

NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD

AUG 14 1979

CONCILIATION

IN THE MATTER OF THE ARBITRATION BETWEEN: :

TOWN OF NEWBURGH :

-and- :

TOWN OF NEWBURGH PBA :

ARBITRATION PANEL'S

AWARD and OPINION

CASE NO. IA-109: M78-684 :

The PUBLIC ARBITRATION PANEL (hereinafter referred to as the "PANEL"), composed of AL SGAGLIONE PBA Appointee, DONALD R. BECKER, Esq. Town Appointee, and PAUL G. KELL Chairman, was appointed in accordance with the procedures of the New York State Public Employment Relations Board to inquire into the causes and circumstances of the continued impasse between the TOWN OF NEWBURGH (hereinafter referred to as the "TOWN") and the TOWN OF NEWBURGH POLICE BENEVOLENT ASSOCIATION (hereinafter referred to as the "PBA"), and to render an Award accordingly.

Arbitration Hearings were held on August 2, 1979 and August 3, 1979 at the Town Hall, Town of Newburgh, New York. All of the evidence having been presented, the Arbitration Hearing was accordingly closed on August 3, 1979. After due and deliberate consideration of all the evidence, facts, exhibits and documents presented by the Parties, the following is the Panel's Award.

APPEARANCES: FOR THE TOWN:

DR. CHARLES J. GANIM, President of Value Management Consultants,
Representative for the Town;
WILLIAM M. SPANGENBURG, Chief of Police.

FOR THE PBA:

PETER E. BLOOM, Esq. of Bloom & Bloom, Esqs., Attorney for PBA;
KENNETH HOLT, President of PBA;
ROSS DRAKE, Vice-President of PBA;
ROBERT FISCHER, Secretary of PBA;
EDWARD FENNELL, Financial Analyst;
JAY FREEMONT, Retirement System Analyst;
JOHN BRADY, President, City of Newburgh PBA;
PAUL HOYT, Professor of Economics.

IN GENERAL:

(A) The dispute involves the continued impasse between the Town of Newburgh and the Town of Newburgh PBA for an Agreement retroactive to January 1, 1979. Pursuant to the continued impasse, the New York State Public Employment Relations Board on May 31, 1979 appointed the three member Public Arbitration Panel in accordance with Section 209.4 of the Civil Service Law.

(B) The pertinent sections of Section 209.4 are:

(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 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) 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.

(C) The Parties presented evidence on all of the unresolved issues. The Panel considered all of the facts, exhibits and testimony submitted by the Parties, and weighed them against the statutory criteria contained in Section 209.4. After the Parties had presented all of the evidence, facts, testimony, exhibits and witnesses; after informal discussions with the Arbitration Panel; after discussions between the Parties, and after the Parties considered suggestions by the Arbitration Panel; and after the Parties reconsidered and weighed their positions against the statutory

criteria contained in Section 209.4, the Parties agreed to the following Consent Award.

AWARD OF THE PUBLIC ARBITRATION PANEL:

The Public Arbitration Panel renders the following Consent Award:

The Agreement in effect as of December 31, 1978 shall remain in effect, except as modified below:

(1) The Agreement shall be for 2 years, covering the period January 1, 1979 through December 31, 1980.

(2) Salary Adjustments:

(A) Retroactive to January 1, 1979, a 7% increase across the board.

(B) Effective January 1, 1980, a 4% increase across the board.

(C) Effective July 1, 1980, a 4% increase across the board.

(3) Retroactive to January 1, 1979, the clothing allowance shall be increased by \$100 so that newly hired employees shall receive \$450 the first year, and all other members of the bargaining unit shall receive \$350 annually.

(4) Effective January 1, 1980 longevity shall be changed so that the \$300 payment shall be after 10 years of service and every 5 years thereafter, and an employee shall not lose his longevity payment if he is transferred from one grade to another.

(5) The grievance procedure shall be amended to provide for the right of the PBA, in addition to the individual member, to file a grievance.

(6) The PBA President or his designee shall be given six (6) days per year off with pay to attend the monthly meetings of the Police Conference of New York and/or the Annual Conference of the Police Conference of New York.

DATED: August 6, 1979.

Respectfully submitted,

Al Sgaglione
AL SGAGLIONE, PBA Appointee
Donald R. Becker
DONALD R. BECKER, Town Appointee
Paul G. Kell
PAUL G. KELL, Chairman

STATE OF NEW YORK)
COUNTY OF *Albany*) ss:

On this 13th day of August, 1979, before me, the subscriber, a Notary Public of New York, personally came and appeared AL SGAGLIONE, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged that he executed the same.

W. A. McGraw
Notary Public, State of New York
Albany County
Reg. No. 5413
My Commission Expires March 30, 1980

W. A. McGraw
Notary Public of New York
Commission expires 3/30/80

STATE OF NEW YORK)
COUNTY OF *ORANGE*) ss:

On this 10 day of August, 1979, before me, the subscriber, a Notary Public of New York, personally came and appeared DONALD R. BECKER, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged that he executed the same.

Donna Cook
Notary Public, State of New York
Qualified in Orange County
Reg. No. 01C04613115
My Commission Expires Mar. 31, 1981

Donna Cook
Notary Public of New York
Commission expires

STATE OF NEW JERSEY)
COUNTY OF HUDSON) ss:

On this 6th day of August, 1979, before me, the subscriber, a Notary Public of New Jersey, personally came and appeared PAUL G. KELL, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged that he executed the same.

Rose A. Malavasi
Notary Public of New Jersey
Commission expires 10/20/83

ROSE A. MALAVASI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Oct. 20, 1983