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October 28, 2023

Andre Dalbec Esq.
Council 82 AFSCME, AFL-CIO
63 Colvin Ave.
Albany New York 12206

Benjamin D. Heffley, Esq.
Elayne G. Gold, Esq.
Roemer, Wallens, Gold & Mineaux LLP
13 Columbia Circle
Albany, New York 12203

**RE: NY PERB M2022-012 Fulton County Sheriff's Office
Employees Alliance and County of Fulton and the Fulton County
Sheriff as Joint Employer**

Dear Messrs. Heffley, Dalbec and Ms. Gold:

Enclosed please find my Opinion and Recommendations in the Fact Finding Proceeding regarding the impasse captioned above. Thank you for bringing this mater to a conclusion.

Please advise me and the NY PERB office when a final contract has been obtained.

Sincerely yours

Eric Lawson

EWL:ks
cc NY PERB

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October 28, 2023

William M Conley
Director Office of Conciliation
NY State PERB
PO Box 2074
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**RE: PERB M2022-012 Fulton County & Fulton County Sheriff's Office
Employees Alliance -- Fact Finding**

INVOICE

Correspondence, Telephone conferences	
Hearing, Review of record, review of	
Closing briefs, preparation of Fact	
Finding Report -- four days @\$1200	\$4800

Total Due \$4800

New York State
Public Employment Relations Board (PERB)

In the Matter of a Fact Finding between

COUNTY OF FULTON (County, Employer)

And

**OPINION and
RECOMMENDATIONS**

**FULTON COUNTY SHERIFF'S OFFICE EMPLOYEES
ALLIANCE, COUNCIL 82 AFSCME (Union, Employees)**

PERB M2022-012

Eric W. Lawson - Impartial Fact Finder

APPEARANCES:

For the Union, by Andre Dalbec, Esq.

Witnesses: Rich Giardino, Sheriff
Bill LeBeau, Staff Director, Cncl. 82
Juan Romero, AFSCME Staff
Nordine Posluszny, Union President

For the County by, Elayne Gold, Esq.

Witnesses: Keith Ackerknecht, Jail Administrator
Jon R. Stead, Administrative Officer/Clerk of the Board

PROCEDURE:

The parties to a collectively bargained agreement [cba] from January 1, 2016 through December 31, 2019, with appendix 2020-2021 (Union Exhibit [UE] 7) engaged in collective bargaining regarding the negotiation of the terms thereof. Finding themselves unable to agree on the terms of a successor cba, an impasse was declared causing PERB to assign mediator Ross Piscitelli. Mediation failed to assist the parties in the resolution of all remaining issues. On January 27, 2023, PERB appointed the undersigned as the Fact Finder.

The Fact Finder is designated with the powers to carry out the Fact-Finding procedure and, " shall inquire into the causes and circumstances of the dispute and after hearing shall immediately transmit his findings of fact and recommendations for the resolution of the dispute to the chief executive officer of the government involved and to the employee organization involved and shall within five (5) days of such transmission make public

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such findings and recommendations.” The parties stipulated that the Fact Finder had been properly appointed to this impasse.

Following his appointment, the Fact Finder engaged the parties in informal efforts to resolve open issues and to prioritize those remaining unresolved to enhance the usefulness of recommendations to be made in fact finding. On September 6, 2023, a fact-finding hearing was held in Johnstown NY where the parties were afforded an opportunity to present their positions on items that remain unresolved. All witnesses were sworn. Thereafter briefs, received on October 23, 2023, were filed at which time the record was closed and is the basis upon which the following analysis and recommendations are based.

ISSUES:

Jointly stipulated open issues are (UE 1):

Clarification of payment of clothing allowance

Union: COs only - \$750 each of first two years and \$450 each year thereafter (sub h)
Dispatchers \$400 each year of employment, Civil, cooks, nurses, clerical, \$450 each year

County: Effective November 13, 2017, All full-time employees to be eligible for an annual allowance of \$400

Clarification/curtailment of new compensatory time and/or vacation time may be used.

