

New York State
Public Employment Relations Board

NYS PUBLIC EMPLOYMENT RELATIONS BOARD
RECEIVED

In the Matter of the Interest Arbitration

between

Village of Saranac Lake

and

Saranac Lake Police Benevolent Association

PERB Case: IA96-023; M96-117

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* **CONCILIATION**
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* AND
* AWARD
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Public Arbitration Panel: Ronald E. Kowalski, Ph.D.
Public Panel Member and Chairperson
Anthony V. Solfaro
Employee Organization Panel Member
Clifford Donaldson, Jr.
Public Employer Panel Member

Representatives:

For The Employee Organization: Kenneth J. Franzblau, Esq.
For The Village: David P. McKillip

INTRODUCTION

On December 4, 1996, the New York State Public Employment Relations Board having determined that a dispute continued to exist in negotiations between the Village of Saranac Lake and the Saranac Lake Police Benevolent Association, and acting under the authority vested in it under

Section 209.4 of the Civil Service Law, designated a Public Arbitration Panel for the purpose of making a just and reasonable determination of the dispute.

A hearing was held on July 17, 1997 in Saranac Lake, New York. Panel discussions were held during the hearing to clarify the issues. At the hearing both parties were provided opportunity to introduce evidence, present testimony and to summon witnesses necessary for the presentation of their cases. At the conclusion of the hearing, the Village of Saranac Lake (hereinafter "Village") and the Saranac Lake Police Benevolent Association (hereinafter "Association") consented to and granted the Interest Arbitration Panel jurisdiction to issue a three-year award covering the period from June 1, 1996 to May 31, 1999. The Interest Arbitration Panel consisting of Ronald E. Kowalski, PhD, Anthony V. Solfaro and Clifford Donaldson, Jr. was thereby empowered to issue an award of three years and consent to said Award.

THE STATUTORY STRUCTURE

Subdivision 4 of Section 209 of the Civil Service Law was enacted to provide a means for resolving negotiation impasses between public employers in New York State and police and firefighters, as defined in the statute. Subdivision 4 provides that, when PERB determines that an impasse exists, it

shall appoint a mediator to assist the parties to effect a voluntary resolution of the dispute. If the mediator is unsuccessful within a stated period, either party may petition PERB to refer the dispute to a Public Arbitration Panel.

Section 205.4 of PERB's Rules and Regulations promulgated to implement Subdivision 4 of Section 209 requires that a petition requesting referral to a Panel contain:

- (3) A statement of each of the terms and conditions of employment raised during negotiations, as follows:
 - (I) terms and conditions of employment that have been agreed upon;
 - (ii) petitioner's position regarding terms and conditions of employment not agreed upon.

The response to the petition must also contain respondent's position specifying the terms and conditions of employment that were resolved by agreement, and as to those that were not agreed upon, respondent shall set forth its position.

The Public Arbitration Panel shall then hold hearing on all matters related to the dispute and all matters presented to the Panel shall be decided by a majority vote of the members of the Panel.

The Panel is directed to make a just and reasonable determination of the matters in dispute. The statute spells out the following criteria which must be taken into consideration, when relevant:

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 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 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 qualification;
- (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 Panel's determination is final and binding upon the parties for the period prescribed by the Panel.

BACKGROUND FACTS

The Collective Bargaining Agreement between the parties extended from June 1, 1994 to May 31, 1996. The parties began negotiations for a

successor agreement in 1994. Bargaining was not successful and the parties filed a Declaration of Impasse and requested the appointment of a mediator. The mediation process failed to resolve the outstanding issues and a Petition for Compulsory Interest Arbitration was filed on October 31, 1996.

ISSUES

In accordance with the provisions of Section 209.4 of the New York Civil Service Law, the parties hereto submitted the following issues to the undersigned arbitration panel:

- (1) Salary
- (2) Health Insurance

The Panel has carefully weighed the evidence submitted to it during the hearing in arriving at its determinations. The Panel has attempted to take a balanced approach to the proposals, one that recognizes the fiscal responsibilities of the Village of Saranac Lake and the comparable concerns of the members of the Saranac Lake Police Benevolent Association. The Panel has applied the criteria set forth in the law in assessing the merits of the parties proposals. The Panel as stipulated by the parties will make its award for a three-year period.

