

STATE OF NEW YORK

PUBLIC EMPLOYMENT RELATIONS BOARD

CASE NO. CA-0043; M75-213

* * * * *

In the Matter of Arbitration

- between -

CITY OF ROCHESTER

- and -

ROCHESTER FIRE FIGHTERS ASSOCIATION LOCAL 1071

* * * * *

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MAY 15 1975
COMMUNICATIONS SECTION

AWARD OF PUBLIC ARBITRATION PANEL

The undersigned Arbitrators, having been designated pursuant to the provisions of Section 209.4 of the New York State Civil Service Law, and having duly heard the proofs and allegations of the parties, hereby make the following

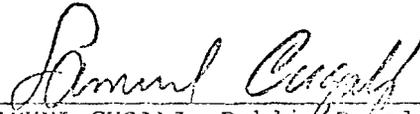
A W A R D

The terms and conditions of employment specified as "not agreed upon" in the petition for Compulsory Interest Arbitration filed by the Unions are decided as follows:

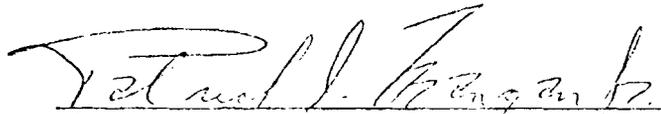
1. The 6% increase in all salary steps in Bracket 80, Fire Fighters (Appendix A), and for non-uniformed members (Appendix B), recommended

by the Fact Finder effective July 1, 1975 is adopted.

2. The demand for Cost of Living is denied.
3. The demand to continue the present fifteen percent (15%) differential between salary grades is granted.



SAMUEL CUGALJ, Public Panel Member and
Chairman



PATRICK J. MANGAN, JR., Employee
Organization Panel Member

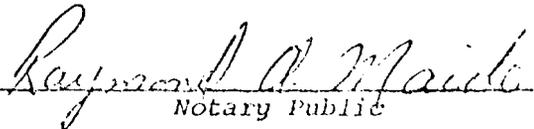


WILLIAM HOLCOMB, Employer Panel Member

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this twenty-second day of October 1975, before me personally came and appeared SAMUEL CUGALJ, WILLIAM HOLCOMB AND PATRICK J. MANGAN, JR., to me known and known to me to be the individuals described herein and who executed the foregoing instrument and they acknowledged to me that they executed the same.

RAYMOND A. MAIOLIO - Reg. No. 2349
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires March 30, 1976



Notary Public

STATE OF NEW YORK

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STATEMENT OF CHAIRMAN OF PUBLIC ARBITRATION PANEL

Pursuant to the provisions of the Civil Service Law, Section 209.4, Robert D. Helsby, Chairman of the Public Employment Relations Board designated the following individuals on September 23, 1975 to serve as a Public Arbitration Panel in this proceeding:

- Samuel Cugalj, Public Panel Member and Chairman
- William Holcomb, Employer Panel Member
- Patrick J. Mangan, Jr., Employee Organization Panel Member

The Panel was charged by Section 209.4 to heed the following statutory guidelines:

- (v) the public arbitration panel shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the panel may, but shall not be bound to, adopt any recommendation made by the fact-finder, and shall, so far as it deems them

applicable, take into consideration the following and any other relevant circumstances:

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 qualifications; (5) job training and skills;

d. such other factors which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

The Panel conducted its hearing in Rochester, New York on October 14, 1975. The Employer and Employee Organizations were present, and they were afforded full opportunity to present evidence and argument in support of their respective positions.

The Panel met briefly in executive session following the hearing,

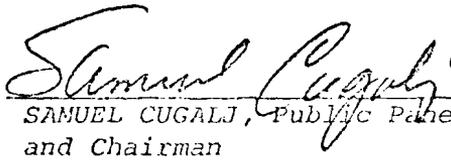
and because all Panel members were from the Buffalo, New York area, it was agreed that each would spend the next several days reviewing the exhibits and arguments presented at the hearing.

The Panel met in executive session on October 21, 1975 and deliberated on each of the three issues presented to it in the Petition For Compulsory Interest Arbitration filed by the Employee Organization. The results of these deliberations are contained in the Award issued by the Panel on October 22, 1975. The Panel was unanimous in their conclusions on all three issues.

The Panel took into consideration the fact that evidence and argument with respect to all the items involved in the proceeding had previously been presented to a fact-finder, and recommendations were made by him based on such evidence and argument. As Chairman, I urged that unless the Panel was presented with persuasive evidence, the recommendations of the fact-finder should not be disturbed. This policy was adopted by the Panel in all of the items covered in the Award.

The only significant deviation from the fact-finder's recommendation was in No. 3 of the Award which continued the past 15% differential between salary grades. The Panel felt that there was additional evidence made available at the hearing, which was not available to the fact-finder, which warranted the maintaining of the present differential. Because of this, I do not believe that the Award detracts from the fact-finder's report and as such, the fact-finder's report retains its full credibility.

Based on all of the factors which Section 209.4 charged the Panel to consider, it is my opinion that the Award of the Panel was fair, equitable and warranted by the evidence presented at the arbitration hearing.



SAMUEL CUGALJ, Public Panel Member
and Chairman

DATED: October 22, 1975