, medical and hospitalization benefits, paid time off and job security.

DISPOSITION OF THE ISSUES

Retirement Plan

No change in the pension plan appears to be in order at the present time. Exhibit 1 which has been drawn from data submitted by the Town in its post-hearing brief lists the pension plans in effect for the towns and villages of Onondaga County. Inspection of this information reveals the fact that as many towns and villages have the same plan as Camillus, 375-C, as improved plans.

Moreover, little if any movement towards improving pension plans has taken place within the past several years for patrolmen and sergeants.

Consequently, no change in the current pension plan for Camillus would appear justified at the present time. See Exhibit 1 attached.

Salary Determination

A few preliminary comments are in order. Most of the analysis will be focused on Patrolmen since they constitute eight individuals and the Sergeants, only three individuals. It is felt that the percentage determination that is merited for Patrolmen should be applied to Sergeants to keep the salary structure in balance.

Secondly, since most of the Patrolmen fall within the upper region of the salary structure, most of the analysis will concentrate on the maximum and its comparison to other jurisdictions.*

*Distribution of the eight Patrolmen across the eight steps of the salary structure are as follows: Step 2, 1 Patrolman; Step 3, 1 Patrolman; Step 4, 1 Patrolman; Step 7, 2 Patrolmen; Step 8, 3 Patrolmen. In other words, when the step is applied as of 1 January 1978, 5 of the 8 Patrolmen will be at maximum.

EXHIBIT 1

CAMILLUS	375-C
Cicero	375-C
Clay	375-G
DeWitt	375-C
Baldwinsville	375-C
East Syracuse	375-C
Payetteville	375-I
Geddes	375-G
**Liverpool	384/375-C
Manlius	384
Minoa	375-C
Solvay	384-D/375-C
Skaneateles	375-C
North Syracuse	384/375-C

**One Sergeant is on Plan 384. All three Patrolmen are on Plan 375-C.

Exhibit 2, attached, compares the beginning and maximum salaries for Patrolmen and Sergeants for a number of Towns and Villages within Onondaga County. Concentrating on Patrolmen and fixing attention on the maximum salaries, it can be seen that Camillus falls \$300 to \$400 under the two averages for the towns and the villages. It falls more than \$2000 under the maximum paid to deputy sheriffs employed by the county.

Even if one ignores the averages and eliminates towns which are troublesome for direct dollar comparison purposes, such as Cicero (with a part-time police force) and Dewitt (with a much different tax base than Camillus), then the comparisons show that Camillus is almost \$1000 under Clay and Geddes. With respect to the villages, Camillus is below four of them by a minimum of \$183, and is above only one of the villages, Skaneateles.

Having looked at the comparison of Camillus across the county as of 1977, it is now appropriate to examine the movement of salaries to the extent that this information is available for 1978. This information has been prepared and presented by the Town in its post-hearing brief. See Exhibit 3 attached. As can be seen, the average increase in maximum rates is 6.3%. Five of the nine observations are for salary increases (at the maximum) for 6% or above. Two are in the 5% range and one is at 2%. In the case of the latter, salary levels for deputy sheriffs (as seen in Exhibit 2) are among the highest across the units in Onondaga County.

In general, there appears a pattern in the settlements, by which the municipalities paying higher base salaries to police have been negotiating lower percentage increases, while those paying lower base salaries have been negotiating higher percentage increases. As a result of the pattern, it appears reasonable to award a greater than average percentage settlement to Camillus, which is below the average salary level.

EXHIBIT 2

1977

SALARY ANALYSIS

LOCALITY	<u>PATROLMEN</u>		<u>SERGEANTS</u>	
	BEG.	MAX.	BEG.	MAX.
<u>Towns</u>				
Cicero	8,008	8,216	9,152	9,152
Clay	10,418	12,361	13,248	13,248
Dewitt	12,455	14,310	15,391	Not available
Geddes	9,800	12,600	Not Available	--
Average	10,170	11,871	12,597	11,200
<u>County</u> (Deputy Sheriffs)				
	11,352	13,782	12,249	13,795
<u>Villages</u>				
Solvay	10,565	12,330	13,584	Not Available
Baldwinsville	10,100	12,800	13,300	13,800
Fayetteville	9,800	11,900	**	**
N. Syracuse	10,070	11,739	12,187	12,187
E. Syracuse	Not Available	--	Not Available	--
Manlius	Not Available	--	Not Available	--
Liverpool***	10,511	12,761	11,342	13,727
Minoa	Not Available	--	Not Available	--
Skaneateles	8,424	10,212	8,840	10,732
Average	9,911	11,957	11,850	12,611
<u>TOWN OF</u> CAMILLUS				
	8,800	11,556	11,340	12,970

