

PUBLIC EMPLOYMENT RELATIONS BOARD

STATE OF NEW YORK

STATE PUBLIC EMPLOYMENT
RELATIONS BOARD
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CONCILIATION

IN THE MATTER OF THE INTEREST ARBITRATION

- between -

CITY OF BUFFALO

- and -

BUFFALO PROFESSIONAL FIREFIGHTERS ASSN., INC.,
LOCAL NO. 282, IAFF, AFL-CIO

Case No. IA-80-17; M80-266

PUBLIC ARBITRATION PANEL:

Edward Levin, Public Member & Chairman
Richard Planavsky, Employer Member
Richard Lipsitz, Esq., Employee Member



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Public Employment Relations Board
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 BUFFALO PROFESSIONAL FIREFIGHTERS :
 ASSOCIATION, LOCAL NO. 282, IAFF, AFL-CIO :
 :

OPINION
&
AWARD
OF
PANEL

APPEARANCES

For the City of Buffalo:

Samuel Iraci, Director of Labor Relations

Also present:

Leslie E. Schmarder, Director of the Budget;
Anthony C. Vaccaro, Assistant Corporation Counsel;
Albert G. Duke, Deputy Commissioner

For the Buffalo Professional Firefighters Association:

Carmine Putrino, Esq., Attorney

Also present:

Samuel A. Christopher, President; Kenneth J.
Trometer; Leon G. VonWrycza; Salvatore A.
Morreale, Budget; Ed Fennell

Public Arbitration Panel:

Edward Levin, Public Member & Chairman
Richard Planavsky, Employer Member
Richard Lipsitz, Esq., Employee Member

* * * * *

On October 1, 1980 and pursuant to the authority granted
under the provision of the Civil Service Law, Section 209.4,
the New York State Public Employment Relations Board ("PERB")

having determined that a dispute continued to exist in the negotiations between the City of Buffalo ("City") and the Buffalo Professional Firefighters Association ("Union") designated a Public Arbitration Panel for the purpose of making a just and reasonable determination of the dispute. It appointed Edward Levin as Public Member and Chairman, Richard Planavsky as the Employer Member, and Richard Lipsitz as Employee Member.

Hearings on the matter were held on January 5 and January 8, 1981 in Buffalo, New York. At that time each of the parties was afforded full opportunity to present evidence, testimony and argument in support of their respective positions. [see Appendix A: Exhibits and Witnesses presented by the Union; Appendix B: Exhibits and Witnesses presented by the City] A transcript of the proceedings was recorded and forwarded to the Panel, and each of the parties filed a post-hearing brief. An executive session of the Panel was held on February 25, 1981.

STATUTORY CRITERIA

Statutory provisions applicable to compulsory interest arbitration pursuant to Civil Service Law, Section 209.4 as amended July 1, 1977, are set forth therein and are as follows:

(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.

OUTSTANDING ISSUES AND POSITIONS OF PARTIES

The parties began negotiations for the contract that is here at impasse in March 1980. A voluntary agreement was reached by the negotiating teams on May 23, 1980. That agreement was rejected by the Union's membership. Negotiations continued and, prior to the arbitration hearings, the parties resolved all but the following four (4) issues. These issues were stipulated as the only issues to be submitted to the Panel for resolution. They are:

1. Salary and Adjustment
2. Uniform Allowances
3. Personal Leave
4. Lump Sum Payments of Meal Allowances

As to the issue of salary adjustments, the City proposes a seven percent increase in 1980-81 and a six percent increase in 1981-82. As to all other issues, the parties stipulated the following:

1. The Union's proposal #1 which reads as follows:

3.1 Salary & Adjustment. A. Ten per cent first year as shown in Exhibit A, July 1, 1980 to June 30, 1981. Twelve percent second year, July 1, 1981 to June 30, 1982, as per ratio between ranks as shown in Exhibit A: Firefighter, 100 percent; Assistant Alarm Operator, 107 percent; Lieutenant, 115 percent; Captain, 124 percent; Battalion Chief, 134 percent; and Division Chief; 146 percent.

2. The Employer's proposal #3 for lump sum payments of meal allowances which reads as follows:

(3) Add the following to 3.1 (B): "Such payment shall be cumulative during the fiscal year and payable in a lump sum on or about June 30 of each fiscal year."

3. The Union's proposal #27 for increase in uniform allowance which reads as follows:

27. Article VII Uniform Allowance. Beginning July 1, 1980, the uniform allowance will be increased from \$265. per year to \$450. per year, payable annually in two equal payments of \$225. on or before September 15 and May 15 respectively.

All new employees appointed within the first six months of the fiscal year will receive the full clothing allowance allowed under this article. Any new employees appointed after the first six-month period will receive one-half of the annual clothing allotment allowed.

The foregoing is countered by the Employer's proposal #16 which reads as follows:

(16) Delete entire Article VII, and replace with the following: "A total annual uniform allowance of \$265. (\$22 per credited month) shall be paid by the City based on actual months of service in a benefit period prior to payment. Payment periods will be on or about September 15 and May 15 respectively of each calendar year. The employee shall be responsible for the purchase, maintenance, and replacement of all items of clothing.

Actual months of service for the purpose of this Article shall be defined as a calendar month in which an employee is compensated for all but two working days in that month. Time compensated for under provisions of Section 207-a of the General Municipal Law shall not be counted as eligible days for uniform allowance. Only those employees required to wear a uniform as part of their normal daily duties shall receive the uniform allowance."

4. The Union's proposal #49 dealing with personal leave which reads as follows:
- A. All members shall be entitled to ninety hours of personal leave.
 - B. Delete first sentence.

12.2 Availability of Manpower: Remains the same

12.3 Notice: remains the same

The foregoing is countered by the Employer's proposal #22 which reads as follows:

(22) Delete 12.1, and replace with a new 12.1 to read: "Effective July 1, 1980, all fulltime employees shall be entitled to personal leave time with pay during each fiscal year in the amounts as indicated below.

Employees commencing employment on or after July 1 of a fiscal year but prior to April 1 shall be entitled to nine hours personal leave to be used prior to June 30 of the same fiscal year after completing three months of service.

Employees commencing employment on or after April 1 shall be entitled to nine hours personal leave after completing three months of service, to be used by June 30 of the subsequent fiscal year.

On July 1 of the next fiscal year following the first fiscal year in which an employee received his initial personal leave day, he shall be entitled to two days (nine hours each), for that fiscal year.

Credited service in subsequent fiscal years shall entitle an employee to the following allotment of personal leave:

<u>Fiscal Year</u>	<u>Entitlement</u>
3	3 Days = 27 Hours
4	2 Days and 1 Night = 33 Hours
5	2 Days and 2 Nights = 48 Hours

Personal leave time shall be noncumulative beyond the fiscal year. Personal leave may not be taken in units of less than one shift except for members attending an educational course in a field consistent with the work assignment of the employee, and approved by the Commissioner. Under these circumstances, a member may elect to take personal leave units of one-half night shift, or seven and one-half hours."

UNION JUSTIFICATION FOR ITS ECONOMIC PROPOSALS

The Union in support of its proposals maintains that in considering wage and other economic issues, the principle of equal pay for equal work is most applicable. It notes that this principle of fundamental fairness has earned legislative recognition as well as widespread application by arbitrators in interest arbitrations. It asserts that where public employees such as the Buffalo firefighters have no recourse to forms of economic self-help such as the strike, the principle of equal pay for equal work is of particular importance. Its observance can preclude, according to the Union, hostility resulting from an award disproportionate to the conditions enjoyed by other similarly situated employees.

The Union asserts that the economic conditions during the last several years justifies its economic proposals. With respect to wages, it notes first the current true base salary and hourly rates for the various classifications of unit employees, as follows:

Distribution of Employees By
Rank and Current True Base Salary*

<u>Rank</u>	<u>Number in Rank</u>	<u>Current True Base Salary</u>	<u>Hourly** Rate</u>
Division Chief	4	\$23,176.00	\$ 11.10
Battalion Chief	27	21,017.00	10.07
Superintendent	2	20,193.00	9.67
Captain	51	19,199.00	9.19
Asst. Superintendent	1	18,649.00	8.93
Lieutenant	143	18,282.00	8.75
Asst. Marine Engineer/ Asst. Fire Dispatcher	16	16,895.00	8.09
Firefighter:			
Step I	29	12,250.00	5.87
Step II	39	13,921.00	6.67
Step III	684	15,593.00	7.47

*The present gross salary figure includes the value of 12 holidays paid at time and one-half.

