

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In The Matter of Impasse Between)
VILLAGE OF BATH)
and)
BATH P. B. A.)
-----)

ARBITRATION AWARD
Case Nos. IA- 51; M77-788

Martin Ellenberg, Esq. - Public Panel Member and Chairman
Edward W. Noble - Employer Panel Member
William J. Courlis - Employee Organization Panel Member

The New York State Public Employment Relations Board, having been petitioned to appoint a public arbitration panel to resolve the impasse between the parties, duly designated the panel on July 3, 1978 according to the provisions of, and under the authority vested in the Board by, Section 209.4 of the New York Civil Service Law.

A hearing was held before the Panel, in Bath, on August 29, 1978 at which time each party, through its designated representatives, had ample opportunity to support its position by presentation of argument, testimony, evidence and exhibits, in the presence of and subject to cross-examination and rebuttal by the other party. Subsequently, as agreed during the hearing, the Village submitted by mail, copies of collective bargaining agreements to which it had referred in argument and in its Position Statement.

The parties had entered into a collective bargaining agreement, effective June 1, 1977. Article IV of that Agreement states:

This Agreement, and any amendments made and annexed hereto, shall commence on June 1, 1977 and continue in full force and effect until Midnight, May 31, 1979 for all items except Article XVII (Compensation) and as to that Article, Sections 1

thereof, the same shall be subject to re-opening and negotiation for the year June 1, 1978 to May 31, 1979, upon request for such re-opening not later than February 1, 1978.

Accordingly, the single issue placed before the Panel is the determination of the salary schedule for the year starting June 1, 1978.

Following conclusion of the hearing, the Panel met again in Binghamton on September 27, 1978 to resolve the issue before it. It should be noted that, this arbitration having resulted from a re-opening of an existing and continuing Agreement, the Panel determined that it would restrict its award to an across the board percentage revision of the '77-'78 rate structure (which provided for rate ranges of \$8755 to \$9925 for Dispatcher, \$9595 to \$11,030 for Police Officer and \$10,555 to \$11,580 for Sergeant).

In determining its award, the Panel attempted to give primary consideration to comparison of the Bath schedule to those of communities that appeared to be comparable. Such communities included Penn Yan, where the '78 - '79 rate for a Police Officer, after three years, is \$12,012.58; for a Sergeant, \$12,847.36. Likewise, the Wellesville rate for a Police Officer is \$12,200. The Fredonia salary schedule for the period May 1, 1977 to April 30, 1978 lists fifteen persons by name, not position, and shows one at \$14,300, five at \$13,000 to \$13,900, one at \$12,075, three at \$11,500 to \$11,950, and five at \$10,493.15 to \$10,900. The top rate for Steuben County Deputy Sheriffs appears to be \$11,375. However, an uncontroverted PBA exhibit alleges that a \$65.00 per month expense account converts the rate to \$12,155. Notably, all the preceding schedules were heavily relied upon by the Village in support of its position. The Village also included in its submission the

'77 - '78 Seneca Falls Agreement which showed a maximum, without longevity, for Officers (listed by name) of \$10,899.44; for Sergeants, \$12,167.41. And lastly, the Village of Medina Agreement for '78-'79 provides a rate for Patrolman (5th year) of \$11,245; for Sergeants (4th year), \$12,064.

In consideration of the level of comparable salary schedules suggested by the foregoing data, the Panel determined that an increase of 8.8% in the Bath P.B.A. schedule, effective June 1, 1978 would be appropriate..

Some additional aspects of such rate revision were considered by the Panel. For example, while the Consumer Price Index for the United States for June 1978 showed an increase of 7.4% over 1977, and for the Buffalo area an increase of 6.6% or 6.7% (depending on whether the "Consumer" or "Worker" index is used), an 8.8% increase was not considered excessive in view of the fact that the proposed rate of \$12,000 would not, on the basis of the submitted evidence, substantially change the position of the Village of Bath in a ranking of PBA salaries in New York State. And finally, notice must be taken that "ability to pay" was never an issue.

Accordingly, The Panel determines that the salary schedule, effective June 1, 1978, be as follows:

	Dispatcher	Police Officer	Sergeant
Minimum	\$ 9,525	\$10,440	\$11,485
Step 1	9,690	10,660	11,855
Step 2	9,845	10,885	12,225
Step 3	10,010	11,175	12,600
Step 4	10,160	11,555	

Continued-

Salary Schedule - continued

	Dispatcher	Police Officer
Step 5	\$10,330	\$12,000
Step 6	10,485	
Step 7	10,635	
Step 8	10,800	
	* * *	

Respectfully submitted,

October 12, 1978
 Sworn to before me this 12th day of
 Oct 1978

Martin Ellenberg
 Martin Ellenberg, Esq.
 Public Panel Member and
 Chairman

Berlene Crane
 BERLENE CRANE
 NOTARY PUBLIC, State of New York
 No. 137-20116
 Qualified in Queens County
 Cert. Filed in Kings County
 Commission Expires March 30, 1979.

Imogene C. Adams
 IMOGENE C. ADAMS
 NOTARY PUBLIC No. 0011-00
 State of New York, Steuben County
 My Commission expires March 30, 1979

Edward W. Noble
~~Concurring/Dissenting~~
 Edward W. Noble
 Employer Panel Member

Sworn to before me
 this 26 day of October, 1978

Deborah A. McGraw

DEBORAH A. MCGRAW
 State of New York
 Qualified in Albany County
 4625413
 Commission Expires March 30, 1979

William J. Courlis
~~Concurring/Dissenting~~
 William J. Courlis
 Employee Organization
 Panel Member