

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

**NYS PUBLIC EMPLOYMENT RELATIONS BOARD  
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**JUL 27 1994**

**CONCILIATION**

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In the Matter of the Interest Arbitration

Between

THE CITY OF SYRACUSE

and

CASE NO. IA93-027,  
M93-206

SYRACUSE FIRE DEPUTY CHIEFS ASSOCIATION

represented by

SYRACUSE FIREFIGHTERS ASSOCIATION,  
LOCAL 1888, IAFF, AFL-CIO

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**PRELIMINARY STATEMENT**

The New York State Public Employment Relations Board having determined that a dispute continues to exist in the collective negotiations between the City of Syracuse (hereinafter, "City") and the Syracuse Fire Duty Chiefs Association (hereinafter, "Association"), a Public Arbitration Panel, pursuant to Section 209.4 of the New York Civil Service Law, was designated.

The Parties stipulated that this Award should cover the period January 1, 1993 through December 31, 1993.

A hearing in this matter was held on Friday, March 25, 1994, at which time the Parties were afforded a full and fair hearing, including the right to present oral and documentary evidence, to summon witnesses and to engage in their examination and cross-examination. Post-hearing briefs were dated and exchanged on May 11, 1994, at which time the record was closed. The Panel met in Executive Session on June 1, 1994.

This Panel in making its determination considered the following statutory criteria as required by Section 209.4 of Article 14 of the Civil Service Law:

. . . .

(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 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 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;

control, training and personnel. The regular work week for a Deputy Chief is Monday through Friday, 8:30 a.m. to 4:30 p.m. The Deputy Chiefs also serve tours of duty as the Fire Department's Duty Chief. In that capacity, their responsibilities include staffing, directing fire fighting responses, inspecting quarters, equipment and records at department installations, responding to working fires, and supervising and disciplining subordinates.

The Department operates 12 engine companies and six truck companies. A squad company provides additional manpower, and a rescue company is used for extrication and medical emergencies in addition to fire fighting operations. A hazardous materials unit responds to emergencies involving other specific dangers.

### SALARIES

#### THE ASSOCIATION'S REQUEST

The Association requests that Deputy Chiefs receive a base annual salary of \$59,853.00 for calendar year 1993. This represents an increase of \$4,942.00 or nine (9) percent.

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.

(vi) the determination of the public arbitration panel shall be final and binding upon the parties for the period prescribed by the panel, but in no event shall such period exceed two years from the termination date of any previous collective bargaining or if there is no previous collective bargaining agreement then for a period not to exceed two years from the date of determination by the panel. Such determination shall not be subject to the approval of any local legislative body or other municipal authority.

(vii) the determination of the public arbitration panel shall be subject to review by a court of competent jurisdiction in the manner prescribed by law.

#### BACKGROUND FACTS

The City of Syracuse lies within Onondaga County, roughly in the geographic center of New York State. The City covers an area of 25.1 square miles and has a population of approximately 164,000 residents. It is the fourth largest city in New York State, excluding New York City.

The Fire Department has a Chief, a First Deputy Chief, the six Deputy Chiefs comprising the bargaining unit and 430 line fire fighters, officers, and District Chiefs. Deputy Chiefs are supervisory officers whose duties including fire prevention, fire

**THE CITY'S PROPOSAL**

The City proposes a two (2) percent general salary increase effective July 1, 1993.

**THE CITY'S POSITION**

The City contends that their two (2) percent general salary increase is fair and reasonable considering the City's financial condition, wages and salaries paid to other City employees, and the wages and salaries paid to comparable employees in comparable communities.

The City argues that equality of treatment among its employees generally, and its public safety forces in particular, should be of paramount importance to this Panel when addressing the 1993 contract issues, for two related reasons.

First, the City points to the unanticipated down turn in the City's financial condition in recent years and particularly since 1990. According to the City, the City's fiscal health has not recovered and, indeed, the future looks grim. The City opines, that this is no time to be awarding City employees salary increases or benefit enhancements which are disproportionate to what other City employees have received.