To get a true annual base salary figure for purposes of comparison, the value of the paid holidays are excluded.

**Hourly rate based current true base salary and 2088 hour/year.

* * *

These figures, according to the Union, represent the firefighter gross salary received. It asserts that they provide a more accurate basis for comparisons than the salary levels set forth in the parties' collective bargaining Agreement, Article II Section 3.1, because they do not include the values of 12 holidays paid at time-and-one-half, as do the contrasting figures. On this basis, the firefighter's rate of pay at the maximum step is \$15,593.00.

The Union views its wage proposal as modest in light of a comparison of salary levels since 1970 with the increase in the rate of inflation for that time period, as reflected in the Consumer Price Index (CPI). That comparison is as follows:

**The Decline in the Real Maximum Salary without Longevity
of Firefighters in Buffalo, 1970-1980**

(1)	(2)	(3)
<u>Firefighter Maximum Salary without Longevity*</u>	<u>Buffalo Consumer Price Index 1967 = 100</u>	<u>Real Maximum Salary without Longevity (1) Divided by (2)**</u>
(7/70) \$9,992	116.4 (8/70)	\$8,584
(7/71) 10,591	122.8 (8/71)	8,625
(7/72) 10,611	126.8 (8/72)	8,368
(7/73) 11,462	136.6 (8/73)	8,393
(7/74) 12,130	151.5 (8/74)	8,007
(1/75) 12,405	157.6 (2/75)	7,871
(7/75) 12,405	163.5 (8/75)	7,587
(7/76) 12,405	172.0 (8/76)	7,212
(7/77) 14,443	182.7 (8/77)	7,905
(7/78) 14,993	194.7 (8/78)	7,700
(7/79) 15,593	215.3 (8/79)	7,242
(10/80) 15,593	239.6 (10/80)	6,508
 <u>Percent Increase</u>		
1970-1980 56%	105.8%	(-) 24%
1971-1980 50%	95.1%	(-) 24.6%

*Excludes cash value of holiday premium pay for all years--1970 through 1980--but includes the cash value of 20-minute paid mealtime beginning with 1972.

**Before dividing the decimal points in the column 2 indexes must be moved two places to the right. In reality, the computation requires dividing the figure in column 1 by the corresponding index figure in column 2, and then multiplying the result by 100.

Source: U.S. Bureau of Labor Statistic & Buffalo Professional Firefighters Association, IAFF Local 282.

* * *

The Union's analysis based on these figures is seen as establishing that firefighters' real maximum annual salary actually declined as a result of the increase in the CPI between 1970

and 1980. These figures indicate that because of the high rate of inflation coupled with low wage increases, firefighter's real earning power is 27% less than it was in 1970. The Union further points to the fact that during the last three-year contract term firefighters' annual wage increases of 5%, 4% and 4% respectively were extremely low in comparison with inflation rates during that time period.

In this regard the Union also notes the relation of inflation on the cost of an intermediate family budget in Buffalo and in other cities, as prepared by the Bureau of Labor Statistics as indicated below:

URBAN FAMILY BUDGET - INTERMEDIATE

Summer 1980 - Selected Cities*

	<u>4-Person Intermediate Budget</u>	<u>Index of Comparative Cost (Urban U.S. = 100)</u>
Atlanta	\$20,524	91.4
Baltimore	22,292	99.3
Boston	26,511	118.1
Buffalo	23,315	103.9
Chicago	22,889	102.0
Cincinnati	22,143	98.7
Cleveland	23,073	102.8
Dallas	20,323	90.5
Denver	21,973	97.9
Detroit	23,356	104.1
Kansas City	21,127	94.1
Los Angeles	22,329	99.5
Milwaukee	23,754	105.8
Minneapolis	22,783	101.5
New York	25,707	114.5
Pittsburgh	21,628	96.4
San Diego	22,243	99.1
San Francisco	23,947	106.7
Seattle	23,025	102.6
St. Louis	21,682	96.6
Washington, D.C.	23,782	106.4
Urban U.S.	22,446	100.0

* - Estimated from the BLS Urban Family Budget, Autumn, 1979.

Note: The intermediate urban family budget represents the cost of an adequate but modest standard of living for: a family of four, consisting of a 38-year old husband employed full time with 15 years of work experience, a non-working wife, a boy of 13 and a girl of 8.

* * *

The Union views this exhibit as indicating not only that the cost in Buffalo is higher than in other cities, but also that the cost for a family of four, \$23,315.00, is substantially higher than the firefighter's annual salary of \$15,393.00.

That amount is only 2/3, or 66.8%, of the amount it takes to support a family of four on an intermediate budget. The Union points out that according to the BLS the intermediate budget provides only for basic amenities and the amount necessary to maintain a standard of living "to satisfy prevailing standards of what is necessary for health, efficiency, the nurture of children, and for participation in community activities".

The Union also maintains that its wage demand is justified on the basis of a comparison between comparable levels of Buffalo firefighters and Buffalo police officers. It asserts that historically in Buffalo there has been an attempt to maintain substantially comparable compensation levels of police officers and firefighters. It notes that the settlement award for Buffalo police officers in the 1980-1982 contract term is 7.7% in Year I and 6.8% in Year II.

Moreover, the Union maintains that when cash benefits between police officers and firefighters are compared, the average police officer takes home 6.28% more than firefighters, as indicated below:

CITY OF BUFFALOCOMPARISON OF CASH BENEFITS BETWEEN POLICE OFFICERS
AND FIREFIGHTERS 1980-81 APPROPRIATION

	<u>Precinct & Patrol</u>	<u>Fire Suppression</u>
1. Salary Regular	\$13,304,010	\$16,250,325
2. Overtime	25,000	250,000
3. Holiday	12,000	----
4. Court Time	350,000	4,000
5. Acting Time	30,000	100,000
6. Reporting Time	1,025,000	----
7. Shift Differential	4,000	----
8. Longevity	248,400	310,000
9. Meal Allowance	----	348,200
10. Total	\$14,998,410	\$17,298,525
11. Sub Total Cash Benefit	1,694,400	1,048,200
12. Ratio of Total Cost to Regular Line (10-1)	1.1273	1.0645

Conclusion:

The average policeman takes home 6.28% more in cash benefits than the firefighter.

Source of Data:

City of Buffalo, Division of Accounting. Statement of Appropriation/Accounting Activity, month ending 10/31/80, pages 84-119.

* * *

The Union finds further support in the following compilation of salaries paid Buffalo firefighters compared to salaries paid and the cost of an intermediate budget in various cities of comparable size throughout the United States:

COMPARISON OF 1980 FIREFIGHTER SALARIES IN NINE CITIES
WITH POPULATIONS COMPARABLE TO BUFFALO FOR WHICH THERE
EXISTS BLS INTERMEDIATE URBAN FAMILY BUDGETS

<u>City</u>	<u>Population</u>	1980		<u>Salary as a % of Budget</u>
		<u>Salary</u>	<u>Budget*</u>	
Seattle	503,000	\$22,152	\$23,025	96.2%
Pittsburgh	449,000	17,440	21,628	80.6%
Denver	480,000	19,560	21,973	89.0%
Kansas	180,000	17,928	21,127	84.8%
Atlanta	426,000	17,031	20,524	82.9%
Cincinnati	410,000	19,008	22,132	85.8%
Minneapolis	644,000	23,000	22,783	100.9%
Newark	400,000	14,604	21,436	68.0%
Oakland	345,000	22,560	21,478	105.0%
9-City Average		19,254	21,790	88.3%
Buffalo		15,593**	23,315	66.8%

*Budget figures as of the Summer of 1980

**Excludes cash value of holiday premium pay, but includes cash value of 20-minute paid mealtime.

Source: U.S. Bureau of Labor Statistics, and individual local affiliates of the International Association of Fire Fighters.

