

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

1980  
JUL 24 1979

-----  
In The Matter of Impasse Between )  
THE CITY OF RYE )  
and )  
THE RYE POLICE ASSOCIATION )  
OF THE CITY OF RYE )  
-----

ARBITRATION AWARD  
Case No. IA-107; M78-665

- Martin Ellenberg, Esq. - Public Panel Member and Chairman
- Philip McGovern - Employer Panel Member
- Joseph Banahan - Employee Organization Panel Member

The New York State Public Employment Relations Board, having been petitioned to appoint a public arbitration panel to resolve the impasse between the parties, duly designated the panel on June 5, 1979 according to the provisions of, and under the authority vested in the Board by, Section 209.4 of the New York Civil Service Law. Hearings were held before the Panel, in Rye, from July 24, 1979 to June 20, 1980. Each party, through its designated representatives, had ample opportunity to support its position by presentation of argument, testimony, evidence and exhibits, in the presence of and subject to cross-examination and rebuttal by the other party. After eighteen days of hearings, as evidenced by more than 2300 pages of transcript, three executive meetings of the Panel of Arbitrators and innumerable telephone calls, it is gratifying to issue an award representing a concensus of the parties, one which is deemed to meet the needs of the members of the Police Department

while according comparable consideration for the interests of the community.

The demands submitted by both parties to the Panel were numerous, and argued at some length. No useful purpose will be served by repetition of material available in the transcript. This report concerns itself with the eight issues on which the Panel made an award and achieved a settlement. All other issues shall be deemed denied.

1. TERM OF AGREEMENT

January 1, 1979 through December 31, 1980

2. RATES OF PAY AND LONGEVITY

The salary schedules are shown below with explanations of the computations following.

1979

<u>Position</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
Patrolman	<del>15,173</del> 16,235	16,910	17,614	18,357	19,136
Sergeant	17,614	18,357	19,136	19,953	20,813
Lieutenant	19,136	19,953	20,813	21,714	22,659

*J.B. Pung. ml*

1980

<u>Position</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
Patrolman	15,173* 17,799**	18,540	19,311	20,126	20,980
Sergeant	19,311	20,126	20,980	21,876	22,819
Lieutenant	20,980	21,876	22,819	23,806	24,842

*J.B. Pung. ml*  
*J.B. Pung. ml*

\* Applicable to employees hired October 1, 1980 or later.

\*\* Applicable to employees hired through September 30, 1980 (the date on which this panel reached final agreement).

~~Note that although Step 1 for the patrolman classification~~

~~is the same as the rate for the 1979 year, but for the increased rates~~

~~shown above in parentheses. These are the rates applicable to patrolmen~~

*J.B. Pung. ml*  
*J.B. Pung. ml*  
*J.B. Pung. ml*

~~hired in 1979 or in 1980, prior to the date this award is issued.~~

1/11/82  
1/17/82

Longevity payments for employees hired on January 1, 1979 or later are \$150.00 after 10 years of service, an additional \$150.00 after 15 years of service and an additional \$150.00 after 20 years

of service. For patrolmen who became members of the Rye Police Department during the years 1971 through 1978, the schedule shall be \$600.00 after nine years, plus \$630.00 after 14 years, plus \$660.00 after 19 years. For sergeants the scheduled payments are \$660.00, \$693.00 and \$728.00. For lieutenants - \$728.00, \$764.00 and \$802.00. Employees hired in 1970, or earlier, shall retain their longevity payments, as per 1980 entitlement, but future increments shall be in accordance with the pre-1979 schedule above. The provisions of Article 4 d (ii) [see 1975-76 Agreement] which provided for certain percentage of salary payments on retirement are replaced by the longevity provisions above.

1/13/82  
Rueff

1/11/82  
1/17/82  
1/22/82  
1/24/82

Explanation of computation of new rates -

Substantial discussion during the arbitration hearings was devoted to the decreasing position of the Rye Police Department relative to salary schedules of other Westchester departments. The 1980 schedule, above, represents a mutually agreed approach to recognize the need for area comparability if the Department's members are to be expected to perform in the spirit and with the morale of an effective unit to which the community is entitled.

Total maximum compensation for Patrolman under the new schedule (i.e. Step 5 plus \$450 longevity) was determined by averaging the comparable figures for the Villages of Mamaroneck and Port Chester and the Towns of Rye and Harrison.

[Although the Mamaroneck agreement has not yet been signed, as of the date of preparation of this award, both parties to that agreement have indicated to this panel the figure that we could reliably utilize for our purpose.]

Step 5 on the 1980 City of Rye schedule was computed by then subtracting \$450, the new total longevity payment, from the total compensation, as defined above.