Second, the Fire Deputy Chiefs historically have enjoyed absolute parity with the line fire fighters, police officers and police deputy chiefs in the annual salary increases from the City.

Regarding the City's fiscal condition, the City contends that their structural revenue problems have as it root State and County aid cutbacks that began in 1990. In addition to State and County aid cutbacks, local property tax base has continued to erode and sales tax revenues are about even. Revenue losses have dictated dramatic spending cuts in both personnel and non-personnel areas. The City has been required to use 10.9 million dollars in non-recurring resources to fund on-going operations. Because of the City's fiscal conditions, City employees shared in a two-year wage freeze and in modest increases of two (2) percent made available for 1993. The City contends that there is no basis for treating the Fire Deputy Chiefs differently.

The City reasons that all revenues including any increased revenues from the property tax levy must be used to support existing services and employee compensation levels.

According to the City, their budget problems do not stem from increases in spending alone but also from expenditures beyond the City's control such as utility rate increases and higher costs to provide employees with previously negotiated health and dental coverage and retirement benefits.

The City points out that current years expenditures consistently are out-pacing current year revenues and as a result

the City has been forced to draw on its surplus revenue to end each year "in the black". According to the City, the intermediate term outlook for the City's financial health is quite sobering. By using non-recurring resources to balance the 1993 budget, it is evident that the City continues to have a budget problem.

The City recently approved its 1994-95 budget. Even if all of the assumptions in the plan are realized -- such as the assumption of an additional \$13 million in State funding for the City and its financially dependent school district, the budget hole for the 1995-96 year is conservatively estimated at \$14 million, points out the City.

The City opines that the single most important factor to be considered by the Panel in this proceeding is the comparability of the Fire Deputy Chiefs salaries and benefits to those of other City employees, particularly the public safety forces of which they are a part.

The following analysis was offered by the City to demonstrate that the fire fighters and police officers have received exactly the same percentage increase over the past years. The following chart also shows that parity has been maintained between these units and the Fire Deputy Chiefs.

**COMPARISON OF CITY BASE WAGE INCREASES 1983-1993**

**(Principal City Unions)**

Year	CSEA (White Collar)	AFSCME (Blue Collar)	AFSCME (Foreman)	PBA (Police)	IAFF (Fire)	DEPUTY CHIEFS
1983	5.00%	5.00%	5.10%	5.50%	5.50%	5.50%
1984	5.50%	5.00%	5.00%	5.50%	5.50%	5.50%
1985	5.50%	5.00%	5.00%	5.50%	5.50%	5.50%
1986	5.50%	5.50%	5.00%	5.50%	5.50%	5.50%
1987	4.00%	4.00%	4.00%	6.00%	6.00%	6.00%
1988	5.00%	4.25%	5.00%	6.00%	6.00%	6.00%
1989	4.50%	3.90%	4.50%	5.00%	5.00%	5.00%
1990	4.00%	2.64%	4.00%	5.00%	5.00%	5.00%
1991	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1992	0.00%	0.00%	0.00%	0.00% 8.16%(1)	0.00% 8.16%(2)	0.00% 8.16%(3)
1993	5.00%	5.00%	5.00%	2.00% eff. 7/1	2.00% eff. 7/1	2.00% eff. 7/1 offered
Total	44.00%	40.29%	42.60%	52.16%	54.16%	52.16%

1. Arbitrator John Sands awarded 4% increases for 1991 and 1992 effective 12/31/92.
2. Local 280 negotiated a three year contract (1991-93) which included the Sands' deferred 4% increases effective 12/31/92 and 2% effective 7/1/93.

Based upon the foregoing, the City submits that the Fire Deputy Chiefs should receive for 1993 the salary increase of two (2) percent offered by the City, which increase maintains the historic parity between this unit and the line fire fighters.