* * *

These statistics indicate that of cities traditionally compared with Buffalo, earnings of firefighters are currently between \$17,000 and \$22,000. Of cities close to Buffalo, a firefighter in Pittsburgh earns approximately \$2,000.00 more than a Buffalo firefighter, and in Cincinnati, close to \$3,500.00 more. In addition, the Union estimates that, taking a nine-city average, the average salary of a firefighter provides 88.3% of the cost of the average family budget. By contrast, in Buffalo firefighters earn only 66.8% of that cost.

The Union also presented the following historical treatment of the earnings of Buffalo firefighters and the decrease in their spending power over the last ten years:

REAL SPENDABLE EARNINGS OF BUFFALO FIREFIGHTERS
1970-1980

<u>Date</u>	(1) <u>Annual Firefighter Maximum Salary (w/o Longevity)*</u>	(2) <u>Weekly Firefighter Maximum Salary</u>	(3) <u>Hourly Rate**</u>
7/70	\$9,992	\$192.15	\$4.78
7/71	10,591		5.07
7/72	10,611	204.06	5.08
7/73	11,462	220.42	5.49
7/74	12,130	233.27	5.81
1/75	12,405	238.56	5.94
7/75	12,405	238.56	5.94
7/76	12,405	277.75	5.94
7/77	14,443	288.33	6.92
7/78	14,993	299.87	7.18
7/79	15,593	299.87	7.47
10/80	15,593	299.87	7.47

<u>Date</u>	(4) <u>Weekly Spendable Earnings (Worker & 3 Dependents) ***</u>	(5) <u>Buffalo Consumer Price Index 1967=100 (August)</u>	(6) <u>Real Spendable Earnings in Dollars (Weekly)****</u>
7/70	\$163.39	116.4	\$140.36
7/71	174.76	122.8	142.31
7/72	184.76	126.8	145.70
7/73	186.33	136.6	135.40
7/74	195.61	151.5	129.11
1/75	198.68	157.6	126.06
7/75	203.90	163.5	124.70
7/76	208.07	172.0	120.97
7/77	239.58	182.7	131.13
7/78	244.28	194.7	125.46
7/79	255.73	215.3	118.77
10/80	255.73	239.6	106.73

*Excludes cash value of holiday premium pay for all years--1970 thru 1980--but includes the cash value of 20-minute paid mealtime beginning with 1972.

****Based on 2088 hours/year.**

*****Weekly spendable earnings for family of 4 is the after tax dollar value of weekly salary computed using BLS formula for spendable earning calculation in each year.**

******Column 4 divided by Column 5. Before dividing the decimal points in the column 5 indexes must be moved two places to the right. In reality, the computation requires dividing the figure in column 4 by the corresponding index figure in column 5 and then multiplying the result by 100.**

Source: U.S. Bureau of Labor Statistics & Buffalo Professional Firefighters Association, IAFF, Local 282.

* * *

The Union views these figures as indicating an unconscionable decline in the standard of living for the Buffalo firefighter, whose present weekly pay check is estimated to be worth only \$106.73. It sees these figures as establishing the need of Buffalo firefighters for a substantial wage increase in order to meet the cost to live.

A comparison of salaries paid firefighters in Buffalo with those paid firefighters in other cities within New York State was also presented:

**COMPARISON OF FIREFIGHTER MAXIMUM SALARIES WITHOUT LONGEVITY
IN BUFFALO AND THE FIVE OTHER CITIES IN NEW YORK STATE
WITH POPULATION OF 100,000 OR MORE, 1970 AND 1980**

<u>City</u>	<u>Maximum Salary</u>		<u>Increase</u>	
	<u>1970</u>	<u>1980</u>	<u>Percent</u>	<u>Dollars</u>
New York City	\$11,262	\$21,832*	94%	\$10,570
Rochester	10,000	20,341	103%	10,341
Yonkers****	10,500	19,000	81%	8,500
Syracuse****	8,530	17,738	108%	9,208
Albany	7,500	17,110	100.5%	9,610
5-City Average	9,558	19,204	97.2%	9,646
Buffalo	9,992**	15,593***	56%	5,601

*Includes cash values of 20-minute paid mealtime.

**Excludes cash value of holiday premium pay.

***Excludes cash value of holiday premium pay, but includes cash value of holiday premium pay, but includes cash value of 20-minute paid mealtime.

****Syracuse is presently negotiating a new collective agreement. Yonkers is also presently negotiating a new collective agreement.

Source: Buffalo Professional Firefighters Association, IAFF, Local 282; and other local affiliates of the International Association of Fire Fighters.

* * *

This exhibit, according to the Union, indicates that while in 1970 a Buffalo firefighter earned more than the five-city average, in 1980 he is earning between \$3,500 to \$6,000 less than firefighters in those same cities. Thus, Buffalo's relative position has declined substantially in the past ten years. These salary differentials in New York State are represented on the following chart:

DIFFERENTIAL IN MAXIMUM SALARIES OF
FIREFIGHTERS WITHOUT LONGEVITY
BUFFALO AND FIVE OTHER CITIES IN NEW YORK STATE
WITH POPULATIONS OF 100,000 OR MORE
1970-1980 (page 1)

<u>Year</u>	<u>Salaries</u>		<u>Dollar Differential</u>	<u>Buffalo Rate or Percentage of Comparable City</u>
	<u>New York</u>	<u>Buffalo</u>		
1970	\$11,262	\$ 9,992	-1,270	89%
1975	17,854	12,405	-5,449	69%
1979	18,156	15,593	-2,563	86%
1980	21,832	(17,684)	(-4,148)	81%
				average differential
	<u>Rochester</u>	<u>Buffalo</u>		
1970	10,000	9,992	-8	99%
1975	14,999	12,405	-2,594	83%
1979	16,604	15,593	-1,011	94%
1980	20,341	(18,714)	(-1,627)	92% avg.
	<u>Yonkers*</u>	<u>Buffalo</u>		
1970	10,500	9,992	-508	95%
1975	14,851	12,405	-2,446	84%
1979	18,000	15,593	2,407	86%
1980	19,000	16,720	2,280	88%
	<u>Syracuse*</u>	<u>Buffalo</u>		
1970	8,530	9,992	1,462	117%
1975	12,993	12,405	-588	95%
1979	16,778	15,593	-1,185	93%
1980	17,738*	(18,093)	(-355)	102%
	<u>Albany</u>	<u>Buffalo</u>		
1970	7,500	9,992	2,492	133%
1975	9,880	12,405	2,525	126%
1979	14,505	15,593	1,088	106%
1980	17,110	(20,874)	(3,764)	122%
	<u>Five-City Average</u>	<u>Buffalo</u>		
1970	9,558	9,992	434	105%
1975	14,115	12,405	-1,710	88%
1979	16,809	15,593	-1,216	93%
1980	19,204	18,244	(-960)	95%

*Syracuse is presently in negotiation of a new collective agreement. Yonkers is presently in negotiation of a new collective agreement.

* * *

On this basis, the Union projects that its proposed modest salary increase would provide Buffalo firefighters with only 72%, or less than three-fourths, of the budget requirements for a family of four. Moreover, it points out that this projection is based on an improbable assumption that there will be no increase in the CPI in the immediate future.

Another comparison the Union presented were statistics on hourly rates and increases in earnings of employees in various major industries throughout the United States:

INCREASES IN AVERAGE HOURLY EARNINGS
- Selected Major Industries -
1971-1980

<u>Industry</u>	<u>SIC Code</u>	<u>Average Hourly Earnings</u>		<u>Total & Increase 8/71-5/80</u>
		<u>Aug 1971</u>	<u>May 1980</u>	
Bituminous Coal	12	\$4.74	\$11.03 /1	132.7%
Basic Steel	331	4.63	11.27	143.4%
Aluminum	3334	4.66	11.00	136.1%
Metal Cans	3411	4.53	10.11	123.2%
Autos	371	4.64	9.42	103.0
Aircraft	3721	4.31	9.50	120.4
Railroad Equip.	374	4.55	9.77	114.7
Petroleum	291	4.82	10.89	125.9
Railroads	4011	4.38	9.55 /1	118.0
Trucking	421-3	4.62	9.34	102.2
Telephone	481	3.58	8.44	135.8
INFLATION (CPI-W)		122.1	245.1	100.7
Buffalo Firefighters		4.78	7.47 /2	56.2

/1 April, 1980

/2 December, 1980.