**No one in Fayetteville with rank of Sergeant at this time.

EXHIBIT

PATROLMAN ANNUAL PERCENT INCREASES - VILLAGES PRORATED TO CALENDAR YEARS

<u>MUNICIPALITY</u>	1976		1977		1978		1979	
	<u>Entry</u>	<u>Max</u>	<u>Entry</u>	<u>Max</u>	<u>Entry</u>	<u>Max</u>	<u>Entry</u>	<u>Max</u>
Cicero	0.0	0.0	10.0	10.0	6.5	6.5		
Clay	8.0	8.0	6.0	6.0	IN NEGOTIATION		IN NEGOTIATION	
DeWitt	7.3	6.3	6.0	6.0	6.0	6.0		
Geddes	10.0	10.0	4.8	9.6				
Deputy Sheriffs	4.0	4.0	3.8	3.8	2.0	2.0		
Baldwinsville	10.2	10.0	1.8	6.9	4.1	5.2		
East Syracuse	6.2	?	3.3	?				
Fayetteville			9.5	?	9.6	9.6		
Manlius			—	8.3	—	7.6		
Minca			-3.3	6.4	-1.4	9.0		
North Syracuse	7.8	7.8	2.8	6.4	2.9	5.4		
Liverpool	?	?	?	?				
Skaneateles					6.0	5.0		
Solvay	7.6	7.6	6.4	6.4				

AVERAGE	6.8 %	6.7 %	4.6 %	7.0 %	4.5 %	6.3 %
		↓		↓		
CAMILLUS	7.3 %	10.6 %	0.0	8.0%		

To determine the amount of the Camillus award, the 1977 salaries were prorated to calendar 1977, and were compared with the prorated 1978 calendar percentage increases of Table 3. The data was subjected to a mathematical curve-fitting process, and the Camillus 1977 salary was superimposed upon the curve.

The result was that, to achieve concert with the other area settlements and their pattern, an equitable salary program for Camillus for 1978 would be 7.0%. This is justified as follows:

1. The Town has shown very clearly and convincingly that its offer of 4.5% for 1978 would keep Patrolmen even on a purchasing power basis. However, such a settlement would be well below the average of area police settlements for 1978. Further, it is reported by PERB that police settlements have been ranging from 5.4% (arbitrated) to 6.2% (negotiated), thus providing further verification of the Onondaga County average of 6.3%.
2. A salary increase of 7.0% is in line with settlements elsewhere in the County. While it is above average, it is in precise agreement with the settlement pattern which has developed in the County for 1978.
3. The parties have previously reached agreement on an additional negotiated item of bulletproof vests, which will be purchased by the Town, and which will add an additional 0.7% to the 1978 settlement cost.
4. The cost of this total salary and fringe program is not much above what it would have cost the town if it had implemented its offer of last fall to improve the retirement plan from 375-C to 384. This offer was eventually taken off the table by the Town, but it

certainly raised expectations within the bargaining unit that a compensation in the vicinity of 7% would be in the offing.

5. The criteria which have been used are a combination of comparison of levels and movements of salaries paid by comparable jurisdictions within the county. This represents the main criterion of the legislation under which this arbitration takes place.

The factor of "ability to pay" is not of concern since the Town in its presentation at the hearing indicated that this criterion was not at issue.

Salary Increases for 1979

No data is available on salary improvements which have been agreed to in other jurisdictions within Onondaga County for 1979. The arbitration panel has to infer from changes taking place generally in the economy as to what the picture will look like during 1979.

Following the principle developed by the counsel for the Town, the salary improvement that would be applied as of 1 January 1979, could be viewed as a catchup for cost-of-living changes during the calendar year 1978. Presumably, these would be reflected in settlements taking place for 1979 and thereby would be relevant through a comparability test (to the extent that the cost of living is not brought in explicitly as a criterion for salary determination under this arbitration proceeding).

As of 1 May, the cost of living for 1978 has already advanced by approximately 3 percentage points. The pace of inflation gives every indication that the final figure for 1978 will be a minimum of 6% and could go into double digits. How much of this movement will be incorporated into salary changes in the private and public sector is open to speculation. Currently, wage and salary changes as negotiated in collective bargaining agreements around the country are running approximately 9% and there is every indication that this level will continue.

In choosing a figure for the salary program for 1979, considerable caution and conservatism needs to be exercised. It is a fundamental principle of salary determination in the public sector that it should follow and not lead developments elsewhere in the country. When the contract is negotiated for 1980, if it appears that salaries for Camillus have fallen behind due to the fact that the program applied for 1979 was on the low side as compared to developments elsewhere, then this fact can be taken into account during those negotiations. In other words, it is for the parties to work out the fine tuning of the salary system as it relates to developments that have occurred within the county, within the state and within the country generally.

We are persuaded to choose the lower bound on what is likely to be the salary improvement picture for the year 1979, largely a reflection of projected developments in the cost of living, and to choose 6%.

Accordingly, the arbitration panel determines that the salary structure both for Patrolmen and Sergeants (for all Steps - Entry to Maximum) should be raised by 7.0% as of 1 January 1978 and 6.0% as of 1 January 1979.

The panel affirms that, as previously agreed to by the parties, step increments shall be awarded to all eligible officers on 1 January 1978 and on 1 January 1979; and the 1978 salary award shall be paid retroactive to 1 January 1978, as previously agreed to by the parties.

The panel further affirms that the remaining items agreed to by the parties: Bullet proof vests, Bargaining Unit recognition, Grievance Procedure, and Employees bill of rights, shall be incorporated into the contract; and that all other provisions of the 1976-1977 Contract shall remain in effect through 31 December 1979.

Robert B. McKernie

Robert B. McKernie, Arbitrator
Public Member and Chairman

DATE

6/9/78

Garth C. Lux

Garth C. Lux, Arbitrator
Employer Member

Concurring

JUNE 12, 1978

(DISSENTING)

Sidney H. Greenberg, Arbitrator
Employee Member

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vs.

CAMILLUS POLICE BENEVOLENT ASSOCIATION