1991-93 THE WHOLE PICTURE

**Line Fire Fighters**

	<u>Base Wage Increase</u>	<u>Other Benefits</u>
1991	4%	three call sick days
1992	4%	Base Wage Increase Equivalent: 0%
1993	2%	\$ 384-e Base Wage Increase Equivalent: 2.5%

**Deputy Chiefs**

	<u>Base Wage Increase</u>	<u>Other Benefits</u>
1993	4%	Extra Duty Compensation increased from \$ 1,900 to \$4,000. Base Wage Increase Equivalent: 4.1%
1992	4%	
1993	?	\$ 384-e Base Wage Increase Equivalent: 2.5%

The City maintains that there are nine appropriate comparable communities that this Panel must look at in discharging its statutory obligation under the Taylor Law. Salary paid to Fire Deputy Chief (or those performing the most similar services and requiring similar skills under similar working conditions in those communities) for the years 1990-93 are summarized as follows:

**SALARIES IN COMPARABLE MUNICIPALITIES**

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
<u>Albany</u> (Dep. Chief) (N-OR)	n/a	\$56,339	\$59,156	\$60,931
<u>Binghamton</u> : (1st Asst. Ch.)	\$40,986	\$43,445	\$46,052	\$46,052
<u>Buffalo</u> : (Div. Chief)	\$47,551	\$49,453	\$49,453	\$54,124
<u>Niagara Falls</u> : (Dep. Chief) (N-OR)	n/a	\$53,000	\$50,000	\$54,600
<u>Rochester</u> : (Dept. Chief) (N-OR)	\$58,759	\$61,697	\$64,164	\$71,120 (1)
<u>Rome</u> : (1st Dep. Chief)	n/a	\$37,800	\$40,098	\$42,536
<u>Shenectady</u> : (Dep. Chief)	\$38,104	\$40,009	\$40,009	\$42,548
<u>Troy</u> : (Asst. Ch.)	\$48,612	\$51,529	\$53,074	\$55,196
<u>Utica</u> : (Asst. Ch.)	n/a	\$50,173	Negotiating	
		Avg: <u>\$49,272</u>	<u>\$50,251</u>	<u>\$53,246</u>
<u>Syracuse</u> : (Dep. Chief)	\$50,768	\$50,768	\$54,911 (12/31)	\$56,009 (7/31) offered

(1) Average Deputy Chief salary. Last general salary increase was 1992. Figure includes holiday pay and longevity which were added to the base in 1993 for purposes of future salary increases.

N-OR = not organized

**POSITION OF THE ASSOCIATION**

The Association contends that the Syracuse Deputy Chiefs are underpaid in comparison to similar workers employed by the

statutorily mandated comparable communities. The Association cites comparable communities to be: Syracuse, Rochester, Yonkers, and Buffalo.

In regard to the City of Rochester, the Association contends that the Panel should take judicial notice of the fact that a Fire Department Deputy Chief must possess qualifications, job training, and skills that are superior to those possessed by Fire Department Captains and Battalion Chiefs. It therefore follows that Deputy Chiefs should be compensated at much higher rates than Captains. However, Syracuse Deputy Chiefs earn \$54,911.00 while top step Rochester Captains earn \$50,699.00 for the year July 1, 1992 through June 30, 1993. Thus, Syracuse Deputy Chiefs earn only \$4,212.00 more than Rochester Captains earned in the 1992-93 year, even though the Captains are two full classifications subordinate to Deputy Chiefs.

The top step Rochester Battalion Chiefs, who are one full classification subordinate to Deputy Chiefs, earn \$57,209.00 in the 1992-93 year, which is \$2,298.00 more than the Syracuse Deputy Chiefs.

In the City of Buffalo, Division Fire Chiefs who have responsibilities substantially less than that of Syracuse Deputy Chiefs, earn \$54,124.00 in 1993.

In the City of Yonkers, Yonkers Captains, who are two full classifications subordinate to Deputy Chiefs, earn \$58,902.00 in

1992. Thus, in 1992, a Yonkers Captain earned \$3,991.00 more than a Syracuse Deputy Chief.

The Association submits that the City's financial condition is not weaker than the financial condition of Rochester, Yonkers or Buffalo.