* * *

The Union views this exhibit as supporting its proposed wage increase and explaining how firefighters' counterparts in the private sector have been able to keep up with the increases in the cost of living.

The Union also maintains that the City has the ability to pay the Union's proposed increase. It notes that the City is the controlling fiscal agent and can constrain spending and exploit revenue sources. Using a credit model, which represents an estimate of the probability that a debtor will meet the terms of a contract, the Union argues that the City's fiscal reputation and its anticipation of revenues has improved and should continue to do so.

With respect to the City's reputation, the Union points to the statement of Robert E. Whelan, City Controller, contained in his transmittal letter of the 148th Annual Report for the City of Buffalo for the fiscal year ending June 30, 1980. He states:

My optimism continues with respect to the City's overall financial future. I am encouraged by the important economic development activity and its implication for our future. I continue to believe that strong fiscal oversight will be necessary to allow these economic development activities to eventually reduce the pressure on the taxpayers. Buffalo continues to have a good future as a healthy mid-size city and this report is an indicator of our efforts to contribute to that improved future.

This document also sets forth the following figures on the City's reduction of its deficit:

Reduction of Deficit

Deficit 6/30/75	\$(34 434 221)
Deficit 6/30/80	(5 162 124)

Deficit Reduction	<u>\$29 272 097</u>
-------------------	---------------------

Source of Funds to Reduce Deficit

		<u>% of Total</u>
Revenues Over-budget	\$ 5 946 753	20.3%
Unused Appropriation	15 170 781	51.8
Planned Reduction	8 154 563	27.9

\$29 272 097

* * *

The Union points out that these statistics indicate that the City has reduced its deficit by an amount three-and-one-half times greater than planned. As to the City's fiscal dependence on State aid, the Union maintains that this is the State's legitimate and necessary role.

The Union also asserts that, based on the City's recent fiscal history, it may be reasonable to anticipate further reductions in the deficit due to unanticipated revenues. If so, the Union argues, it is reasonable to assume that the City can pay firefighters an amount greater than its current appropriation.

The Union also views the increase in workload and in injuries as justification for its wage proposal, as indicated in the following exhibit:

COMPARISON OF WORKLOAD OF
BUFFALO FIREFIGHTERS 1970-1980*

	<u>1970</u>	<u>1979</u>	<u>Percent Increase</u>
Alarms	14,743	17,472	19%
First Aid	15,564	17,388	12
False Alarms	8,042	7,642	-5
Total Fire Responses	5,651	8,722	54

In 1979 there were a total of:

29,434	Engine Company primary responses
25,157	Ladder Company primary responses
4,235	Specialized Equipment primary responses
17,398	Engine Company/Rescue Squad responses
76,224	Total

This is an increase of 7,713 responses over 1978. Figures for 1980 are not available.

<u>Fire Casualties</u>	<u>1970</u>	<u>1979</u>	<u>Percent Increase</u>
Firefighters	354	977	168%
Civilians	118	64	-46

Source: Annual Reports - Buffalo Fire Department, 1970 & 1979

* * *

These statistics represent a 54% increase in total fire responses since 1970, and a 168% increase in injuries to Buffalo firefighters while at the same time injuries to civilians involved in fires have decreased by 46%. This represents a significant productivity increase.

With respect specifically to the proposed increase in the uniform allowance from \$265.00 to \$450.00 annually, the Union argues that the cost of purchasing all necessary items required of a firefighter has increased, as indicated by the following exhibit:

UNIFORM ALLOWANCE/MAINTENANCE
FIVE CITIES - NEW YORK STATE WITH
100,000 OR MORE POPULATION

Albany -	Fully furnished by Employer
New York -	Effective 7/1/80 - \$365.00/yr.; Effective 7/1/81 - \$465.00/yr.
Rochester -	\$250.00/yr. - partially furnished
Syracuse* -	\$200.00/yr. - partially furnished
Yonkers* -	\$300.00/yr.

The cost to a newly hired Buffalo Firefighter for all required uniforms and other equipment is: \$640.00

*Syracuse and Yonkers are presently in negotiations of a new collective bargaining agreement.

* * *

The Union notes that firefighters must now absorb this increase, and on their relatively low salaries. In addition, the Union asserts that the exhibit indicates that in relation to firefighters in other cities in New York State, Buffalo firefighters lag behind their counterparts.

With respect specifically to its proposed increase in personal leave benefits, the Union asserts that it seeks to return to the 90 hours, or six 15-hour tours, enjoyed by firefighters prior to the most recent interest arbitration

award. It also maintains its proposal would correct the current inequity indicated by a comparison of firefighters with other Buffalo employees. It notes that the firefighters' work schedule is unique, with two nine-hour shifts and two 15-hour shifts. By contrast Buffalo employees in most bargaining units work a 35-hour work week, seven hours per day plus a lunch hour. Moreover, they receive six days of personal leave as opposed to the four and five effective work days of personal leave now provided firefighters. In addition, Buffalo police officers receive seven personal leave days.

CITY JUSTIFICATION FOR ITS ECONOMIC PROPOSALS

The City's position is that the voluntary settlement reached in June 1980 on economic issues including salary, personal leave and uniform allowance, was reasonable and justified by considerations of comparability, ability to pay, and the parties' bargaining history.

With respect to comparability the City maintains that accurate comparisons should include all compensation received by employees in any given fiscal year. In addition it asserts that considerations such as work load, local taxes and differences in the cost of living must be taken into account.

The City presented the following data on average yearly compensation figures for firefighters:

CITY OF BUFFALO COMPENSATION

FOR LOCAL # 282

Annual Salaried Employees	1,021
Average Annual Salary	\$16,788
Average Longevity	305
Historical Reporting Time	
Historical Meal Time Allowance	372
Uniform Allowance	265
Tool Allowance	
Auto Allowance	
TOTAL CASH PAYMENTS	<u>\$17,730</u>
Pension Rate	38.4%
Pension Cost	6,707
Social Security (.0613)	1,071
Medical Insurance	896
Dental Insurance	159
Life Insurance	55
Workmen's Compensation	
TOTAL NON-CASH BENEFITS	\$ 8,888
TOTAL AVERAGE COMPENSATION	<u>\$26,618</u>
% Benefits over Salary	58.6%

* * *

That chart indicates that the average compensation figure was \$16,788. When pension, medical and dental insurance and social security costs are included, this figure increases to \$26,618.00.

The City further maintains that compensation rates of Buffalo firefighters are competitive with rates of firefighters in comparable communities, as indicated by the chart on pages 27-29.

The City notes that for calendar year 1980, if projected salary increases are included, salaries of Buffalo firefighters are very competitive. Furthermore, it notes that most other cities do not have a meal allowance, that Buffalo firefighters rate well in terms of personal leave time, and that Buffalo firefighters receive an above-average uniform allowance.

The City asserts that a clear and consistent wage increase pattern has already been established for City bargaining units. In this context the City notes the voluntarily approved 1980-82 contracts of six of the eight City bargaining units call for a two-year contract consisting of seven percent and six percent increases. The City's proposed wage increase would also conform to the pattern established over the past 10 years, as indicated by the exhibit comparing City labor agreements over time on pages 30-31.

