

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD
CASE NO. IA 84-10; MB4-30

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In the Matter of Interest Arbitration

* - between - *

A W A R D

VILLAGE OF ANGOLA

A N D

* - and - *

O P I N I O N

ANGOLA POLICE BENEVOLENT ASSOCIATION

* * * *

REPRESENTATION:

For the Union

John Persinger, Spokesman
Thomas Grupe, PBA President
James Nichols, Patrolman

For the Employer

Kenneth J. Herman, Spokesman

For the Panel

Samuel Cugalj, Public Panel Member and Chairman
Cynthia Provenzo, Employee Organization Panel Member
Lawrence E. Eyres, Employer Panel Member

On August 6, 1984, the New York State Public Employment Relations Board designated a three (3) member Public Arbitration Panel to resolve the contract impasse between the Village of Angola and the Angola Police Benevolent Association (hereinafter referred to as "EMPLOYER" and "UNION" respectively).

On October 11, 1984, a Hearing was held in Angola, New York, to hear the issues in this impasse. The Panel received one (1) Joint, six (6) UNION, and thirteen (13) EMPLOYER Exhibits. The parties chose not to submit Post-Hearing Briefs. The Panel met in Executive Session on October 18, 1984, in Angola to review their Hearing notes, Exhibits, independent research data, and took into consideration the following criteria as required by Section 209.4 of the Taylor Law as follows:

"(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 the 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 interest 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 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."

A W A R D

Issue 1 - Salaries

- a. Article 14, Section 2 is amended to provide for an increase of \$1,200 effective 6/1/84, and \$1,200 effective 6/1/85.
- b. This AWARD is not to interfere with the prior Agreement between the parties to increase salaries by \$500 effective 1/1/85 and \$500 effective 6/1/85, to bring those patrolmen who are currently employed but will not reach the base salary until 6/1/85. Refer to Page 8 in the Opinion for more detailed clarification.
- c. This AWARD is retroactive to 6/1/84, and retroactive monies will be payable no later than thirty (30) days from the date of this AWARD.

Issue 2 - Retirement

The demand of the UNION for Plan 384-d is denied.

Issue 3 - Prescription Rider

If the Prescription Rider is provided at any future date for employees of the Village through negotiations and/or independent Village Board action, the PBA will be included under such coverage without further negotiations.

Issue 4 - Eye Care Plan

{UNION declined to present this item.}

Issue 5 - Term of Agreement

A two (2) year Agreement covering the period from June 1, 1984, through May 31, 1986.

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O P I N I O N

Issue 1 - Salaries

At the Hearing, the UNION's position was salary parity with the Town of Evans' police salaries, or a new base salary

of \$23,011; the EMPLOYER offered \$750 in the first year and \$1,000 in the second year for a base salary of \$17,270 after the second year increase.

Comparison With Other Units

EMPLOYER Exhibit G indicates that since 12/83, the statewide settlement of police/fire negotiated settlements and arbitration panel awards averaged 5.8%, even though the survey included eleven (11) cities, one (1) town, and two (2) counties, all with greater revenue and/or taxing resources than the twelve (12) villages listed therein. Independent analysis of PERB data was generally compatible with the data provided by the parties.

The Panel closely reviewed EMPLOYER Exhibit E which lists the villages in Erie County which are similar in size to Angola. Four (4) of the ten (10) villages have abolished their police departments and have contracted for police services with the County. Of the remaining six (6) villages, Angola has the lowest population at 2,300 (others range from 2,713 to 6,850); and lowest assessed valuation at \$3,709,433 (others range from \$5,530,797 to \$20,604,002). UNION exhibit 1 shows the Town of Evans

with a population of 17,900 and an assessed valuation of \$22,193,148. The disparity in comparison criteria is further illustrated by looking at department size, with Angola having three (3) patrolman, six (6) other villages ranging from 11-31, and the Town of Evans with eighteen (18) police officers.

In comparing the Panel's AWARD with the EMPLOYER'S only other bargaining unit, the DPW, the latter has already agreed on a two (2) year agreement calling for a \$0 increase in 1984 and a \$2,000 salary increase in 1985.