According to the Association, Syracuse is in a far superior position than Buffalo, Rochester, and Yonkers, with respect to sales tax revenue. The following chart was submitted for the Panel's consideration.

ITEM		BUFFALO	ROCHESTER	SYRACUSE	YONKERS
Real Property Taxes and Assessments	1992	\$60,493,000	\$38,617,000	\$14,419,000	\$32,151,000
	1991	\$55,474,000	\$36,473,000	\$14,819,000	\$31,748,000
Real Property Taxes & Assessments Per Person	1992	\$184.36	\$166.71	\$87.99	\$170.94
	1991	\$169.00	\$157.00	\$89.00	\$169.00
Sales Tax Revenues	1992	\$44,504,000	\$43,457,000	\$45,272,000	\$32,635,000
	1991	\$43,515,000	\$43,324,000	\$47,249,000	\$32,320,000
Sales Tax Revenues Per Person	1992	\$135.63	\$187.61	\$276.28	\$173.51
	1991	\$132.62	\$187.03	\$288.35	\$171.84
Fire Expenditures (Current Operations)	1992	\$53,351,000	\$30,977,000	\$26,014,000	\$34,526,000
	1991	\$42,029,000	\$29,560,000	\$25,073,000	\$32,797,000
Population		328,123	231,636	163,860	188,082
No. of Times Sales Tax Revenues Would Cover Fire Expenditures (Current Operations)	1992	0.83	1.40	1.74	0.95
	1991	1.03	1.47	1.88	0.99
No. of Times Real Property Taxes & Assessments Would Cover Fire Expenditures (Current Operations)	1992	1.13	1.25	0.55	0.93
	1991	1.32	1.23	0.59	0.97

Sources: Special Reports on Municipal Affairs for Local Fiscal Years Ended in 1991 and 1992, published by the State of New York, Office of the State Comptroller, released December 1992 and 1993.

The Association contends that the foregoing chart demonstrates that the real property tax burden on the citizens of Buffalo is such that if you took all of Buffalo's real property taxes and assessments, it would cover the City's fire expenditures 1.13 times in 1992, and 1.32 times in 1991. Rochester's would cover their expenditures 1.25 times and 1.23 times, and Yonker's would cover their expenditures 0.93 times and 0.97 times.

The Association reasons that in the City of Syracuse real property taxes and assessments cover only about 55 percent of the City's fire expenditures. According to the Association, the problem is not that the City's fire expenditures are too high, it is that the City's real property tax revenues are too low.

The Association contends that their salary request should be granted because the hazards and risks a Deputy Chief is exposed to are voluminous and substantive, and because the hazards and risks the Deputy Chiefs are subjected to are identical to the hazards and risks that similar workers are exposed in the comparable communities of Yonkers, Buffalo, Rochester.

The Association points out that a Syracuse fire fighter sustains a number of line-of-duty injuries each year. In 1993, Syracuse fire fighters reported a total of 104 line-of-duty injuries of varying severity. Thus, more than one out of five Syracuse fire fighters and officers were injured in the line-of-duty in 1993.

The Association reasons that the City is not only financially capable of providing the Association's aforementioned salary request but their proposal will benefit the interest and general welfare of the public. According to the Association, it is essential to the public's welfare to provide a well paid Fire Department who is capable of responding competently to life-threatening and/or property-threatening fire, hazardous conditions, rescue, medical service, and other emergencies.

The Association further contends that any comparison made by this Panel should be made with other public safety departments performing similar services or requiring similar skills and not generally to public employees. Arriving at its determination, the Panel should not compare employment of this unit to private sector employees who do not perform similar services or require similar skills.

#### DISCUSSION AND AWARD

In reaching a just and reasonable decision regarding the proper compensation to be awarded herein to this unit, the Civil Service Law requires that the Panel consider a number of factors before making its determination. Among the factors to be weighed are the ability of the employer to provide for salary increases,

the public safety and welfare, the compensation currently being paid to the employees involved and its relationship to compensation paid to others performing similar services. The last criteria to be considered is the peculiarities of the work.