RESULTS OF FIREFIGHTER SURVEY CONDUCTED DECEMBER 1980

<u>City/State</u>	<u>Base Salary</u>	<u>Effective Date</u>	<u>Meal Allowance</u>	<u>Base Salary & Meal Allowance</u>
Lackawanna NY	11,803-17,332	7/1/80	No	11,803-17,332
New York NY	16,619-21,082	7/1/80	No	16,619-21,082
Niagara Falls NY	16,169-16,822	1/1/80	Meals Provided	16,169-16,822
Rochester NY	17,466-20,341	7/1/80	No	17,466-20,341
Syracuse NY	13,612-17,738	1/1/80	No	13,612-17,738
Tonawanda NY (C)	13,157-16,219	4/1/80	No	13,157-16,219
Yonkers NY	13,798-19,000	7/1/79	No	13,798-19,000
Louisville KY	11,508-13,523	7/1/80	No	11,508-13,523
Boston MA	16,692-20,696	7/1/80	No	16,692-20,696
St. Louis MO	13,238-16,752	5/1/80	No	13,238-16,752
Newark NJ	15,655-17,050	1/1/79	No	15,655-17,050
Cincinnati OH	17,071-19,008	12/2/379	No	17,071-19,008
Cleveland OH	18,021-19,021	1/1/80	No	18,021-19,021
Columbus OH	11,273-20,259	10/1/80	No	11,273-20,259
Philadelphia PA	16,666-18,952	7/1/79	On Road Training	16,666-18,952
Pittsburgh PA	12,163-17,440	1/1/80	No	12,163-17,440
Milwaukee WI	15,518-19,591	3/16/80	No	15,518-19,591
Buffalo NY (Present)	12,758-16,252	7/1/79	\$375/yr or approx. 2.3%	12,758-16,252
Buffalo NY (Assuming 7% Increase Eff. 7/80)	13,651-17,389	7/80	Plus 7%/Yr	13,651-17,389

RESULTS OF FIREFIGHTER SURVEY CONDUCTED DECEMBER 1980
(continued - page 2)

<u>City/State</u>	<u>Personal Leave per Year</u>	<u>Uniform Allowance/Year</u>	<u>Holidays</u>
Lackawanna NY	5	\$125; Work Uniform Supplied Initially	13.5 @ ST, in Add. to Salary; No Add. Pay for Holiday Worked
New York NY	1	\$365; Full Uniform Supplied Initially	11 @ ST, in Add. to Salary; No Add. Pay for Holiday Worked
Niagara Falls NY	3	\$0; Uniforms Pro- vided/Replaced	11@ ST, in Add. to Salary; No Add. Pay for Holiday Worked
Rochester NY	0	\$0; Uniforms Pro- vided/Replaced	11@ ST, in Add. to Salary; No Add. Pay for Holiday Worked
Syracuse NY	1	\$250	10 @ ST, In Add. to Salary, No Add. Pay for Holiday Worked
Tonawanda NY (C)	3	\$200 Initially; \$140 Thereafter	13 @ ST, in Add. to Salary; No Add. Pay for Holiday Worked
Yonkers NY	4 & 2*	\$300; Basics Supplied Initially	11@ ST, in Add. to Salary; No Add. Pay for Holiday Worked
Louisville KY	0	\$250 Firefighters, \$350 Fire Preven.; Uniform Supplied Initially	10 @ ST, Included in Base Salary; If Holiday Worked, Add. Day Off
Boston MA	3	\$300	13 @ AT, Included in Base Salary; No Add. Pay for Holiday Worked
St. Louis MO	0	\$0; Uniforms Provided/Replaced	112 Hrs Off, Incl. in Base Salary; No Add. Pay for Holiday Worked, Hrs. Unused Compensated in Cash

RESULTS OF FIREFIGHTER SURVEY CONDUCTED DECEMBER 1980
(continued - page 3)

<u>City/State</u>	<u>Personal Leave per Year</u>	<u>Uniform Allowance/Year</u>	<u>Holidays</u>
Newark NJ	3	\$500	12@ ST, in Add. to Salary; No Add. Pay For Holiday Worked
Cincinnati OH	0	\$200; Uniforms Supplied Initially; Certain Items Replaced-No Chg.	120 Vacation Hrs @ ST, Incl. in Base Salary
Cleveland OH	0	\$350 Initially; \$250 Thereafter Certain Items Replaced-No Chg.	Eleven 24-Hr. Days Off, Incl. in Base Salary
Columbus OH	0	\$600 Initially; \$325 Thereafter	10@ ST, In Add. to Salary; No Add. Pay for Holiday Worked
Philadelphia PA	28 Hrs.	\$100; Uniform Supplied Initially; Certain Items Replaced-No Chg.	14, Incl. in Base Salary, + 124 Hrs. of Comp Time; Unused Comp Time Converted to Cash
Pittsburgh PA	0	\$300; Uniform Supplied Initially	13, Incl. in Base Salary; Payment at Time & 1/2 for Holiday Worked
Milwaukee, WI	0	\$155; Uniform Supplied Initially	(30) 24-Hr. Days Off @ ST, Incl. in Base Salary
Buffalo NY (Present)	54-57 Hrs.	\$265	12 @ Time & 1/2
Buffalo NY (Assuming 7% Increase Eff. 7/80)	54-57 Hrs.	\$265	12 @ Time & 1/2

*New Hires After 1/1/78 - 2; All others - 4

SALARY INCREASES

	<u>70-71</u>	<u>71-72</u>	<u>72-73</u>	<u>73-74</u>	<u>74-75</u>	<u>75-76</u>	<u>76-77</u>
Building Inspectors, Local 2651	7%	6%	0%	5.5%	\$700	\$195	0%
White-Collar Workers Local 650	7%	6%	\$550	\$500	\$500	0%	0%
Blue-Collar Workers, Local 264	7%	6%	\$675	\$416	\$520	0%	9%
Police Benevolent Associaton (PBA)	7%	6%	0%	5.5%	\$988	5%	5%
International Union of Operat- ing Engineers, Local 71	7%	6%	0%	5.5%	7%	4% Bonus	4%
Pipe Caulkers & Repairman's Local 18029	7%	6%	0%	5.5%	\$700	0%	0%
CGA Part-Time Workers (per hr.)	\$3.00	3.125	3.125	3.30	3.425	3.425	3.56
Professional Firefighters Assoc., Inc. Local 282	7%	6%	0%	5.5%	\$988	5%	5%

SALARY INCREASES
(continued - pg. 2)

	<u>77-78</u>	<u>78-79</u>	<u>79-80</u>	<u>80-81</u>	<u>81-82</u>
Building Inspectors, Local 2651	9%	5%	4%	*	*
White-Collar Workers Local 650	9%	5%	4% or \$525	7%	6%
Blue-Collar Workers, Local 264	9%	5%	4% or \$600	7.5%	6%
Police Benevolent Associaiton (PBA)	5%	4%	4%	7.7%	6.8%
International Union of Operating Engineers, Local 71	5%	4%	4%	7%	6%
Pipe Caulkers & Repairman's Local 18029	9%	5%	4%	7%	6%
CGA Part-Time Workers (per hr.)	\$3.56	3.70	3.85	4.12	4.36
Professional Firefighters Assoc., Inc. Local 282	5%	4%	4%	**	**

* Unsettled Contract

** Pending Award of Interest Arbitration Panel
Prepared by the Division of Labor Relations

With respect to cost of living increases, the City maintains that few if any public employees have kept apace with CPI increases. It maintains that because the CPI is based on price changes of a fixed market basket of goods and services, a personal consumption deflator, which allows for change in quantities purchased, is a better measure of prices actually paid. It notes that in 1980 the deflator for the Buffalo area rose by only 7.42%, and its proposal is in that range.

The City believes its economic proposals comport with its ability to pay and the depressed economic climate in which it is now operating. It points to the trend of declining population since 1950, at an average loss of 100,000 individuals for each 10-year period. Moreover, it reads census figures as indicating that a growing proportion of city residents are the elderly or disadvantaged. It asserts that in the past 20 years employment in the City's non-agricultural sector has declined 25%. It points to the fact that the median family income in the City is substantially lower than that in the region and that in the state, as indicated by the following comparison: the City's median family income in 1975 was \$12,600, as compared to \$15,288 for the State and \$14,300 in the Buffalo SMSA [comprising Erie, Niagara, Chautauqua, and Cattaraugus counties].