Clarification /modification of swap policy

County: Delete from the 2016 MOA (Fulton Cty. Shift Swap Procedure) paragraph 5.

Shift differential payments.

Union: Increase differential \$2 per hour

Longevity payments

Union: Year one, \$1,000 with \$500 increments for each of the following four years and \$200 increments for each of years five through twenty-five

Wages

Union: 4-year contract, 4% increase each year

New step 3 years – 5% above one-year rate

New step 5 years -10% above one year rate

Sergeant rate to be 15% above top CO rate.

Corporal rate to be 10% above top CO rate.

Additional items described as open by the Union are (UE 2):

Officer in Charge

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Union: Corporals assuming the duties of sergeant shall be compensated at sergeant's rate of pay.

OIC shall be paid 10% above first year dispatcher rate when performing OIC duties.

Training Stipends

Union: COs assigned training duties to receive an additional \$2 per hour

Leave of absence without pay.

County: Art VI, Sect 5 at subsection A (Maternity Leave), to be deleted.

BACKGROUND:

Union case in chief:

Sheriff Rich Giardino testified that in recent years there has been an increase of crime in the County. Although the inmate population has declined during that time, the demand for services has increased. The size of the staff has not increased and the number of applicants for CO positions has dropped. Retaining staff is difficult, particularly senior staff such as corporals and sergeants. This is a statewide phenomenon he said, and is a result of better pay being offered elsewhere such as at Wal Mart.

Further complicating the staffing issue is the amount of mandatory overtime Giardino stated. Also, the schedule of rotating shifts of six days on and three days off makes scheduling by staff for personal activities difficult, something which complicates planning family activities.

American Rescue Plan funds are available to alleviate some staffing issues although they cannot be used for pensions Giardino stated.

Staff Director William LeBeau said that the primary issues preventing agreement are wages, longevity and step increases, that other matters are settled or close to settlement. He said an issue with the present wage schedule is that after achieving the base pay schedule, salary does not increase incrementally with time served. At present, the difference between a first year CO and one with 20 years of service is \$1.10 per hour. The wage proposal increases the range of pay based on years of service. A consequence of the current wage scale is a high staff turnover rate with between 50 and 75% of staff having left employment within the last 3 to 5 years.

By creating a stepped schedule, retention of experienced officers would be easier LeBeau stated. Similarly, the longevity proposal seeks to match the distribution of steps paid deputy patrol officers even though there would not be pay equity. LeBeau acknowledged that the County had offered to double the money paid for longevity but there was no increase in the number of steps available.

LeBeau said that when compared with the twenty-two other counties represented by Council 82, Fulton County is competitive regarding salary at only the first step.

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Union president and CO Nordine Paluszny described the rotating and overlapping shift schedule required to provide 24 / 7 staff coverage at the County jail. She described mandatory overtime as a deterrent to recruiting staff. She said that the CO position has a higher level of responsibility and more onerous working conditions than other jobs in the area but are paid at a lower rate. She said that the chaotic work schedule at the jail is caused partly by inadequate staffing.

Financial Analyst Juan Romero said that he has examined the financial statements of the County for the last three years. He specifically examined its General Fund (Table A, UE 6). He said that the actual expenditures by the County have been below the final budget in each of the last three years creating a budget surplus in each year which, by 2021, totaled 10.5 million dollars (2019-2021). This surplus has created a large fund balance representing legally available funds that can be used “for any purpose”.

Romero said that historically, the County has used the large fund balance to reduce property taxes and to balance its budget. The state comptroller’s description of the appropriate size of a municipal fund balance is only that it be “reasonable”. In 2021 the County’s fund balance was 41.4% of its expenditures. The historic size of the fund balance has been a reason the state has found the County to be under no fiscal stress, rating “0” in the last two years and 3.3 in 2019 all on a scale of 0 to 100.(Table B)

Romero testified that in addition to the very healthy fund balance carried by the County, funds from the American Rescue Plan (ARP), totaling just under 10.4 million dollars, are also available and can be used for wages and government services. These monies must be utilized by the end of the 2024 calendar year. However, the County has targeted the ARP monies for a sewer project, a history museum and the creation of a “Field of Dreams” baseball stadium.

