

Dr. Gymer

Public Employment Relations Board
Case No. LA 90-10; 980-82

* In the Matter of Compulsory Arbitration
 *
 * between
 *
 * VILLAGE OF SPRING VALLEY
 * Employer
 * and
 *
 * POLICEMEN'S BENEVOLENT ASSN. OF SPRING VALLEY
 * Employee Organization
 *

PERB PUBLIC
 RELATIONS
 REC'D
 MAR 23 1981
 CONCILIATION

As the result of a continued impasse in the collective negotiations between the parties in this matter, mediation efforts by Frank A. McGowan, and the petition filed by the police organization with PERB, a Public Arbitration Panel was appointed on November 5, 1980. Panel members designated by PERB were: Arthur Moskoff, Esq., employer representative; Raymond G. Kruse, Esq., employee representative; Howard T. Ludlow, public member and chairman.

The panel met in the municipal building in Spring Valley, New York, on January 6 and 29, 1981, and held a third session on February 19, 1981. The major issues were presented at the initial session and it was agreed that discussion would continue on those items that were not part of improper practice charges pending before PERB. Additional exhibits were submitted at the second meeting, and Mayor Joel Rosenthal appeared before the panel with further data at the February 19 session. The conclusions contained in this award resulted from consideration of all the testimony and evidence submitted to the panel at its three meetings.

BACKGROUND OF THE CASE:

The contract having expired on May 31, 1980, and no new labor agreement having been adopted by the Village and the PBA for the thirty-seven member department, the employee group's petition listed the following as unresolved issues:

- (a) Salary
- (b) Overtime

- (c) Longevity
- (d) Personal Leave
- (e) Health Plan
- (f) Sick Leave
- (g) Maintenance Uniform Allowance
- (h) Time Off For Union President
- (i) Agency Shop
- (j) In Service Training
- (k) Safety
- (l) Savings Bonds

As already indicated, not all of these items were subject to discussion by the panel because of improper practice petitions, and some issues were withdrawn by mutual agreement. Although data for all Rockland County police stations were considered during the hearings, most comparisons were made against statistics drawn from communities adjacent to Spring Valley or from the other three villages in the county. Care was taken to comply with the criteria set down in Civil Service Law, Section 209.4 (v) for the guidance of a public arbitration panel, and the members made a "comparison of the wages, hours and conditions of employment of the employees involved" with those performing similar services elsewhere. In addition, the panel was charged with a consideration of a "comparison of peculiarities in regard to other trades or professions" and "the terms of collective agreements negotiated between the parties in the past."

Before analyzing specific issues, it should be noted that, in general terms, police salaries in the unit lag behind comparable departments even though various fringe benefits tend to be closer to the pattern. When recognition is also given to the acknowledged high level in the cost of living and the resultant decline in the true value of one's earnings, it is apparent that appropriate wage adjustments are in order.

At the same time, however, we cannot ignore the financial and economic problems of the community that has to pay the bill for

our findings. Spring Valley is not a wealthy village. The 1978 Rockland County Data Book indicates a low median income for village residents and a high rate of unemployment. Housing includes low and middle income apartments as well as publicly assisted developments. There are many senior citizens for whom a tax increase would be a burden. And yet, there is no reason to believe that the governing body is under any greater anti-tax pressure than can be found in almost any community during these inflationary times.

To express it another way, we are obliged to consider both the legitimate requests of the employees and the financial burden placed upon the village in our attempt to arrive at a rational determination. Spring Valley may well have to raise taxes if it cannot otherwise adjust its budget, but the village has in no way reached its taxing limit. Realizing the financial cost of our actions, we have not attempted to make a major change in the relative status of the PBA unit and have deliberately either disregarded or "held the line" on some otherwise meritorious requests in the recommendations and discussions that follow.

ISSUES AND AWARD:

Having in mind the discrepancies existing between Spring Valley salaries and those of other departments in the area as well as the effects of inflation upon the wage scale, we also analyzed within the confines of the data submitted to us comparability of working conditions. On this latter point, the Spring Valley rate of crime is far above the rest of Rockland County and the total includes an extremely high rate of violent crimes among the offenses reported to the State. Thus it is not illogical to conclude that Spring Valley officers may indeed be part of a police structure that requires more arduous duty than many of their counterparts in nearby jurisdictions that are on a higher salary scale.

