

NEW YORK STATE PUBLIC EMPLOYMENT
RELATIONS BOARD
Case No. M78-707; IA 118

001191579

CONCILIATION

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

AWARD OF PUBLIC
ARBITRATION PANEL

The undersigned arbitrators, having been duly designated pursuant to Section 209.4 of the New York Civil Service Law as a Public Arbitration Panel and having heard the proofs and allegations of the parties, do hereby make the following

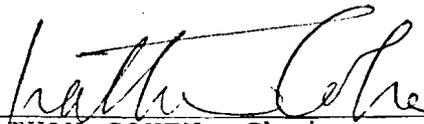
A W A R D

1. The collective negotiations agreement shall be for a period commencing January 1, 1979 through December 31, 1980.
2. The annual salary rates of police officers shall be:

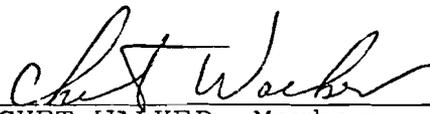
Rank	<u>Effective</u> 1/1/79	<u>Effective</u> 7/1/79	<u>Effective</u> 1/1/80	<u>Effective</u> 7/1/80
Capt.	\$27,207	\$28,425	\$29,644	\$30,930
Lt.	24,603	25,705	26,807	27,970
D/Sgt.	23,002	24,032	25,062	26,149
Sgt.	22,351	23,352	24,353	25,409
Det.	20,778	21,708	22,639	23,621
P.O.4	20,100	21,000	21,900	22,850
P.O.3	18,743	19,582	20,422	21,308
P.O.2	17,414	18,194	18,974	19,797
P.O.1	11,989	12,526	13,063	13,629

3. The issue involving work schedules and rotating days off is remanded back to the parties for further study and discussion.

4. All prior tentative agreements reached by the parties during their negotiations, as indicated in the record of this proceeding, shall be incorporated into the collective negotiations agreement.


NATHAN COHEN, Chairman


DAVID J. GILMARTIN, Member
(Affirm) (Dissent)
Paragraph Paragraph
1, 3 & 4 2


CHET WALKER, Member
(Affirm) (Dissent)
Paragraph Paragraph
1, 2 & 3 4

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

On this 16th day of October, 1979, before me personally came and appeared NATHAN COHEN, DAVID J. GILMARTIN and CHET WALKER, to me known and known to me to be the individuals described in and who executed the foregoing instrument and they acknowledged to me that they executed the same.


Notary Public

GRETA E. DONNELLY
NOTARY PUBLIC, State of New York
No. 52-4500971 - Suffolk County
Term Expires March 30, 19

0001007

NEW YORK STATE PUBLIC EMPLOYMENT
RELATIONS BOARD

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TOWN OF SOUTHAMPTON

and

TOWN OF SOUTHAMPTON POLICE BENEVOLENT
ASSOCIATION *

CONCILIATION

OPINION OF CHAIRMAN

* OF PUBLIC ARBITRATION

PANEL

The Public Arbitration Panel

Nathan Cohen, Public Panel Member and Chairman

David J. Gilmartin, Employer Panel Member

Chet Walker, Employee Organization Panel Member

APPEARANCES:

For the Town

Kaufman, Bannon & Kaufman

by J. Ozias Kaufman, Esq.

For the P.B.A.

Hartman & Lerner

by Reynold A. Mauro, Esq.

The Panel members were designated in accordance with Section 209.4 of the New York State Civil Service Law to hear and determine the contractual issues which remain unresolved between the parties. A hearing was held before the Panel on August 3, 1979 in Riverhead, N. Y. Both parties were present and were afforded an opportunity to present evidence and argument in support of their respective contentions.

At the commencement of the hearing the Town took the position that the only unresolved issue before the Panel was the salary issue. It alleged that all other issues had

been negotiated and either settled or withdrawn by the parties. The Town stated, and the P.B.A. agreed, that its participation in the this proceeding shall not be considered as a waiver of any rights it may have to file Improper Practice Charges in the event issues other than salary are considered by the Panel. The hearing evidence and argument focused almost exclusively on the salary issue. However, during the course of the hearing the Town did agree to discuss a possible revision in the work duty chart of police officers provided such revisions would not result in additional costs to the Town or in reduced police services.

