

STATE OF NEW YORK
EMPLOYMENT RELATIONS BOARD
CASE NO. IA 87 M78-524

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1978

In the Matter of the Arbitration Between the
CITY OF MIDDLETOWN
and
THE INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS, LOCAL 1027

STATEMENT OF
CHAIRMAN OF
PUBLIC
ARBITRATION
PANEL

Pursuant to the provisions of the Civil Service Law,
Section 209.4, Harold Newman, Chairman of the Public Employment
Relations Board designated the following individuals on October 23,
1978 to serve as a Public Arbitration Panel in this proceeding:

- Thomas F. Carey, Public Panel Member and Chairman
- Kenneth MacVean, Employer Panel Member
- Robert Gollnick, 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 dis-
pute. 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. comparision of the wages, hours and conditions
of employment of the employees involved in the arbi-
tration proceedings with the wages, hours, and condi-
tions 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 com-
parable 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. the terms of collective agreements negotiated between the parties in the past providing for compensation and fringe benefits, medical and hospitalization benefits, paid time off and job security.

The Panel conducted several sessions in Middletown, New York in January, February and April of 1979. The Employer and Employee Organization were present and they were afforded full opportunity during these preliminary sessions to explore alternatives prior to the formal commencement of the arbitration hearings.

The Public Arbitration Panel proceedings were interfaced with several collateral legal challenges in other judicial forums. One of these resulted in the ruling of the Supreme Court of Dutchess County which determined:

Upon the open court stipulation made by the attorneys for the respective parties, the arbitration proceedings involving the parties' 1977-1978 public sector labor dispute is hereby consolidated with the arbitration proceedings involving the parties' 1979 labor dispute. The public arbitration panel designated for the 1979 dispute shall hear and determine the consolidated proceedings (Matter of Symphony Fabrics Corp. (Benson Silk Mills, Inc.), 12 N Y 2d 409.) The panel's initial meeting of April 9, 1979, may not be adjourned without leave of the court. So ordered.

Van De Water & Van De Water (John M. Donoghue and James E. Nelson of counsel), for petitioner.
William Karamitis for respondent.

The hearing was opened on April 9, 1979 as per the order of the court. At the beginning of the proceedings the parties requested and were granted the opportunity to further explore a mediated settlement.

A mediator's proposal was submitted and after some discussion was accepted by the representatives of the parties as a workable solution for the four year period 1977, 1978, 1979 and 1980. The "Mediator's Proposal", which is attached has since been ratified by both parties. Mr. MacVean, the Employer Panel Member and Mr. Gollnick, the Employee Panel Member, are to be commended for their efforts in helping the parties to accept the proposal..



Thomas F. Carey, Panel Chairman

MEDIATOR'S PROPOSAL

City of Middletown

and

Middletown Paid Firemens' Association, Inc.

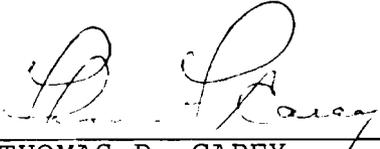
April 9th, 1979

It is proposed that the contract existing between the parties, expired December 31, 1978, shall be extended for an additional two years. It shall commence on January 1, 1979, and shall expire December 31, 1980. It shall be unchanged except as modified by this memorandum.

1. In satisfaction of the determination of the Public Employment Relations Board dealing with the issue of the reopening of salaries for 1977 and 1978, the parties agree that the salary schedule for 1977 shall be raised by \$500. at each and every step retroactive to January 1, 1977. The parties further agree that the salary schedule for 1978 shall be raised by \$500., beyond the schedule adjusted for 1977, at each and every step, retroactive to January 1, 1978.
2. Effective January 1, 1979, the adjusted 1978 schedule shall be increased by 3.5% at each and every step.
3. Effective July 1, 1979 the schedule shall be increased by 3.5% at each and every step.
4. Effective January 1, 1980, the schedule shall be increased by 3.5% at each and every step.
5. Effective July 1, 1980, the schedule shall be increased by 3.0% at each and every step.
6. Steps shall be paid pursuant to existing practice. The existing increment schedule shall continue in addition to the foregoing.
7. Effective upon ratification the City will provide a welfare fund at the rate of \$100. per participant per year. The fund will be used for dental or similar insurance plans.

8. A past practice will be any practice or rule relating to a condition of employment which is established by its (1) clarity, consistency, (2) longevity and repetition, (3) and acceptability and mutuality. There will be no change in such condition without first having obtained agreement and consent of the Paid Fire fighters. Questions concerning the interpretation of this provision shall be determined through ordinary contract process provided herein. There is no intent on the part of the City to reduce the present number of Paid Firemen presently in its employ.
9. The Labor Management Committee shall be added to the contract as drafted.
10. Issues involving job descriptions and rules and regulations will be submitted to the Labor Management Committee.
11. The City agrees that it will extend the provisions dealing with union time to allow up to 2 persons time off to attend scheduled arbitrations. Negotiations will continue under current practice.
12. Effective July 1, 1979 overtime will be paid at the rate of time and one half. Overtime will be scheduled on rotation starting with the most senior fire fighter first.
13. The contract designation will be changed to fire fighters.

I have prepared this Mediator's Proposal with the assurance from the representatives from both parties that they will affirmatively recommend the proposal to their respective constituents for certification.



THOMAS P. CAREY