But what are the salaries paid at the accepted top level of police rank (the fifth year) throughout Rockland County? Using the scale for 1980 rates, the following analysis is of interest:

County average is \$21474
Average for villages is \$20820
Average for the 3 major communities that surround
Spring Valley is \$22137 (Clarkstown, Ramapo,
Orangetown)
Average for departments of similar size is \$21074
(Haverstraw Town, Haverstraw Village, Nyack,
Suffern, Stony Point)
Average for all four of the above concepts is \$21376

Even if a comparison is made between the lowest of the above figures, the average for the villages (\$20820) and the Spring Valley rate (\$20069), a shortage of \$751 will be shown to exist. If we compare Spring Valley to the highest group, the difference will be substantial, and it turns out to be \$1307 when we measure Spring Valley against the \$21376 average for all of the four approaches. From a percentage standpoint, it must be acknowledged that the rates of increase for 1980 over 1979 ranged all the way from a low of 3% in Haverstraw Village to a high of 9% in Nyack, but such figures may not be completely helpful because they ignore the role played by multiyear settlements and the price in wages that may have been exacted in exchange for other benefits. However, no matter how one looks at it, the differential in salary rates is quite obvious.

When 1981 contracts are examined within Rockland County, it raises the differential to \$2792 when the present Spring Valley rate is matched against the average salary of \$22861. This is significant because the 1981 settlements do not include the two departments (Clarkstown and Nyack) that had the highest percentage increases in 1980 among the units in the county. Should they maintain the growth rates (8% and 9%) that they obtained in 1980 salaries, their respective rates will be \$24911 and \$23070, an average for the two of them of \$23990. Naturally, this panel cannot assume any

firm figures for either Clarkstown or Nyack at this point, but a statistical projection is not improper as part of our attempt to match Spring Valley against the total picture. Such a comparison would indicate a differential of \$3921 based upon the average for the projection and the PBA's present top salary.

Therefore, with all of the foregoing data before us, it is tempting to award substantial salary increases to the Spring Valley unit in order to overcome the existing inequities. At the same time, we are constrained by the economic problems that face Spring Valley and the burden that the taxpayers will face with even a modest attempt to arrive at a rational solution. Inflationary pressures are on both employees and employer and cannot be completely resolved within the collective bargaining structure.

Award: That there be no change in the salary for probationary police officers. That the salary for the fifth year officers in 1980 be increased by eight per cent (8%) so as to be \$21675, and that such salary be increased by an additional nine per cent (9%) for 1981, thus amounting to \$23525. In addition, the same percentage increases shall be applied throughout the other grades on the salary scale.

Having in mind the desire to apply as much salary equity as possible to the Spring Valley force while recognizing at the same time that financing applied by the employer to that purpose cannot also be available for many other worthy benefits requested by the unit in its petition, the panel has concentrated its remaining awards on what it perceives to be a few key issues.

First of these is the matter of adequate compensation for detectives and the somewhat related issue of the role played by Juvenile Aid officers. As to the former point, it is our belief that the nature of detective work justifies a salary higher than the one paid to members of the uniformed force, but not so high that the grade of sergeant would be adversely affected. Therefore,

the members of the panel make the following

Award: That detectives be paid a salary which reflects one-half of the differential between the amount paid to the top grade patrolman and the rank of sergeant.

On the matter of payment to those who are assigned as Juvenile Aid officers, the village contention that such men are primarily patrolman could not alter the fact that much of their work is of an investigative nature that takes place "off premises" and is more akin to the type of duty customarily associated with detective activity. While technically, the Juvenile officers are not actually part of the detective group, neither are they out on normal patrols with the rest of the force. Their working conditions are also different from patrolmen in that they are obliged to stand by and be available for duty on alternate weekends. In sum, it appears to us that their special status justifies extra compensation.

Award. That Juvenile Aid officers receive the same salary as is paid to detectives.