Section 209.4 of the Civil Service Law charges the Panel with the following responsibility:

(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 wages, hours, and conditions of employment of other employees performing 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.

The Town of Southampton is located in the eastern part of Suffolk County. The income of its residents depend largely on agriculture and summer resort business. It is unlike the western townships in Suffolk County insofar as the latter are more urbanized and industrialized.

The P.B.A. represents a unit of approximately 47 officers from the rank of patrolman through that of captain. The police services a population of about 45,000 in a 145 square mile area. In addition to the Town police force, police personnel from the County, the State and various villages in the Town work with the Town police on occasions where jurisdictions may overlap or where back-up manpower is needed. Similarly, the Town police work with other police forces as the situation may demand.

The P.B.A. salary demands are \$21,000.00 annually in 1979 and \$23,000.00 annually in 1980 for a fourth year police officer. The Town urged that any salary increase be

limited to the 6 or 6½% annual rise in the cost of living which was being projected at the end of 1978, the time when the contract involved in this proceeding should have been completely negotiated. The Town also cautions that it cannot accede to any salary increase which would violate the presidential 7% maximum annual wage increase guideline.

The evidence submitted at the hearing indicates that although the Town police are among the highest paid in the eastern end of Suffolk County, they rank only 7 highest out of 16 police jurisdictions in the County as a whole. The statistics, however, also indicate that the Town police work a greater number of days yearly than most other police departments and thus, their per diem salaries are only about average even for the eastern end of the County. There was also evidence that the Southampton Town police, historically, were paid salaries at a level which lagged about a year behind the level of Suffolk County police salaries. In 1978, fourth year County patrolmen received \$21,000.00 and in 1979, they received approximately \$23,000.00.

In addition, the police statistics show that the Town has a ratio of 8 police officers per 10,000 population, the lowest in the County and that there has been a substantial increase in the average number of criminal and non-

criminal incidents handled by each police officer in recent years while the number of police officers in the department had been reduced in recent years. It was noted that currently a Southampton Town police officer handles an average of 787 incidents annually while the Suffolk County police officers handle only an average of 223 incidents annually.

A municipal financial consultant testified regarding his analysis of the Town's financial situation. He stated that from his analysis of past and projected Town budgets and other data he concluded that the Town had a sound and conservative financial management, that it has borrowed only 1.31% of its legal borrowing capacity, that it had appropriately built up surpluses in various accounts so as to provide for unseen contingencies, that it has made provision in its projected budget for 1979 for some salary improvements and that the granting of P.B.A. demands will result only, at most, in a small tax increase.

After having considered the evidence presented to the Panel, it is obvious that the police officers of the Town of Southampton have a high degree of productivity in a relatively dangerous occupation and that their productivity is being increased as a result of unfilled vacancies in the department and because of the greater number of days they work yearly in comparison with most other police

officers in the County. It is also obvious that although the base annual salaries of these officers may be high in the eastern end of the County such annual base salaries, standing alone, do not reflect actual lower per diem salaries, nor other supplemental monetary payments which may be received by other police officers. Cognizance was also taken of the continuing increases in the Consumer Price Index and of the historical salary lag between Town and County police salary levels.

With respect to the financial ability of the Town to pay the increases, the evidence given at the hearing was persuasive that the Town has the financial capability to grant its police officers reasonable wage increases.

Based on all the above factors, it was deemed appropriate to award the Southampton Town police officers salary raises which would approximate the cost-of-living rise anticipated at the end of 1978, which would retain the historical lag between Town and County police salaries, and which would conform with the presidential guideline limits on salary increases. The Award which is made in semi-annual increments, accommodates the above mentioned concerns by deferring part of each year's salary increase for six months. This appears to reduce the average annual percentage increase to within permissible limitations especially

if the percentage increase is computed on total annual earnings of the police officer instead of on the artificially lower base salary.


NATHAN COHEN, Chairman

Dated: October 16 1979