The City also notes the decline in business activity as measured by the Business Activity Index, prepared by the New York State Department of Commerce. In addition, the City

notes that retail sales have declined and residential construction has been at a veritable standstill since the early 1970's. Although real property values are declining, the City notes that Buffalo is the fifth highest city in property taxes.

The City further points to its increased dependence on State and federal assistance. The City asserts that to maintain the 45-50% of its annual revenue received from the State requires extensive lobbying and continual evidence that the City budget is held to the smallest reasonable and necessary level. Moreover, the City projects that because of its reduced population, it may not receive the previous years' levels of State and federal assistance. According to the City another consideration is the increased cost of providing services at the same time that the City's ability to pay and collect its own revenue is declining.

The City presented exhibits on its cash flow over the past 10 years. It views these exhibits as demonstrating that when revenues and expenditures are compared, there is no stable pattern, but that over time there is a definite tendency for uses of funds to exceed sources of funds. That fact, it maintains, has required the cutting of expenses and generating of new revenue. At the same time it maintains its ability to absorb the fluctuations is diminishing. The City notes that since 1971 it has reduced its work force by 31%, but it maintains it cannot reduce it any further.

The City also observes with respect to ability to pay that at present the City's 1980-1981 budget shows a \$6 million deficit. However, it also notes that general sales taxes, parking fines, federal revenue sharing and State aid are all running behind budget estimates of the anticipated revenue they would generate.

The City takes the position that its current salaries and benefits paid as well as the option to retire after 20 years, take into account the special duties, qualifications, and hazards of the firefighter's job. It asserts that it has attempted to make the job safer by instituting manpower squads which add to the number of firefighters responding to a fire and by increasing the number of vehicles that answer a first alarm. In addition, it points to its care in eliminating Fire Department personnel as evidenced by the following reduction figures over the past 10 years:

Police:	20% Reduction
Streets' employees:	43% Reduction
Parks:	56% Reduction
Fire:	16% Reduction

The City also sees support for the adequacy of its compensation in the thousands of applicants for firefighting positions over the past 10 years, as evidenced by Civil Service lists. Moreover, it points to the fact that 40% of the Fire Department personnel, 398 employees, are eligible for retirement but have elected to stay on the job.

With respect to its proposal on the uniform allowance, the City notes that, as indicated in the exhibit appearing on pages 28-29, the current allowance is very competitive with the cities surveyed. It notes that the Union's proposed increase would add 2.19% to this current payroll. The City estimates the current costs of purchasing a complete set of required clothing as follows:

UNIFORM COST - BUFFALO FIREFIGHTER

	<u>Approximate Cost/Item</u>	<u>Life Expectancy</u>	<u>Add'l. Cost in a 5-Year Period</u>
Fire Helmet	\$70.00	20 Years	--
Fire Coat (Rubber)	\$114.00 -	15-20 Yrs.	--
	180.00		
Boots	\$60.00	7-10 yrs.	--
Work Trousers	\$19.95	3 Years	\$79.80 (4 Pair)
Work Gloves	\$3.95	1 Year	\$47.40 (3 Pr/Yr)
Shoes	\$24.50 -	5 Years	--
	50.00		
Dress Uniform	\$165.00	30 Years	--
Dress Hat	\$14.95	20 Years	--
Dress Raincoat	\$100.00	30 Years	--
Shirts	\$12.00	1 Year	\$96.00 (2/Year)
(Summer, Short Sl.)			
Shirts	\$13.00	1 Year	\$52.00 (1/Year)
(Summer, Long Sl.)			
Shirts	\$17.95	1 Year	\$71.80 (1/Year)
(Winter, Short Sl.)			
Shirts	\$18.95	1 Year	\$151.60 (2/Year)
(Winter, Long Sl.)			
Ties	\$2.50	1 Year	\$10.00 (1/Year)
Belt	\$5.95	3 Years	\$5.95 (1/Year)
Insignias -			
Firefighter	\$4.00/Set	30 Years	--
Lieutenant	\$2.50/Set	30 Years	--
Captain	\$3.00/Set	30 Years	--
Battalion Chief	\$6.00/Set	30 Years	--
Division Chief	\$9.00/Set	30 Years	--
			<u>\$ 514.55</u>
Initial Cost		\$ 640.00	
Additional 5-Year		514.55	
		<u>\$1,154.55</u>	
Average Yearly Cost		\$ 230.91	

That exhibit also sets forth replacement costs and the life-expectancy of each item. On a five-year basis, the City estimates these figures indicate that even if all items were replaced, firefighters would still receive a profit. The City further notes that firefighters are reimbursed for clothing damaged during the course of duty.

As to its proposal that the uniform allowance be \$22.00 per month, based on actual months of credited service, the City asserts it would correct certain injustices in the system, and more accurately reflect a rate of reimbursement for actual time worked.

The City asserts its proposal for a reduction in personal leave for new hires is justified because of the economic and budgetary difficulties experienced by the City in overtime and replacement scheduling. The City notes "that over 50% of personal leave was used in May and June. As measured in hours, the proposal would bring firefighters in line with all other City employees except police officers, 48 hours per year.

The City projected the cost of the Union's proposal as follows:

CONTRACT COSTS - CITY OF BUFFALO BARGAINING UNITS 80-82LOCAL 282 UNION PROPOSAL

\$16,984,732	79-80 Payroll
<u>x 1.10</u>	10% for 80-81
\$18,683,205	80-81 Payroll
<u>x 1.12</u>	12% for 81-82
\$20,925,189	81-82 Payroll
<u>-16,984,732</u>	79-80 Payroll
\$ 3,940,457	2-Yr. Increase
	23% Increase

PBA ARBITRATION AWARD

\$17,961,004	79-80 Payroll
<u>x 1.077</u>	7.7% for 80-81
\$19,344,001	80-81 Payroll
<u>x 1.068</u>	6.8% for 81-82
\$20,659,393	81-82 Payroll
<u>-17,961,004</u>	79-80 Payroll
\$ 2,698,389	2-Yr. Increase
	15% Increase

COST SAVINGS FOR THE CITY

\$185	Proposed Uniform Allowance Inc. Employees
<u>x 1,007</u>	
\$185,295	

33	Proposed Increase in Personal Leave Hours Employees
<u>x 1,007</u>	
33,231	
<u>x 8.04</u>	Avg. Hourly Rate
\$267,177	

TOTAL INCREASE COST \$4,393,929

TOTAL % INCREASE 25.9%

* 7	PL Days (80-81) Rookies
<u>x 24</u>	

168	Days Per Day
<u>x \$48.92</u>	
\$8,022	

* 5	PL Days (81-82) 2nd-Yr. Men
<u>x 24</u>	

120	Days Per Day
<u>x \$57.08</u>	
\$6,850	

*\$8,000	Insp.s' Cars Inspectors
<u>x 8</u>	
\$64,000	

7	PL Days (81-82) Rookies
<u>x 24</u>	

168	Days Per Day
<u>x \$52.25</u>	
\$8,777	

NET INCREASE COST \$2,576,849
TOTAL % INCREASE 14.4%

It estimates the cost over a two-year contract term as representing a 3.17% increase over the current payroll.

The City asserts that consideration should also be given to the circumstance that, because of firefighters' schedules, there are more days and time available for personal business. In addition, the City points to its policy of granting switch time if urgent personal business so dictates.

With respect to its proposal for a lump sum payment of meal allowances, the City maintains that it would realize a cost-saving and in a small way address cash-flow problems.

ARBITRATION PANEL DISCUSSION

This Panel is charged with making a just and reasonable determination of the issues here in dispute, in light of the criteria set forth in Section 209.4 of the Civil Service Law. The Panel has carefully reviewed the record proof in its entirety, and reviewed the documentary evidence and testimony in light of the statutory criteria listed previously as well as other relevant factors. At the outset it should also be noted that each of the outstanding issues represents an economic item. Hence, many of the factors and assertions raised by the parties are common to all. Guided by these principles, the Panel makes the following findings and conclusions with respect to the issues at impasse.