Romero testified that a comparability analysis with Fulton County (UE 5) identified adjacent counties including Saratoga County. Romero acknowledged that for several reasons Saratoga County was dissimilar economically with the other comparables. Not included in the list was Hamilton County, the county with the smallest population in the state. The salary analysis compared current wages in the County with the other counties. This meant that salaries paid in Fulton County had an “effective date” of 1/1/21 while the other five counties in the comparison had an “effective date” of 1/1/23.

The analysis in UE 5 shows that only Montgomery County paid lower wages than Fulton County at the eight points of measurement. For the remaining four counties, all paid higher wages at each of the eight measuring points and for each of the seven titles including CO. Romero said that the salary differentials were influenced by the fact that Fulton County’s salary schedule has only two steps, a base step and a step after one year of service.

In rebuttal to the County, LeBeau stated that the Union has accepted the County proposal on longevity increases but seeks a \$1,000 increase on base and a 3% increase the first

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year of the successor cba followed with 4% increases in each of the following three years.

County case in chief:

The parties previously agreed to a cba for 2016 through 2019 followed with a two-year roll-over which provided for a 3.5% increase in 2020 and 2021.¹ A 2% “inflation adjustment” was added to the salary paid in 2021 (CE C, Appendix A)

Elayne Gold acknowledged that staff recruitment is a serious issue. She referred to CE D which shows current open positions. Of particular concern is staffing requiring skilled or experienced employees. This concern is expressed in the County’s willingness to enhance the longevity schedule. The County proposes to double the current longevity rate at a cost of \$48,350 - 10% of the payroll- compared to the cost of the Union longevity proposal at \$151,850 (CE K).

The County has proposed to eliminate the obligation of new hires to pay health insurance².

The County acknowledges that mandated overtime is a disincentive to employment.

The County does not make an inability to pay claim.

Captain Kieth Ackerknecht said that the County is obligated to meet minimum staffing levels. Because the nature of the work has changed, the County is compelled to provide additional services to inmates than were previously required. This results in significant staff overtime assignments. The County proposal on overtime (CE A, proposal 4 Overtime³) is intended to equalize the assignment of overtime and reduce its assignment disproportionately to new hires. Similarly, he said that the County position on vacation time,⁴ requiring that time be taken in shift or half shift segments, should result in better distribution between all staff by eliminating time being taken in one-hour increments.

Regarding County proposal 10 (Swap), Ackerknecht said that because the current procedure is ineffective, the proposed policy would permit two COs per day to swap

¹ Note that CE E shows a 3% wage increase in 2021.

² Article VIII, Section 2. B. “Employees employed subsequent to October 1, 1985” (may elect health coverage) for individuals and pay 50% of the cost for the first year with the County paying 50% and after one year of service the County shall pay 100% and for dependent coverage 50% of said coverage to be paid by the County and 50% by the employee. Employees hired on or after June 9, 2014, shall pay 50% of family and individual insurance and after one year they shall pay 20% of dependent coverage and be credited that amount against dependent coverage.

³ “Compensatory time may only be taken in four (4) or eight (8) hour increments. This provision is for Corrections only”.

⁴ “Any requests to use vacation time must be for four (4) or eight (8) hour increments. The last requirement is for corrections only.”

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shifts thereby increasing staffing flexibility and reduce the number of employees required to work mandatory overtime.

Ackerknecht agreed that County proposals 4, 5 and 10 (Overtime pay, Vacation, Swap) all relate to problems the County has with staffing. He said that this problem would be alleviated if additional money was spent on salaries which would increase staff size.

Administrative Officer Jon Stead said that he functions as the County Manager.

Stead testified that the 2023 County budget is 121 million dollars, and the general fund is 70 million. He said that revenue for the County held steady during the COVID years.

