

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

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In the Matter of the Compulsory Interest  
Arbitration Between

**THE CITY OF GENEVA**

-and-

**THE GENEVA FIREFIGHTERS LOCAL 2859**

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**NYS PUBLIC EMPLOYMENT RELATIONS BOARD**  
**RECEIVED**  
PERB Case No.: IA86-34;  
**AUG 1 1987** M86-432

**CONCILIATION**

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**BACKGROUND FACTS**

The City of Geneva (hereinafter referred to as "City") and the Geneva Firefighters Local 2859 (hereinafter referred to as "Union") were parties to a two-year collective bargaining agreement, effective from January 1, 1985, through December 31, 1986, governing the terms and conditions of employment of the City's firefighters. After extensive negotiations for a successor contract, the parties reached agreement on a number of issues. The City agreed that Union members would receive twelve hours of pay, as opposed to the eight hours provided for in the expired contract, for each of thirteen holidays. In addition, the City agreed to increase longevity pay by \$75 at each step of the longevity scale, and to increase each member's uniform allowance by \$50. The City also increased guaranteed overtime by 1% of base salary in 1987, and by an additional 1% in 1988.

The parties were nonetheless unable to come to an agreement on a salary schedule for 1987 and 1988, and an impasse was declared to exist. Marilyn Zahm was appointed mediator by the Public Employment Relations Board, and mediation was conducted.

The parties being unable to resolve their differences petitioned the State of New York Public Employment Relations Board for the designation of a public interest arbitration

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panel. On April 14, 1987, the New York State Public Employment Relations Board, under Section 2094 of the New York Civil Service Law designated this public arbitration panel for the purpose of making a just and reasonable determination of this dispute. In arriving at our determination, this panel compared 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; the interest and the welfare of the public and the financial ability of the public employer to pay; and comparison of peculiarities in regard to other trades or professions including specifically:

- (1) hazards of employment;
- (2) physical qualification;
- (3) educational qualifications;
- (4) mental qualifications;
- (5) job training and skills.

#### PROFILES OF THE PARTIES

A profile of the parties is taken from the employer's memorandum submitted on behalf of the City of Geneva:

##### A. The Union

The City's fire protection component is made up of paid individuals, including the members of the Union, as well as a

large number of volunteer firefighters. Although the Union's members are paid fire personnel, it is the volunteer firefighters who are responsible for actually fighting fires. The responsibilities of the bargaining unit members, on the other hand, are limited to driving volunteers to the scene of a fire and manning the pumper apparatus. Thus, unlike the case in most jurisdictions maintaining paid fire personnel, the Union members involved here act primarily as drivers, and only in rare emergencies are they ever expected to perform actual firefighting duties.

The bargaining unit currently consist of twenty-one drivers. At the time the 1985-86 agreement expired, eighteen of these individuals had attained the maximum salary level of \$19,740. The three remaining drivers were at the first step of the salary schedule, earning \$17,757 for the year. As a result, the City was paying out a total of \$408,591 in salary alone to its fire drivers.

B. The City of Geneva

Geneva is located within Ontario County in Western New York. As evidenced by the most recent figures reported in The 1986 Municipal Yearbook, put out by the International City Management Association, Geneva had a 1984 census population of approximately 15,000 people. This marks a decrease in the City's population of 3.1% from 1980. In addition, the City's

per capita income figure for 1983 is \$8,051, about 26% lower than the \$10,809 average prevailing in Ontario County as a whole. The Nelson A. Rockefeller Institute of Government, 1985-86 New York State Statistical Yearbook (1986).

**POSITION OF THE PARTIES**

The Geneva firefighters are currently paid according to a four-step salary scale which allows them to obtain the maximum salary after only three years of employment. Said salary schedule is as follows:

	<u>1st Year of Service</u>	<u>2nd Year of Service</u>	<u>3rd Year of Service</u>	<u>4th Year of Service</u>
1983	\$15,124	\$15,688	\$16,249	\$16,813
1984	\$16,183	\$16,786	\$17,386	\$17,990
1985	\$16,952	\$17,583	\$18,211	\$18,845
1986	\$17,757	\$18,418	\$19,076	\$19,740

Based on above figures, the drivers have secured the following salary increased in past years:

1984	7.00%
1985	4.75%
1986	<u>4.75%</u>
Total	16.50%

The Union's last proposal calls for a 7 percent increase in salary at each step of the schedule in 1987 and 1988. The City has proposed a salary schedule representing an increase in

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the minimum and maximum salaries of 4 percent each with equal increments between each intermediate step.

The Union maintains that the firefighter has been a forgotten public servant when it comes to salaries and working conditions. In its Brief, the Union cited the many hazards that a firefighter must cope with in order to fulfill his job responsibilities. The Union pointed out that it takes a professional firefighter to fight fires; equipment alone does not fight fires. Today's firefighter, according to the Union, must be better trained and better skilled to handle equipment, apply knowledge, and utilize his/her experience to combat the hazards and threats of the job.