*as to new employees,*  
Step 1 for Patrolman was not increased, in order to permit the City to gain the economic benefit of continuing the ~~present~~ <sup>pre-existing</sup> rate, unchanged for probationary members of the Department. Upon qualifying for Step 2, however, it was agreed that the earnings for patrolmen should be in line with the adjusted schedule.

Note that with regard to employees defined above as eligible for the higher Step 1 rates, ~~(in parentheses)~~, these increases were awarded in recognition of the fact that these employees will not be eligible for the significantly higher longevity payments provided by the schedule in the preceding agreement, for which they might otherwise have been eligible.

The increase in Step 5 for the Patrolman, as computed, for 1980 is 17.3% over 1978. A comparable percentage increase was applied to the rates for Sergeant and Lieutenant.

The panel agreed that, for 1979, an increase of 7% over the 1978 rate would balance the needs of both employees and community.

It might be noted that in addition to the panel's efforts to improve the relative position of the Rye police rates, making it comparable to nearby departments, that the Consumer Price Index for Urban Wage Earners and Clerical Workers (New York, N.Y.-Northeastern New Jersey) increased from January 1978 to January 1979 by 6.6% and from January 1979

to January 1980 by 18.8%.

### 3. WORK SCHEDULE

The work schedule for shift employees, effective as of the earliest opportunity for implementation, is revised to 5-5-5/72, i.e. employees will work a 5 day week, as heretofore, but upon the change of shift, every ~~three~~<sup>two</sup> ~~weeks~~<sup>weeks</sup>, shall be off for a 72 hour period. *MS*

The 72 hour-off period more nearly meets prevailing practice in comparable communities and seems to be an entirely reasonable accommodation for employees who are burdened by working a rotating shift. However, in recognition of the fact that this schedule will result in somewhat fewer work days per year and in order to minimize the cost effect of this revision, the panel also agreed to decrease the paid time off allowance by elimination of the provision for two discretionary days off per year. This revision shall take effect on the same date as the implementation of the 5-5-5/72 schedule.

### 4. RECALL

In order to provide a reasonable minimum compensation to an employee recalled to work following his leaving after the end of his shift, the minimum period for recall shall be 2 hours. To avoid needless expense to the City, time one-half will be payable for time actually worked, including travel; straight time rates shall apply for time paid to meet the 2 hour minimum, but not actually worked.

This provision is effective with the issue of this award and is not retro-active.

5. DENTAL INSURANCE

Effective January 1, 1980, the City will provide dental insurance, fully paid to the extent that the City will appropriate funds for premium payment in the amount of \$16.67 per month per employee. The coverage provided shall be that of the Tri-County Standard Family Plan, or comparable.

Again this benefit is awarded in attempting to provide reasonable comparability in earnings and benefits with comparable employees.

6. GROUP LIFE INSURANCE

Effective with the earliest implementation following issue of this award, the City shall provide, to each member of the bargaining unit, group life insurance in the amount of \$10,000. The cost of premiums for such insurance will be fully paid by the city providing that its total cost does not exceed \$3.50 per month per employee.

Simultaneously, the Association will discontinue its past practice of soliciting funds, in the community, which had been for the purpose of buying life insurance for its members.

7. AFFIRMATIVE ACTION

A non-discrimination affirmative action clause, to be drafted by the parties, shall be included with the Agreement.

8. TRAINING

The City shall provide, and members of the Department shall participate in appropriate training, during duty hours, ~~to~~ (a) *MB Price*

to maintain certification in

A Advanced First Aid (Red Cross) and (b) for annual qualification  
in use of firearms.

*W. P. May*

\* \* \*

Sworn to before me this  
14th day of November, 1980

*Anthony J. Antinozzi*  
Notary Public, Westchester County

ANTHONY T. ANTIINOZZI  
Notary Public, State of New York  
No. 60 5089000  
Qualified in Westchester County  
Term Expires March 30, 1982

Respectfully submitted,

*Martin Ellenberg*  
Martin Ellenberg, Esq.  
Public Panel Member and  
Chairman

Sworn to before me this  
17th day of November, 1980  
Alan E. Wolin

ALAN E. WOLIN  
Notary Public, State of New York  
No. 30-4679411

Qualified in Nassau County  
Term Expires March 30, 1982  
Sworn to before me this

14th day of November, 1980

*Anthony J. Antinozzi*  
ANTHONY T. ANTIINOZZI  
Notary Public, State of New York  
No. 60 5089000  
Qualified in Westchester County  
Term Expires March 30, 1982

*Philip McGovern*  
Philip McGovern  
Employer Panel Member

*Joseph Banahan*  
Joseph Banahan  
Employee Organization  
Panel Member

November 14, 1980