Stead said that the County property tax is the major source of funding for the County. The County is relatively poor with a significant proportion of its population being senior citizens. Yet it has “the 6th highest property tax rate at \$9.98 per thousand assessed valuations” (CE R, tab 1A). That tax rate represents a reduction from more than \$15 per thousand (of assessed value) during recent years.

Citing CE T tab 3A, Stead said that sales tax revenue is returning to pre COVID levels.

Stead said that the state and federal governments have imposed “unexpected new fiscal challenges” on the County including the phase out of federal medical assistance payments (ACE eFMAP) at a loss of 1.8 million, the elimination of windfall revenues from property foreclosures pursuant with a US Supreme Court ruling (Tyler vs Hennepin Cty. Minn.) at a loss of \$5000,000 and a doubling of the cost of assigned council, a \$200,000 expense.(CE R Ex 2)

An additional financial obligation of the County is the subsidy of ambulance service at \$6000,000 for the current year, a cost that is projected to be \$640,000 in 2024.

Stead said that the County is having trouble hiring in all titles particularly in social services which presently has a 15% vacancy rate. He acknowledged the need to pay higher salaries to fill the more “difficult” jobs.

Stead testified ”that for the first time the County has been willing to address the longevity payments” and has proposed doubling the rate paid. He said the doubling longevity, along with a salary increase - the major issues at impasse - was required to address the issue of staff retention. He said that the County loses employees to Saratoga, Albany and elsewhere because of higher wages paid there. He said that the current difference in the parties’ positions on longevity is about \$1,000.

The County salary proposal raises wages 3% on 1/1/22, 2.5% on 1/1/23, 2.5% on 1/1/24 and 2.5% on 1/1/25. Stead said that the cost of each 1% increase on wages cost approximately \$38,000.

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Referring to CE R Ex 4, Stead observed that ballooning state deficits forecast for the next three fiscal years (22.2 billion dollars) stand in sharp contrast with the County's "healthy fund balance".

Stead took issue with including Saratoga County in the comparables offered by the Union. He stated that with Saratoga County eliminated and with the proposed longevity and salary increases offered by the County factored in, the County would rank among the middle of the comparables offered in the Union exhibit.

Stead testified that the County has a "flexible" policy regarding the management of its fund balance. He said there is no "hard line" policy regarding the amount to be carried over.

POSITIONS OF THE PARTIES:

Union:

The Union's presentation at fact finding is based upon facts in contrast with that of the County, which rests on "speculation and conjecture demonstrating an unwillingness, not an inability to pay the proposed increases" (Union Brief [UB] p 3).

Union witness Romero based his analysis on fiscal reports and other objective criteria where he conclusively demonstrated that the County is under no fiscal stress and easily has the ability to pay for the demands being sought by the Union. The employees in the bargaining unit constitute "essential workers" whose wage increases being sought by the Union could be paid through the County's reserve funds as well as through ARP funds. In contrast, the County has allocated the ARP funds for a sewer line, a museum and a baseball field.

Union proposals do not seek pay equity with wages paid in the road patrol division. Rather, the proposals seek only reasonable wage adjustments coupled with longevity increases. Items open in the impasse, other than salary, have either been resolved or are readily subject to resolution.

The testimony of supervisors clearly establishes that the County has the ability to pay but lacks a willingness to do so. Stead relied on "doom and gloom" projections regarding the state budget and mandates. However, his attempt to display a dismal fiscal future for the County is belied by the extraordinarily strong fiscal position it occupies. Had Stead's analysis of the fiscal peril he alleges the County is facing been asserted in 2022, when the cba should have been negotiated, experience, which has now been shown, convincingly demonstrates how inaccurate that analysis would have been.

Stead's efforts to establish the County's tenuous fiscal status is belied by the fact that from 2019 to the present time the County has suffered no "ill effects" and in fact has "thrived" (UE 6, 17-30). Its fund balance has remained strong for at least the previous six years. Sales tax collections in the County increased in 2023 and the expectation that such

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increases would continue was based on Stead's acknowledgement that spending ARP funds on a museum and baseball field were intended to continue that trend.