At the outset it is important to note that the Panel is not including specifically in its award all the terms of the

Memorandum of Agreement of June 3, 1980 inasmuch as insufficient data on it was presented at the hearings. However, it should be emphasized that both parties expressed their intention to incorporate into their new Agreement the provisions of that Memorandum previously agreed upon and not in dispute. On this basis the Panel will retain jurisdiction should there arise any dispute as to the meaning and interpretation of the Memorandum.

Turning to the salary award, the Panel was persuaded on the basis of the record that an increase of 7.7% in 1980-81 and 6.8% in 1981-82 is appropriate. In their presentations both the Union and the City recognized the existing fiscal problems of the City and the severe economic conditions under which it continues to function. The Panel accordingly gives that factor considerable weight. In a similar vein both parties amply demonstrated the impact of high inflation rates on maintaining an adequate standard of living and on maintaining adequate levels of services. The Panel agrees with the City that as a public employer it is not required to keep its wage adjustments apace of inflation rates, but a just award should attempt to limit the erosion of employees' purchasing power. The Panel notes also that its award on salary does not represent an increase substantially higher than that proposed by the City. In this regard it also takes note of the savings to the City by virtue of the fact that for nearly nine months it has had use of the funds set aside in its budget for salary increases.

With respect to the data submitted by both of the parties on comparability, the Panel attempted to insure that Buffalo firefighters' relative position, both with respect to the firefighters in other comparable cities as well as to other employees in Buffalo, was not substantially eroded. Whether comparisons were based on total compensation paid, as were the City's submissions, or only on salary levels, as were Union exhibits, the data as a whole indicates that salaries of Buffalo firefighters are comparable to salaries of firefighters in similar communities such as Syracuse, Tonawanda, Yonkers, St. Louis, and Pittsburgh. The salary increase here awarded substantially maintains that comparability.

In terms of firefighters' compensation in relation to other employee units in Buffalo, the Panel notes particularly that the City has in the past attempted to maintain comparability in compensation levels of Buffalo firefighters and Buffalo police officers. The salary increase here awarded substantially preserves the historic comparability of these two units.

With respect to the Union's proposal on increases in the uniform allowance, the Panel concludes that an increase is justified when total compensation figures are considered. The Panel notes particularly that the clothing covered is required for service as a Buffalo firefighter. These items must be maintained and replaced if damaged. Moreover, the record establishes that other New York State communities have their

uniforms fully furnished. Also persuasive was data submitted by the Union establishing the increase in the cost of these items, which the firefighters themselves have had to absorb. The Panel finds that these factors, together with the salary award, justifies an increase from the current annual allowance of \$265.00 to \$300.00.

The Panel also concludes that the record establishes a basis for revision in the current personal leave provisions. The Panel notes that the unique work schedule, which includes both 15-hour work days as well as nine-hour work days, was established by the City to ensure the provision of adequate services to its citizens. The Panel finds that the record amply establishes that the current personal leave provisions have created certain scheduling problems affecting the Department's ability to provide adequate services. In the instant case the Panel also finds that other City employees except police officers receive only 48 hours of personal leave. By contrast firefighters are provided with between 54 and 57 hours of personal leave. A just and reasonable award would take into account the City's scheduling problem but without substantially eroding the employees' present benefit level. In recognition of the firefighters' unique schedule and scheduling problems, and based on the level of benefits afforded other City employees, the Panel concludes that firefighters hired after the date of this award should receive a graduated schedule of personal leave benefits, with the

current provision of either three days of nine hours and two nights of 15 hours personal leave or one day of nine hours and three nights of fifteen hours personal leave, after three years of service.

With respect to the issue of lump sum payments of meal allowance, the City put forth no vigorous arguments in support of its proposal. The Panel concludes that any cost-saving to the City effected by its adoption would be minimal. It finds that the record indicates no basis for altering the long-standing practice of weekly payments. Accordingly, the City's proposal is denied.

In conclusion it should be noted that on certain proposals, specific data relating to each of the statutory criteria were not included in the record. It must be emphasized, however, that all arguments and positions presented by the parties were carefully considered and weighed by the Panel in its deliberations, and in light of all the statutory and other relevant criteria. The Panel concludes its award is a just and reasonable resolution of the issues at impasse.

AWARD

The Panel awards the following on each of the outstanding issues:

1. Salary Adjustment:

Effective July 1, 1980 and to and including June 30, 1981, the City agrees to pay to all employees represented by the Union a salary increase of 7.7 percent (Schedule A).

Effective July 1, 1981 and to and including June 30, 1982, the City agrees to pay to all employees represented by the Union a salary increase of 6.8 percent (Schedule A-1).

2. Uniform Allowance:

Effective July 1, 1981, the uniform allowance shall be increased to \$300 per year, payable annually in two equal payments of \$150 on or before September 15 and May 15 respectively.

3. Personal Leave Time:

All employees hired after the date of this Award shall be entitled to personal leave time with pay as follows:

(A) After one year of service, two days of nine hours each, or one night of fifteen hours, to be used during the succeeding twelve months.

(B) After two years of service, two days of nine hours each and one night of fifteen hours, or two nights of fifteen hours each, to be used during the succeeding twelve months.

(C) After three years and each year thereafter, either three days of nine hours each and two nights of fifteen hours each, or one day of nine hours and three nights of fifteen hours each.

4. Lump Sum Meal Allowance Payment: Denied

5. Jurisdiction is retained as to the meaning or interpretation of provisions of the Memorandum of Understanding of June 3, 1980, not otherwise specifically dealt with in this Award.

Panel Members:

Date: March 30, 1981

Edward Levin

Edward Levin
Public Member & Chairman

Date: *March 25, 1981*
Concur ()
Dissent (4)

Richard Lipsitz
Richard Lipsitz
Employee Member

Date: *Mar. 23, 1981*
Concur (4)
Dissent ()

Richard Planavsky
Richard Planavsky
Employer Member

STATE OF NEW YORK
COUNTY OF NEW YORK ss:

Appeared before me this *30th* day of *March*, 1981, EDWARD LEVIN, to me known, who did swear and affirm that he has executed the above and that all statements herein are true and correct to the best of his knowledge and belief.

Melba Kay Hansson
MELBA KAY HANSSON
Notary Public, State of New York
No. 31-4713169
Qualified in New York County
Commission Expires March 30, 1982

STATE OF NEW YORK
COUNTY OF ERIE ss:

Appeared before me this *25th* day of *March*, 1981, RICHARD LIPSITZ, to me known, who did swear and affirm that he has executed the above and that all statements herein are true and correct to the best of his knowledge and belief.

Eileen V. Mayerat
EILEEN V. MAYERAT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1982

STATE OF NEW YORK
COUNTY OF ERIE ss:

Appeared before me this *23rd* day of *March*, 1981, RICHARD PLANAVSKY, to me known, who did swear and affirm that he has executed the above and that all statements herein are true and correct to the best of his knowledge and belief.

Carol Ann Nowak
CAROL ANN NOWAK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1983

DISSENTING OPINION

As a member of the arbitration panel I wish to dissent from the opinion of the majority with respect to issue #1, the wage increase.

The panel's award provides for a 7.7% wage increase, effective July 1st, 1980 and a 6.8% wage increase effective July 1st, 1981.

This provision, together with the resolution of other issues in the panel's award and related to the award provided the Police Benevolent Association in an earlier arbitration proceeding. In fact, during the arbitration hearing, the City urged the panel to limit its wage award to no more than parity with the police award.

The City's suggestion that the present wage award provides parity with the police award is inaccurate and ignores a number of other benefits enjoyed by Buffalo police officers. For example, the police officers earn a half-hour reporting time, paid at time and one-half each and every work day, five days per week. This generates the equivalent of three and three-fourths hours additional pay per work week. In addition, this benefit was expanded by the recent police award, making it available to police officers injured in the course of duty.

The reporting time benefit compares dismally with the twenty-minute paid lunches provided to the firefighter at straight time on work days. This generates an average of one hour and twenty minutes additional pay per work week.