The Union maintains that due to different pressures on the economy that they, on behalf of their constituents, seek to preserve former purchasing power and also, to effect the betterment of living standards. The Union submitted the following figures showing cities, some of a comparable size with the City of Geneva, to give an indication of the firefighters' salaries in other communities:

<u>Contract Year</u>	<u>City</u>	<u>Population</u>	<u>Entry Level</u>	<u>Top</u>	<u>Retirement</u>
1986	Geneva	15,000	\$17,757	\$19,740	25 years
1986	Cortland	20,000	\$15,759	\$22,361	20 years
1987	Auburn	32,500	\$19,448	\$25,720	25 years
1987	Batavia	17,500	\$20,078	\$23,521	25 years
1987	Canandaigua	12,000	\$17,395	\$22,182	20 years
1987	Fulton	17,500	\$16,492	\$24,842	20 years
1987	Ithaca	32,000	\$19,421	\$26,659	20 years

In conclusion, the Union maintains that their members are well behind the wages now being received by other area fire departments and firefighters doing the same job irrespective of department size or geographical location. The Union maintains that they have shown conclusively that the increase salary requested is well deserved and needed to keep up with the general wage pattern in the community.

The City maintains that any salary increases granted for 1987 and 1988 must take into account the substantial salary increases received by the Union members in past year, as well as the continued increase in taxes necessary to finance these increases. According to the City, from 1983 through 1986, members of the bargaining unit have received salary increases well in excess of the rates of inflation prevailing at those times. According to the statistics submitted by the City, the firefighters received a 16.5 percent salary increase over the years 1984 to 1986. During that same time, argues the City, national inflation, as measured by rises in the All Cities Consumer Price Index for Urban Wage Earners and Clerical Workers was only 7.8 percent. Thus, argues the City, salaries increased by more than double the rate of inflation over the past three years.

The City's proposal for a 4 percent increase in the salary paid to firefighters is more than justified, argues the City,

when one compares what the City's police officers receive, and have received by way of compensation. The City submitted statistical data comparing the two units, police and fire, all of which, according to the City, demonstrate that the firefighters enjoy a number of salary provisions more favorable than those governing the City's police officers despite the fact that the risks involved in acted as a police officer far exceed those encountered by the drivers. The City points out that they have settled 1987-88 contracts with four other bargaining units as follows:

<u>Unit</u>	<u>1987-88 Wage or Salary Increase</u>
Water and Sewage Workers (AFSCME, Local 932)	4.0% each year
Public Works Foremen	4.5% each year
Police Command Officers	4.5% each year
Municipal Employees	4.5% each year
Police Officers	4.5% each year

#### DETERMINATION

This public arbitration panel in arriving at its determination, studied the statistical data submitted by the parties comparing a firefighter's salary and benefits with comparable fire departments as well as settlements with other departments within the City of Geneva, and lastly, with the

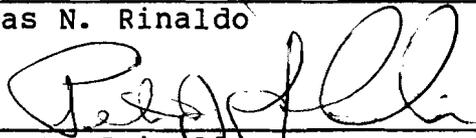
private sector wages paid in the community. We have, in arriving at our determination, carefully considered the employer's ability to pay as well as the peculiarities and difficulties a firefighter encounters in their normal day-to-day duties. We believe that the following award is a fair and equitable resolution of the dispute between the parties.

AWARD

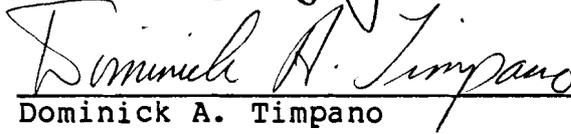
For the year 1987, 5 percent retroactive to January 1, 1987.  
For the year 1988, 4 percent.



Thomas N. Rinaldo



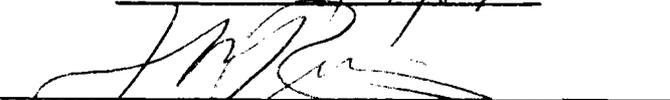
Peter J. Spinelli



Dominick A. Timpano

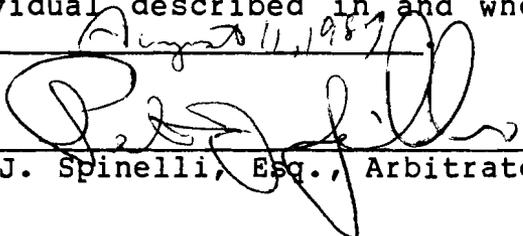
STATE OF NEW YORK)  
                                  SS:  
COUNTY OF ERIE     )

I, THOMAS N. RINALDO, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this Arbitration Award on 8/27/87.

  
Thomas N. Rinaldo, Esq., Arbitrator

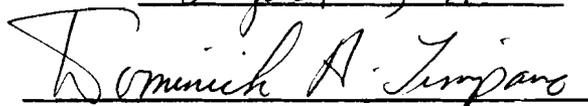
STATE OF NEW YORK)  
                                  SS:  
COUNTY OF ERIE     )

I, PETER J. SPINELLI, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this Arbitration Award on August 11, 1987

  
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Peter J. Spinelli, Esq., Arbitrator

STATE OF NEW YORK)  
                                  SS:  
COUNTY OF ERIE     )

I, DOMINICK A. TIMPANO, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this Arbitration Award on August 11, 1987.

  
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Dominick A. Timpano, Arbitrator