Union exhibits comparing wages paid in Fulton County with those paid in geographically similar counties show substantial dissimilarities. (UE 5) Montgomery County, which at one time was combined politically with Fulton County, pays wages that minimally, are 7.4% higher and as much as 70.9% at one stage of measurement - sergeants and civil clerks. While conceding that wages paid in Herkimer County were beneath those paid in Fulton County, the only comparable where the distinction favors Fulton County, the Union observed that Herkimer County is approximately three times as large as Fulton County but has a jail population half the size of the jail population in the County.

The County and the Union settled the cba for patrol deputies on September 11, 2023⁵ and provided for a 4% retroactive increase to January 1, 2023, with the first step compressed raising the starting salary by 6.1%, with the completed first step salary raised by 11.2%, the second by 14.4%, and the top salary by 7.5%. Salaries for deputies were raised by an additional 4% in 2024 and 2025. In contrast, the Union's proposal of a 4% raise is "remarkably modest" (UB p 9).

The inadequacy of the current longevity payments is made clear when it is shown that the difference between the hourly rate paid between a first year CO and a CO with 20 years seniority is only \$1.18 per hour.

County and Union witnesses agree that the low wages paid bargaining unit members, most of whom occupy the title of CO, was a principal reason for difficulty the County has recruiting and retaining employees. Compounding the problem is the irregular work schedule and the demand for mandatory overtime which makes the holding of second jobs difficult.

In conclusion, the Union asks for a fact-finding recommendation sustaining the Union's demand for 4% annual raises from 2022 through 2025 and a longevity proposal "to match exactly the rates of the road patrol deputies" (UB p 11).

County:

The County's "...goal is to attain a longevity/wage package that is both fair to employees and allows the County to maintain its fiscal health." (County Brief [CB] p 3).

The County does not dispute the accuracy of the testimony of Union witness Romero but believes that it is incomplete. Nor does the County allege an inability to pay, a consequence of "fiscal discipline" and an appropriate approach to managing its finances

⁵ The parties agreed that the MOA for patrol deputies (UE 8) would not be in evidence until ratified by both parties. The MOA was ratified by both parties on September 11, 2023 (UB p 9, County Brief [CB] p. 2).

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in the future where uncertain economic and regulatory considerations much be accommodated to. They include the elimination of “eFMAP” funds, tax foreclosure funds, and increases in assigned counsel expense at a total cost of \$2,500,000. In addition, a “cooling” of sales tax receipts and deficits in the state budget are forecast for the future.

In addition to wage and longevity increases, the County observes that the parties have other open proposals. For the County, they include a uniform allowance adjustment, a change in overtime pay regarding compensatory time, the size and scheduling of increments that may be utilized as vacation pay, the manner by which shift swaps may be taken, and the deletion of “Maternity Leave” language. For the Union, the County cites Union proposals regarding out of title pay and the training stipend.

The County believes that for purposes of wage and longevity comparisons, the counties of Schoharie, Montgomery, Washington, Herkimer and Warren are appropriate to compare with Fulton County on the basis of similar household income (other than Warren County) and population and poverty rates above 10% .

The County proposes a 3% increase on base for 2022 and 2.5% increases for 2023, 2024 and 2025 and a one time 2% bonus on base. In addition, the County proposes doubling the value of the longevity scale which would then total \$96,700.

The Union proposal on longevity would create a sliding scale into yearly steps at a cost of \$151,850.

Appendix A shows wage increases offered by the County compared with those in the five counties it offers as comparable with Fulton County (and does not factor in the 2% one-time bonus).

The County believes that its exhibits and the testimony of its witnesses justify its proposals and requests that they be adopted in this Fact-Finding proceeding.

DISCUSSION:

The usefulness of Fact-Finding Recommendations is significantly enhanced by their ability to assist the parties to resolve their positions on only matters which remain in serious disagreement. For this reason, efforts the parties have undertaken to resolve items which they listed as open at the outset of Fact Finding (See UEs 1, 2) show movement and agreement.