The Panel believes its salary AWARD of \$1,200 in each of two years (8% and 7% respectively) makes the UNION competitive at the entry level although not as competitive at the top step. The Panel rationalizes the latter with the unusual disparity between Angola and the comparison municipalities discussed earlier, and the EMPLOYER's financial limitations.

Lastly, to avoid any misunderstanding or confusion, the Panel provides the following breakdown of salaries to be paid under this AWARD and the Prior Agreement between the parties cited earlier.

BASE PAY

	James Davis	James Nichols	Thomas Crupe
May 31, 1984	\$14,020.00	\$14,020.00	\$15,520.00
6/1/84 Prior Agreement	500.00	500.00	- 0 -
AWARD Increase	<u>1,200.00</u>	<u>1,200.00</u>	<u>1,200.00</u>
	\$15,720.00	\$15,720.00	\$16,720.00
1/1/85 Prior Agreement	<u>500.00</u>	<u>500.00</u>	<u>- 0 -</u>
	\$16,220.00	\$16,220.00	\$16,720.00
6/1/85 Prior Agreement	500.00	500.00	- 0 -
6/1/85 AWARD Increase	<u>1,200.00</u>	<u>1,200.00</u>	<u>1,200.00</u>
JUNE 1, 1985	<u>\$17,920.00</u>	<u>\$17,920.00</u>	<u>\$17,920.00</u>

Ability to Pay

The Panel believes the budget does provide the wherewithal for the salary increases in this AWARD. The EMPLOYER's future financial situation appears to be more limited as indicated by the decline of previous revenue transfers from the Water Fund to the General Fund from gains realized from the sale of water. In 1983-84 and 1984-85, the Water Fund transferred \$64,000 and \$44,000 respectively to the General Fund. In fiscal 1985-86, because of the capital improvement project's completion, full debt payment will be required, making the availability of monies from the Water Fund questionable. This situation may very well severely impact the tax rate if other revenue sources are not developed.

There were no compelling reasons for the Panel to justify granting the UNION's request for parity with the Town of Evans, which has a much larger bargaining unit, with greater revenue and taxing ability, and the EMPLOYER's budgetary limitation.

Federal revenue sharing of \$17,544 is applied fully to police salaries, and the continuation and amount of this program is not guaranteed in future years.

The Panel noted that 1980 census shows a population decline of 15% for Angola; only one (1) new home has been built in the last four (4) years; property taxpayers have seen their tax rate increase 18.6% over the last three (3) years; and the 1984-85 tax rate increased \$3.79/\$1,000.

Finally, the AWARD compares favorably with changes in the Consumer Price Index of approximately 3% from 1983.

Peculiarities of the Trade

The Panel accepts the fact that police work is a demanding and dangerous occupation, and this circumstance was weighed against the other criteria outlined above. The Panel also noted the peculiarities associated with some of the more advanced job qualifications in the EMPLOYER'S other bargaining unit.

Issue 2 - Retirement

This demand would increase the EMPLOYER'S cost by 11.8% annually, plus an immediate going-in cost of \$9,888 for retirement plan 384-d. No comparable sized police department was identified as having the 384-d plan, and the UNION did not justify its higher increased cost. The

EMPLOYER's DPW bargaining unit is in the same general municipal retirement plan [75-c] that the UNION has [375-c].

Although the Panel understands the reasons for the UNION demand, the latter cannot be justified at this time when weighed against other factors outlined above.

Issue 3 - Prescription Rider

The Panel believes its AWARD to be acceptable to the parties from their respective positions at the Hearing.

Issue 4 - Eye Care Plan

(UNION declined to present this item at the Hearing, and the Panel accordingly did not include it in its AWARD.)

Issue 5 - Term of Agreement

The parties were negotiating for a two (2) year Agreement, and the Panel felt its AWARD should parallel their efforts in this regard. The granting of retroactivity by the Panel is consistent with what is believed to be a commonly accepted practice.

DATED: November 16, 1984