Before addressing the comparabilities and the City's ability to pay, this Panel has considered and would like to highlight the difficulties of working as a fire fighter as compared to other jobs in the public sector. Studies have established that a career fire fighter is exposed to various risk and injuries throughout their career. While admittedly the Deputy Chiefs are not exposed to the same hazards as a line fire fighter their supervisory responsibilities are no less demanding or stressful.

The City acknowledges that they have the financial resources to pay a reasonable salary increase but rather argues that any Award by this Panel must be comparable to the salaries and benefits paid to other City employees, particularly the public safety forces, of which this unit is a part.

The City cites the absolute parity that has existed between wage and salary settlements for police and fire over the last number of years which has been recognized by other Arbitrators who have been selected to decide contract issues between the City and its public safety forces.

In the only interest arbitration Award involving this unit, Arbitrator Mona Miller, for the contract years 1991 and 1992,

determined that the six Deputy Chiefs should receive economic parity with the line fire fighters.

This Panel has not found any compelling evidence or reason to deviate from the general equality that has existed among the public safety forces in the City. Arbitrator Dana E. Eichens, Chair of the Interest Arbitration Panel for the 1978 contract between the City and the PBA comments are worth noting. "It can hardly be gainsay that this tandem or pattern relationship has produced an essentially stabilizing influence on the bargaining relationship and avoided leap frogging or whipsawing, at least in respect of salary schedules."

This Panel found that in comparing personnel in like or similar positions that the cities of Buffalo, Rochester, and Albany are the closest comparable Cities. This Panel does not believe that the City of Yonkers or the City's Binghamton, Rome and Schenectady demographics or financial resources are comparable.

Therefore, this Panel believes that a two (2) percent pay raise is within the City's ability to pay and consistent with the two (2) percent salary increase paid to line fire fighters as well as the City's Police Department. The general interest and welfare of the public will best be served if this Award mirrors that of the other security forces in the city. While this Panel accepted parity as the general guide post for making an award we will deviate only to the extent that we will make our Award retroactive to January 1, 1993, rather than July 1, 1993. Our rationale for

making our Award retroactive to January 1, 1993, is to Award this unit the extra compensation for the supervisory responsibilities associated with serving as a Deputy Fire Chief.

### EXTRA DUTY COMPENSATION

#### THE ASSOCIATION'S DEMAND

The Association requests that extra duty compensation be increased to \$4,288,000 per year.

#### THE CITY'S OFFER

Increase extra duty compensation by 2 percent effective July 1, 1993 or \$13.00.

#### THE CITY'S POSITION

Among the duties performed by the Fire Deputy Chiefs is service as the Duty Chief for the Fire Department. The Duty Chief is primarily responsible for all of the operational aspects of the Department during this tour of duty, including staffing and responding to any working fires. The Duty Chief works a 24 hour tour of duty. In return for their services, the Fire Deputy Chiefs receive additional annual compensation of:

Extra Duty Compensation	\$4,000
Night Premium Pay	\$ 200
Seven (7) days of paid leave (in addition to vacation entitlement)	

The City points out that the extra duty pay received by the Deputy Chiefs was increased significantly in the 1991-92 Interest Arbitration Award.

The City opposes the Association's 9 percent increase because the extra duty compensation is not comparable to other communities, or by reference to the City's other public safety forces.

#### THE ASSOCIATION'S POSITION

The Association requests that the extra duty compensation be increased to \$4,288.00. This amount was arrived at by multiplying the number of hours worked as a Duty Chief times the hourly rate of \$28.77 which would be the approximate hourly rate if the Association's salary request of nine (9) percent were granted.

The total cost to the City of financing this request is only \$1,848.00 per year.