During the Fact-Finding hearing, the parties agreed that the current salary schedule was insufficient regarding hiring and retaining employees, particularly experienced employees. A consequence of this staffing inadequacy was the need to pay substantial overtime costs to meet mandated coverage obligations. In addition to recruitment problems caused by the current salary schedule, difficulty to maintain adequate staff is a

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result of onerous work schedules, overlapping shifts, a difficult and often unpleasant work environment, and a high level of responsibility.

Efforts to alleviate policies regarding eligibility for mandatory overtime are reflected in proposals pending between the parties, matters that they are close to agreement upon. The issues of wages, longevity and step increases are open issues preventing complete agreement. Regarding longevity, the County proposal is acceptable to the Union subject to an agreeable wage increase and a stepped salary schedule.

The County's resistance to the Union's wage demand is based on a fiscally conservative approach to the management of its financial resources and its position that it has already shown significant movement on salary and longevity. To its credit, the County occupies an extremely positive status financially, a fact reflected in its conceding that it will not challenge the claim that it has "the ability to pay". A consequence of achieving this "favorable" financial status, however, are salaries paid in the bargaining unit that are well below those paid in contiguous counties as shown below.

To reconcile salaries paid in counties the Union deemed comparable to Fulton County at UE 5,⁶ current (2021) salaries need to be upgraded to those that would be paid currently (2023) if the County's current wage and longevity proposals are factored in. The County proposes doubling the longevity payments at a cost of \$48,350 or 1.27% of current wage cost.⁷ The county proposes raising wages by 3% in 1/1/22 and 2.5% in 1/1/23 for a total wage adjustment of 6.77% by 2023 to which must be added the 2% inflation adjustment.

A CO is presently paid $20.65 \times 6.77\% = 1.39$, annual salary $43,120 \times 6.77\% = 46,039$
plus 2% = 46,960, and

$24.30 \times 6.77\% = 1.64$, annual salary $49,546 \times 6.77\% = 52,900$
plus 2% = 53,958

A Cpl. CO is presently paid $22.72 \times 6.77\% = 1.53$, annual salary $46,322 \times 6.77\% = 49,457$
plus 2% = 50,446, and

$26.73 \times 6.77\% = 1.80$, annual salary $54,496 \times 6.77\% = 58,185$
plus 2% = 59,348

UE 5 reveals the CO salary paid in Herkimer is 37,512 to 44,862
Montgomery 48,821 to 62,625
Otsego 47,380 to 59,225
Saratoga 52,915 to 73,730
Warren 47,226 to 67,570

UE 5 reveals the Cpl. CO salary paid in Montgomery is 55,615 to 71,340

⁶ Otsego and Warren counties are not contiguous to Fulton County but are similarly situated based on departmental structure and demographic condition (See UB p 2.)

⁷ \$38,000 = 1%

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This analysis shows that with the County proposed wage, longevity and inflation adjustment increases added to the salary presently paid COs (2023), only Herkimer County lags Fulton County and the other four counties pay above the Fulton rate.

CO salary differences between Herkimer, minus 9448 to 9096
Montgomery, plus 1862 to 8667
Otsego, plus 420 to 5267
Saratoga, plus 5955 to 19772
Warren, plus 266 to 13612

Cpl. CO salary difference between Montgomery plus 5169 to 11992

The analysis discloses that the discrepancy between salary paid in the County with that paid in four of the five counties offered by the Union in UE 5, increases disproportionately with experience, a consequence of stepped salary schedules in the comparable counties (UEs 9-14).