The last of the monetary issues that we believe to be in need of adjustment is the matter of longevity. Quite simply, the Spring Valley schedule is behind the programs established for other departments in Rockland County. As already mentioned in this report, however, we are constrained to limit any further financial burden upon the village. Therefore, we propose a modest but necessary increase in the plan so as to provide somewhat more equity for the members of this unit.

Award: That the longevity plan be increased to \$375 in 1980 and to \$400 in 1981.

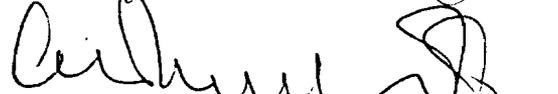
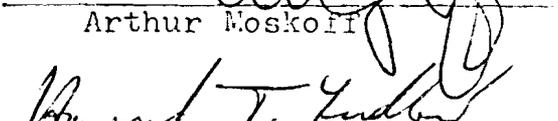
A non-cost item that is permitted by State legislation is the agency shop. Although many municipalities have a traditional antipathy to that type of union security, we see no strong reason why such a PBA request should not be granted.

Award: That there be an agency shop provision in the 1980 agreement, to be continued in subsequent years as provided by law.

The foregoing represents the total of issues decided under this public arbitration process. All items submitted by either side have been considered by this panel and the lack of specificity on any issues not otherwise mentioned reflects our intention to either deny the request or to maintain the status quo on that subject.

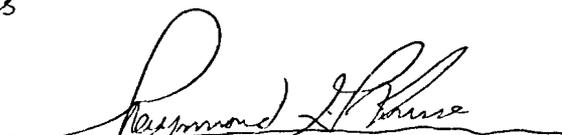
CONCLUSION:

The chairman appreciates the cooperation of his colleagues on the panel in the preparation of this report. Although there was not a unanimous opinion on each of the items that required our analysis and decision, it is our considered judgment that the awards we have made meet both legislative criteria and the needs of the two parties in this dispute.


Raymond G. Kruse

Arthur Moskoff

Howard T. Ludlow

Dated: March 3, 1981

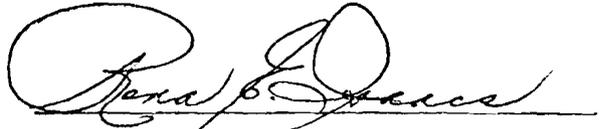
The undersigned dissents


Raymond G. Kruse

Case No. IA-80-10; M80-82
PUBLIC EMPLOYMENT RELATIONS BOARD
OPINION AND AWARD OF ARBITRATION PANEL

STATE OF NEW YORK
COUNTY OF ROCKLAND ss:

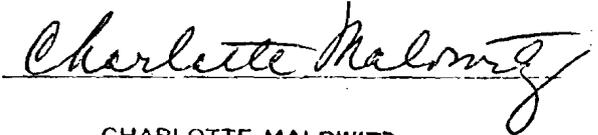
On this ^{4th} day of March, 1981, before me, a Notary Public of the State of New York, personally appeared ARTHUR MOSKOFF, to me known and known to me to be the individual described herein and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.



RENA E. ISAACS
Notary Public, State of New York
Qualified in Rockland County
Commission Expires March 30, 1982 ✓

STATE OF NEW YORK
COUNTY OF ROCKLAND ss:

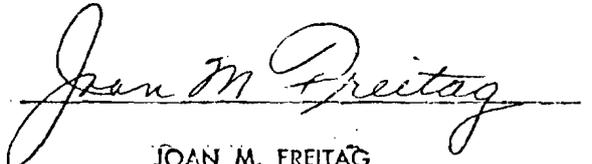
On this 6th day of March, 1981, before me, a Notary Public of the State of New York, personally appeared RAYMOND G. KRUSE, to me known and known to me to be the individual described herein and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.



CHARLOTTE MALOWITZ
NOTARY PUBLIC, State of New York
No. 44-7686300
Qualified in Rockland County
Commission Expires March 30, 1982 ✓

STATE OF NEW JERSEY
COUNTY OF ESSEX ss:

On this 1st day of March, 1981, before me, a Notary Public of the State of New Jersey, personally appeared HOWARD T. LUDLOW, to me known and known to me to be the individual described herein and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.



JOAN M. FREITAG
NOTARY PUBLIC STATE OF NEW JERSEY
My Commission Expires November 4, 1982