DISCUSSION AND DETERMINATION OF THE ISSUES

SALARY

The Panel has reviewed the evidence submitted on the issue of salary. While the evidence on comparable municipalities as well as comparative bargaining units within the Village clearly indicates an increase of five percent (5.0%) or larger would not be reasonable as sought by the Association, it certainly substantiates the need for an increase in excess of the Village's proposal to ensure an equitable and competitive wage both within the Village among competitive employees and in the region. Increases in comparable municipalities in Franklin and other adjoining counties have ranged in the area of 4.0%. Many of these municipalities pay salaries higher than those found in Saranac Lake. After considering the criteria of the Village's ability to pay as well as the comparables noted above, the Panel would award the following wage increases:

June 1, 1996 wages shall be increased four percent (4.0%).

June 1, 1997 wages shall be increased two percent (2.0%).

December 1, 1997 wages shall be increased one percent (1.0%).

June 1, 1998 wages shall be increased one percent (1.0%)

December 1, 1998 wages shall be increased four percent (4.0%)

The wage increases granted above shall be applied to the existing salary schedules and said schedules affixed as Appendix "A" shall be considered part of this Award.

HEALTH INSURANCE

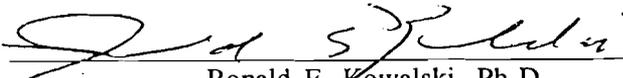
The Panel has carefully reviewed the evidence with respect to the current structure of the health insurance plan and rate of contribution by the members of the Association. The current rate of contribution to premium costs by the Association member is in need of adjustment if it is to remain competitive with that of other similar employees in the region. Comparisons to similar employees in other municipalities provides grounds for recommending a change in the current rate of contribution for family coverage in Saranac Lake. After reviewing the evidence on both the Village's ability to pay and comparable benefits in similar municipalities in the region, the Panel awards the following changes in Association contribution rates. Effective December 1, 1997 Association members electing family coverage under the provisions governing health insurance shall contribute Twenty-Five Dollars (\$25.00) per week toward such coverage with the Village paying the remaining premium cost.

APPENDIX "A"

<u>Police Officer</u>	6/1/96	6/1/97	12/1/97	6/1/98	12/1/98
Years of Service	(4%)	(2%)	(1%)	(1%)	(4%)
Starting Step 1	\$20,807	\$21,223	\$21,436	\$21,650	\$22,516
Starting Step 2	\$21,432	\$21,861	\$22,080	\$22,300	\$23,192
Starting Step 3	\$23,077	\$23,539	\$23,774	\$24,012	\$24,973
Starting Step 4	\$23,424	\$23,892	\$24,131	\$24,373	\$25,347
Starting Step 5	\$24,726	\$25,220	\$25,472	\$25,727	\$26,756
Starting Step 6	\$25,096	\$25,598	\$25,854	\$26,113	\$27,157
Starting Step 7	\$25,965	\$26,484	\$26,749	\$27,017	\$28,097
Starting Step 8	\$27,264	\$27,810	\$28,088	\$28,369	\$29,503
 <u>Sergeant</u>	 6/1/96	 6/1/97	 12/1/97	 6/1/98	 12/1/98
Years of Service	(4%)	(2%)	(1%)	(1%)	(4%)
Starting Step 1	\$28,314	\$28,880	\$29,169	\$29,461	\$30,639
Starting Step 2	\$29,163	\$29,746	\$30,044	\$30,344	\$31,558
Starting Step 3	\$30,037	\$30,638	\$30,945	\$31,254	\$32,504
Starting Step 4	\$30,938	\$31,557	\$31,873	\$32,191	\$33,479
Starting Step 5	\$32,950	\$33,609	\$33,945	\$34,284	\$35,656

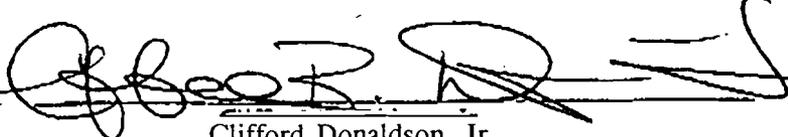
AFFIRMATION

We do hereby affirm upon our oaths as Arbitrators that we are the individuals described in and who executed this instrument, which is our award.

10/21/97 
Date _____ Ronald E. Kowalski, Ph.D.
Public Panel Member and Chairperson

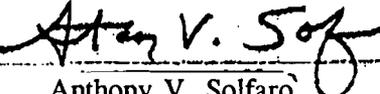
Concur: X

Dissent: _____

10/21/97 
Date _____ Clifford Donaldson, Jr.
Public Employer Panel Member

Concur: X

Dissent: _____

10/21/97 
Date _____ Anthony V. Solfaro
Employee Organization Panel Member

Concur: X

Dissent: _____

STATE OF NEW YORK)
) SS.:
COUNTY OF ONONDAGA)

I, RONALD E. KOWALSKI, PH.D., do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is the Award.

10/21/97 