If the lowest salaried county, Herkimer, and the highest salaried county, Saratoga, were not included in an analysis of the remaining three adjacent counties with whom Fulton County was compared on UE 5 - Montgomery, Otsego and Warren - using the figures set forth above, the following comparison emerges:

The average salary between the lowest and the highest rate paid a CO in each of the three counties is:

Montgomery 55723
Otsego 53302
Warren 57398

The average paid in Fulton County is 50459, a difference of 5015 from the average paid in the three comparable counties of 55474. The difference is approximately 9.4% of the current (2023) salary that would be paid in the County with the proposed increases offered by the County based on the analysis set forth above.

CE W shows adjusted CO salaries in the County, based on its calculation of proposed increases for 2023, at 43,117 to 53, 638. The comparison with counties offered as comparable by the County reveals the following:

Schoharie 41998 to 57155
Montgomery 47399 to 60654
Washington 48505 to 59883
Herkimer 38543 to 50343
Warren 47226 to 67570

Schoharie and Herkimer counties paid less than Fulton County, on a scale of lowest to highest salaries paid COs, with Montgomery, Washington and Warren counties paying

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more.

Average CO salaries in those counties paying more than Fulton County in the County's proffer of comparable counties reveal:

Washington 54194
Warren 57398
Montgomery 55723

If the two groups of counties offered for comparison with Fulton by the two parties were combined, the analysis set forth above shows that for 2023, only Herkimer and Schoharie paid a lower CO salary than Fulton County and five other counties - Washington, Warren, Montgomery, Otsego, Saratoga, - pay higher wages with wage discrepancies increasing with years of service.

The objections the County raised, regarding its reluctance to enhance its present wage and longevity proposal, are based on speculation regarding its future expenses as well as uneasiness regarding the fiscal health of the state. These costs⁸ are not unique to Fulton County alone however, and might be viewed as generically similar to unexpected expenses counties have had to absorb in the past. Contrarily, Fulton County and other counties in this comparison have received additional funds such as provided via ARP. In contrast with Fulton County however, the analysis above shows that five of the seven counties offered in the combined universe of comparable counties have managed to fund wage schedules that are above that available in Fulton County, several by a considerable margin.

The maintenance and staffing of correctional facilities by counties – and other municipalities - is an essential function of government. In the impasse here, both parties agree that inadequate salaries and other factors, such as scheduling, are making it very difficult for Fulton County to fulfill this essential function. The County takes pride in its willingness to provide for longevity increases and it should. However, even with that increase factored into the analysis here, wages paid COs (the clear majority of employees in the bargaining unit) lags behind comparable communities.

Salary increases of 4% in 2022 and 2023 (1.5% more than the current County offer) would raise average CO salaries in the County to 51220, still, several hundred dollars below the wages paid in a majority of the comparable counties.

Further increases of 4% in 2024 and 2025 would match those agreed to in the road patrol cba and are justified on the facts present here.

⁸ The elimination of "eFMAP" funds, tax foreclosure funds, and increases in assigned counsel expense. In addition, a "cooling" of sales tax receipts and deficits in the state budget are forecast for the future.

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An issue illuminated in the analysis above is the relative closeness of wages paid employees with seniority to those paid new hires. This issue is partly alleviated by the County offer to double longevity payments. A further increase is warranted, however. It is recommended that an additional \$100 be added to step 11 on top of the County offer (Step 11 would be \$400) and an additional \$100 be added to the County offer at step 16 (Step 16 would be \$500).

The Fact Finder acknowledges the presence of several other open issues several of which are efforts to address staffing problems (Swaps, Vacation time). He makes no recommendations here but encourages the parties to close on these issues. Similarly, issues regarding uniform allowance and compensation time appear close to voluntary resolution and no Fact-Finding recommendations will be made on these matters.

Summary of Fact-Finding Recommendations:

1. **4% across the board salary adjustments, fully retroactive, for the years 2022 through 2025**
2. **The County proposal on doubling longevity to which an additional \$100 would be added at Step 11 and an additional \$100 would be added at Step 16.**

State of New York:
County of Saratoga:

I, Eric W. Lawson, the named Fact Finder in the document above, declare that I am the same and that the enclosed Opinion and Recommendations are entirely my own.



Date: October 28, 2023

Eric W. Lawson