DISCUSSION AND AWARD

Arbitrator Mona Miller in her Award increased the extra duty compensation from \$1,900.00 to \$4,000.00 annually. Her Award noted that a substantial increase in this level of compensation was appropriate for the night and weekend work required for this tour of duty.

This Panel also acknowledges that extra duty compensation accounts for the inconvenience of having to work an unusual twenty-four hour shift as well as the responsibility associated with this tour of duty. We therefore determine that the extra duty compensation shall be increased from \$4,000.00 to \$4,250.00.

LONGEVITY PAY REQUEST

ASSOCIATION'S REQUEST

AFTER THIS MANY YEARS OF SERVICE	CURRENT LONGEVITY PAY	REQUESTED LONGEVITY PAY
10 Years	\$ 200.00	\$ 300.00
15 Years	\$ 400.00	\$ 600.00
20 Years	\$ 600.00	\$ 900.00
25 Years	\$ 800.00	\$1,200.00
30 Years	\$1,000.00	\$1,500.00
35 Years	\$1,200.00	\$1,800.00
40 Years	\$1,400.00	\$2,100.00

**THE CITY'S OFFER**

No change in current contract language.

**POSITION OF THE CITY**

The City contends that there should be no change in longevity payments. The present schedule is identical to that of fire fighters and police officers and provides payments of \$200.00 for every five years after ten years of service. The City submits that there is no basis for increasing the longevity payments for 1993.

**POSITION OF THE ASSOCIATION**

The Association contends that payment of the longevity amounts requested by the Association provides incentive for Deputy Chiefs to remain employed by the City. This is beneficial to the City and the safety of the City's citizenry because of the valuable experience loss which results any time a veteran Duty Chief ceases employment.

**DISCUSSION AND AWARD**

This Panel is not convinced that there should be any change in the longevity payment. Although current longevity pay rates have

not increased in some thirty years, this Panel has not found a compelling need to Award additional compensation at this time.

#### OVERTIME REQUEST

##### THE ASSOCIATION'S PROPOSAL

The Association is requesting that Deputy Chiefs should be compensated at the rate of time and one half for all hours worked in addition to regular working hours.

##### THE CITY'S PROPOSAL

The City opposes premium pay for overtime work.

##### THE CITY'S POSITION

The City contends that in light of the generous compensation afforded Deputy Chiefs in recognition of their services, the City is opposed to any payment of premium pay for overtime. Apart from Services while a Duty Chief, the demands on a Deputy Chief for work in excess of 40 hours per week is limited. The City contends that the Association's request for overtime pay raises the question of the nature of the services for which overtime is sought and the

manner or method for monitoring the same. According the City, it would be inappropriate for people who make their own schedules to make their own decisions regarding overtime. Nor should the Fire Chief and/or the First Deputy Chief be required to supervise this aspect of a Duty Chief's work life.

**POSITION OF THE ASSOCIATION**

Currently, Deputy Chief's are not compensated for overtime work. According to the Association, City representatives have gone on record as stating as they are desirous of providing the same level of public safety and emergency coverage with less fire fighters and less Fire Department Officers. According to the Association, the City's desire to provide the same level of public safety and fire emergency coverage with less Fire Department officials will result in a Deputy Chief being required to work substantially more hours on average. Because of the City's statements that they intend on utilizing less Fire Department officers in the coming year while providing the same level of public safety and fire emergency coverage greater demands will be required of this unit.

**DISCUSSION AND AWARD**

In the absence of objective evidence that these employees will be required to work a greater number of extra hours this Panel will not make an Award granting overtime pay.

**PERSONAL LEAVE DAY REQUEST**

**THE ASSOCIATION'S PROPOSAL**

Three personal leave days per year.

**THE CITY'S PROPOSAL**

Reject the Association's demand.

**POSITION OF THE CITY**

The City contends that while it is true that most other city employees have personal leave days, the Deputy Chiefs enjoy so many other days of paid leave that it is by no means unfair or inequitable to deny them this requested benefit. Deputy Chiefs receive 23 vacation days, 7 additional days of leave as part of their extra duty compensation, approximately one day off per week

as part of their extra duty compensation, and 15 paid holidays. Any increase in paid leave is simply unwarranted.