In addition to the foregoing, police officers recently earned improvements in their medical insurance and enjoy an eight-hour regular work schedule.

During negotiations and at execution of the proposed agreement, the Mayor, of the City of Buffalo assured the firefighters they would enjoy parity with the police officers' increases and receive whatever additional wage increase the police officers were awarded by interest arbitration. The instant award does not provide parity for the reasons indicated above.

In addition, the instant award ignores the fact that the police award has been vacated and remanded to the arbitration panel. Since the majority of the panel apparently intend to provide alleged parity with the Buffalo police award, the majority award should at least contain provision for a re-opener to permit negotiations with the right to return to arbitration in the event the police award is increased. Any thing less than such a re-opener and parity and take-home pay by the Buffalo police officer and the Buffalo firefighter will amount to a betrayal by the Mayor.

The position of the City during negotiations and the award of the majority of the panel reflects a continued lack of concern for the plight of the Buffalo fire fighter. It reflects a continued insistence that the fire fighter subsidize the very service he is called upon to provide to the public. Finally, the City's refusal to include a re-opener in the majority award reflects the Mayor never intended to keep the promise of parity made during negotiations and to the press.

Richard Lipsitz

APPENDIX A

EXHIBITS AND WITNESSES PRESENTED
BY THE UNION

For the Union:

1. Carmin R. Putrino, Attorney
2. Edward J. Fennell, Local 282

- U-1 Submission Agreement.
- U-2 Taylor Law Provisions.
- U-2A through 2-E Excerpts from Arbitrators' Opinion
- U-3 Distribution of Employees by Rank.
- U-4 Distribution of Employees by Length of Service.
- U-5 Losses by Attrition.
- U-6 Historical decline of Firefighters' Salary.
- U-7 Recent Movement in Inflation Components.
- U-8 Historical Development of Inflation Components.
- U-9 Intermediate Urban Family Budget.
- U-10 Historical Comparison of Firefighters' Salary.
- U-11 Comparison of Firefighters' Salaries and Intermediate Budget (9 Selected Cities).
- U-12 Review of Real Spendable Earnings.
- U-13 Comparison of Buffalo Firefighters' Salary with 5 Other cities in New York State.
- U-14 Differential in Firefighter Salaries - Buffalo and Comparable Cities.
- U-15 Differential in Firefighter Salaries - Buffalo and 5 Cities in New York State.

- U-16 Increases in Average Hourly Earnings (Nat'l. Index)
- U-17 Historical Comparison of Work Load of Buffalo Firefighters.
- U-18 1979 Annual Report - Buffalo Fire Department.
- U-19 Comparison of Uniform Allowance - Buffalo - 5 cities in New York State.
- U-20 Firefighters' Schedule.
- U-21 Transmittal Letter (Whelan to Common Council).
- U-22 Official Statement, 7/25/80 Re: Sale of Notes.
- U-23 Comptroller Annual Report
- U-24 Preliminary Official Statement Dated June 27, 1980 City of Buffalo, New York, & General Obligation Serial Bonds - 1980
- U-25 Page 57, NYS Statement 4/21/80
- U-26 Page 7, 80/81 Budget.
- U-27 Cashflow, 79/80
- U-28 Budget Amendments, 80/81
- U-29 Amended Statement of Appropriations 1980-81 Budget
- U-30 Buffalo Evening News Article, 2/17/79
- U-31 Comparison of Longevity Payment Provisions
- U-32 Uniform Costs from Brownies Army & Navy Stores, Inc.
- U-33 Comparison of Surveys
- U-34 Labor Relations Digest pages
- U-35 City of Buffalo - Fiscal Problems - State Legislators' Perspective
- U-36 City of Buffalo Budget Review for W.N.Y., State Legislators - November 13, 1980

- U-37 Budget Cost Comparison
- U-38 Cash Benefits Comparison
- U-39 Summary of Estimates
- U-40 City of Buffalo, Estimated Excess Appropriation for Interest Payment of \$50,000,000 RAN 1980-81
- U-41 City of Buffalo, Excess Appropriation on Tax Anticipation Note - 1980-81
- U-42 City of Buffalo, Estimated Excess Appropriation for Downpayments on 1980-81 Capital Programs
- U-43 City of Buffalo, Estimation of Excess Appropriation for Uncollected Taxes - 1980-81
- U-44 City of Buffalo, Estimated Excess Retirement Appropriation - 1980-81
- U-45 City of Buffalo, Estimated Excess Social Security Payments - 1980-81
- U-46 City of Buffalo, Estimated Investment Earnings: Based on Average Beginning-Ending Balances for 1980-81
- U-47 City of Buffalo, Analysis of Cash Flow: Actual 1979-80 vs. Estimate 1980-81

APPENDIX B

EXHIBITS AND WITNESSES PRESENTED
BY THE CITY

For the City:

1. Charles De Seve, Ph.D.

- C-1 Summary of Negotiations - City of Buffalo and Local 282
- C-2 Letter of December 9, 1980 to PERB from Carmin Putrino
- C-3 Salary Increases for Eight City Bargaining Units, 1970-1982
- C-4 City of Buffalo Compensation for Local 282
- C-5 Memorandum of Agreement Between the City of Buffalo and Local 264
- C-6 Memorandum of Agreement Between the City of Buffalo and Local 650
- C-7 Memorandum of Agreement Between the City of Buffalo and International Union of Operating Engineers, Local 71, AFL-CIO
- C-8 Memorandum of Agreement Between the City of Buffalo and Buffalo Crossing Guards Association
- C-9 Memorandum of Agreement Between the City of Buffalo and Pipe Caulkers and Repairmen's Local 18029, AFL-CIO
- C-10 City of Buffalo and Police Benevolent Association - Interest Arbitration Award Dated September 12, 1980

- C-11 In the Matter of the Application of PBA vs. City of Buffalo, Decision of Justice Frank R. Bayger, Dated September 30, 1980
- C-12 Memorandum of Agreement Between the City of Buffalo and Buffalo Professional Fire Fighters Association, Inc., Local 282, IAFF, AFL-CIO
- C-13 Courier-Express Article of June 14, 1980, "Arbitration Likely in Fire Talks"
- C-14 Results of Firefighter Survey Conducted December 1980
- C-15 Contract Costs - City of Buffalo Bargaining Units - 1980-82
- C-16 Courier-Express Article of June 1, 1980, "Pensions Cost City Heavily"
- C-17 Uniform Cost - Buffalo Firefighter
- C-18A Payment for Certain Small Claims, Submitted for Common Council November 12, 1980 Meeting
- C-18B Payment for Certain Small Claims, Submitted for Common Council September 1, 1980 Meeting
- C-18C Payment for Certain Small Claims, Submitted for Common Council September 30, 1980
- C-19A Manpower Daily Report, 1979-80
- C-19B Manpower Daily Report, 1980-81
- C-20 Firefighter Exam - Open Competitive List Adopted January 30, 1980
- C-21 Courier-Express Article of January 8, 1981, "Carey's Message Sets the Agenda for '81"
- C-22 Multiple Alarms, 1971 through 1980
- C-23 Buffalo Evening News Article of November 16, 1980, "Aide Sees City Budget Gap Soaring to \$52 Million"
- C-24 Buffalo Evening News Article of November 14, 1980, "City's Fiscal Planners Foresee Gap of \$26 Million in 1981-82 Budget"

- C-25 Charts
- C-26 Charts, Fiscal
- C-27 Consumer Price Index
- C-28 Buffalo Budget Estimates - Appropriations -
Millions of Dollars - Department of
Administration & Finance
- C-29 Buffalo Budget Figures
- C-30 Wall Street Journal Article 12/22/80
- C-31 Document showing work force reductions
- C-32 Financial Information, Department of Audit &
Control
- C-33 3 sheets relating to property tax increase
- C-34 Rating done by Moody's
- C-35 Open tours on vacation schedule
- C-36 Civil Service Exam Results
- C-37 Budget Cost Comparison
- C-38 Estimates over and under budget
- C-39 Agreement between City of Buffalo and Police
Benevolent Association, Inc., July 1, 1978-June
30-1979