**POSITION OF THE ASSOCIATION**

The Association contends that a Deputy Chief cannot take paid time off to retain the services of a physician, lawyer or an accountant if an appointment cannot be made during their free time. According to the Association, since this is only the second time in the history of a Syracuse Fire Department that the Deputy Chiefs have had the benefit of interest arbitration this Panel has the opportunity to remedy a historical injustice which results from the City's unwillingness to unilaterally grant this term and condition of employment.

**DISCUSSION AND AWARD**

This Panel is persuaded by the City's argument that Deputy Chiefs because of their work schedule do not need additional paid days off to tend to personal matters.

**NIGHT PREMIUM**

**THE ASSOCIATION'S PROPOSAL**

Increase annual night premium from \$200.00 to \$600.00.

**THE CITY'S PROPOSAL**

No increase in night premium pay.

**THE CITY'S POSITION**

The City contends that the vast majority of night hours worked by a Deputy Chief are worked when a Deputy Chief perform services as Duty Chief. As such, the night premium pay is part of the extra duty compensation package outlined earlier. Therefore, no increase in night premium pay is warranted for 1993.

**POSITION OF THE ASSOCIATION**

The Association contends that the cost to the City of this proposal is minimal in that it amounts to only \$2,566.00 per year.

DISCUSSION AND AWARD

Merely because the cost of this proposal is minimal is not sufficient justification for this Panel to make any Award over and above what it has already granted in extra duty compensation.

UNIFORM ALLOWANCE

THE ASSOCIATION'S PROPOSAL

Increase the annual cash uniform allowance from \$645.00 to \$1,000.00 per year.

THE CITY'S PROPOSAL

No change in uniform allowance.

THE CITY'S POSITION

According to the City, the cost of acquiring or replacing a uniform worn by a Deputy Chief is well below the present uniform allowance, especially when one considers the fact that many items need not be replaced on an annual basis. The City submitted the following cost of a dress uniform:

Dress Uniform

Jacket	\$175.00
Overcoat	\$135.00
Trousers	\$ 55.50
Shirt	
(short sleeve)	\$ 22.50
(long sleeve)	\$ 24.50
Hat	\$ 27.50
Shoes	<u>\$ 65.00</u> (& up)
	\$482.50

POSITION OF THE ASSOCIATION

The Association argues that due to the increases in the cost of purchasing and cleaning uniforms since the last increase in the uniform allowance, the Association's request is reasonable and represents a minimum cost to the City of only \$2,278.00 per year.

DISCUSSION AND AWARD

This Panel is not persuaded that there should be any change in the uniform allowance. As noted by the City, the current cost of uniform replacement amounts to under the \$645.00 which is presently designated for replacement or acquisition of the required uniform clothing of a Deputy Chief.

**STAFFING PROPOSAL**

**THE ASSOCIATION'S PROPOSAL**

If the staffing level falls below six Deputy Chiefs and one First Deputy Chief, then the remaining Deputy Chiefs will receive compensation at one and one-half times the hourly rate, for all extra duty hours above the yearly schedule of 149 hours.

**THE CITY'S PROPOSAL**

No change in current contract.

**POSITION OF THE CITY**

The City contends that the Association's request would represent a 50 percent increase in extra duty pay even if the First Deputy Chief of Fire worked all of the extra hours when the manning fell below the six Deputy Chiefs presently employed by the City.

**POSITION OF THE ASSOCIATION**

The Association requests that if the staffing level falls below the six Deputy Chiefs and one First Deputy Chief, then the

remaining Deputy Chiefs should receive premium pay for all extra duty hours worked above the yearly schedule of 149 hours.

Because City representatives have announced their intention to decrease staffing this is particularly vital to this bargaining unit who will be substantially inconvenienced by the demands placed on them when staffing decreases.

#### DISCUSSION AND AWARD

The Association has not presented any compelling evidence to justify the Panel making an Award regarding this issue. Under the current manning levels, a Deputy Chief is required to work a maximum of 149 hours for which he is compensated in the amount of \$4,250.00 for the inconvenience of working these extra hours.

#### HEALTH AND DENTAL INSURANCE

##### THE CITY'S PROPOSAL

The City proposes to increase health and dental insurance contribution to 20 percent of the total cost.

**THE ASSOCIATION'S PROPOSAL**

No change in current contract language.

**THE CITY'S POSITION**

According to the City, one of the major problems facing employers in both public and private sector is the skyrocketing cost of health insurance for their employees. Over the past decade, the City's health insurance costs more than doubled. Costs are continuing to rise with budgeted expenditures increasing approximately 12 percent in the 1994-95 fiscal budget over 1993.

Presently, Fire Deputy Chiefs pay only a nominal amount for their health and dental coverage. Current Fire Deputy Chief contribution rates for health insurance are \$6.00 per month for individual coverage and \$15.00 per month for family coverage. Health insurance deductible levels are \$100.00 per person and \$200.00 per family per year. Dental insurance cost Deputy Chiefs \$7.00 per month for individual coverage and \$15.00 per month for family coverage.

The City contends that their proposal would make the employees' participation in the cost of health insurance meaningful by pegging it at 20 percent of the City's per employee cost.

POSITION OF THE ASSOCIATION

The Association contends that there is no justification to require these six individuals to contribute toward health insurance. According to the Association, the six Deputy Chiefs combined lost only 52 days to sickness over a five year period. This outstanding record certainly does not deserve to be rewarded by requiring the Deputy Chiefs to be the first unit to start making significant premium payments. Also, since this arbitration covers only one year, and since that year is now over, it would be imprudent to award this proposal.

DISCUSSION AND AWARD

This Panel is unpersuaded that there should be any change in the current contribution rates currently mandated by contract. While admittedly health insurance rates have gone up, this unit is contributing for health insurance costs at the same rate as other bargaining units in the City.

  
\_\_\_\_\_  
THOMAS N. RINALDO, ESQ.  
PUBLIC PANEL MEMBER AND CHAIRPERSON

  
\_\_\_\_\_  
RICHARD C. WOODWORTH  
PUBLIC EMPLOYER PANEL MEMBER

*Dominick DiPaolo*

DOMINICK DiPAULO  
PUBLIC EMPLOYEE/ORGANIZATION PANEL MEMBER

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS.:  
CITY OF BUFFALO )

I, THOMAS N. RINALDO, do hereby affirm upon my oath as Panel Chairman that I am the individual described in and who executed the within Arbitration Award on 7/25, 1994.

*Thomas N. Rinaldo*  
THOMAS N. RINALDO, ESQ.  
PANEL CHAIRMAN

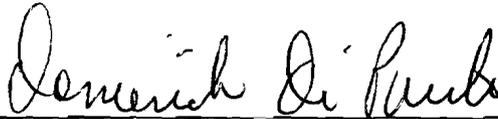
STATE OF NEW YORK )  
COUNTY OF NIAGARA ) SS.:  
CITY OF NIAGARA FALLS )

I, RICHARD C. WOODWORTH, do hereby affirm upon my oath as Public Employer Panel Member that I am the individual described in and who executed the within Arbitration Award on July 7, 1994.

*Richard C. Woodworth*  
RICHARD C. WOODWORTH  
PUBLIC EMPLOYER PANEL MEMBER

STATE OF NEW YORK            )  
COUNTY OF NIAGARA         )  SS.:  
CITY OF NIAGARA FALLS     )

I, DOMINICK DiPAULO, do hereby affirm upon my oath as Public Employee/Organization Panel Member that I am the individual described in and who executed the within Arbitration Award on \_\_\_\_\_, 1994.



\_\_\_\_\_  
DOMINICK DiPAULO  
PUBLIC EMPLOYEE/ORGANIZATION PANEL MEMBER