

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

PUBLIC EMPLOYMENT
RELATIONS BOARD
REC'D

OCT 26 1981

CONCILIATION

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In the Matter of the Compulsory Interest Arbitration X

between X

THE TOWN OF CORNWALL X

"Town" X

-and- X

TRI-COUNTY FEDERATION OF POLICE, Inc X

"Association" X

Pursuant to Section 209.4 of the New York Civil Service Law X

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Case No. 1A-80-45, M80-529

APPEARANCES

For the Town

John M. Donoghue, Esq., Attorney for the Town

For the Association

LAW OFFICES OF RICHARD HARTMAN
David Schlachter, Esq., of Counsel

BEFORE: PUBLIC ARBITRATION PANEL

Lorraine Bennett, Employer Panel Member
John P. Henry, Employee Organization Panel Member
Martin F. Scheinman, Esq., Chairman

BACKGROUND

On March 2, 1981, The New York Public Employment Relations Board designated a Public Arbitration Panel to make a "just and reasonable determination" of the outstanding issues between the parties. Lorraine Bennett was designated as the Employer Panel Member, John P. Henry was designated as the Employee Organization Panel Member and Martin F. Scheinman, Esq. was designated as the Public Panel Member and Chairman. Hearings were held on March 2, 1981 and May 6, 1981. At the first hearing the parties agreed that the Panel's jurisdiction should include the resolution of the disputes arising under the contract reopener for 1981, fiscal year as well as a resolution to the successor agreement covering 1981 and 1982. A written transcript was waived by both parties on March 2, 1981.

At the close of the hearing on May 6, 1981 the Panel met in Executive Session. At that time, it became evident that an agreement on the outstanding issues could be reached without the necessity of the time consuming and expensive formal Opinion. For this reason, the parties agreed that the Panel should issue a Consent Award. They also agreed that the Panel should issue its Award without setting forth any rationale or explanation.

Thus, below we have set forth the terms of the CONSENT AWARD. Our Award is as follows:

1. Duration - This Award shall cover the wage reopener under the 1979-80 Agreement. It shall then cover the period of January 1, 1981 through December 31, 1982.

2. Article III, Compensation, Section 2 G, Court Time, shall be changed as follows:

a. Effective January 1, 1981 Court Time shall be \$450.00.

b. Effective January 1, 1982 Court Time shall be \$500.00.

3. Benefits Due on Separation or Death of Member - Members, or their heirs, as the case may be, shall be entitled to a lump sum payment for any overtime that is outstanding, any holidays that are unpaid and any vacation, on a pro-rata basis, to which the member is entitled.

4. Holiday Payment - Each officer shall be paid for all holidays in two separate checks per year. These checks will be issued on June 1 and December 1. Each check will reflect holidays during the preceding six months period.

5. Salaries - The annual base salary of Police officers shall be increased by the following percentages. Effective January 1, 1980 base salary will be increased by 2%. This increase is in addition to any other increase received by officers in 1980. Effective January 1, 1981, base salary shall be increased by an additional 4.5%. Effective July 1, 1981 base salary shall be increased for an additional 4%. Effective January 1, 1982, base salary shall be increased by an additional 8%.

6. Article VII, Section 5 - In any action in the Justice Court in the Town of Cornwall wherein a charge has been brought by a member of the Town of Cornwall police force as complainant under the Penal Law of the State of New York, the Vehicle and Traffic Law of the State of New York or any other state, county or local ordinance, for which a criminal penalty is imposed, and the office of the Orange County District Attorney has declined in writing to prosecute said case on the ground that said case is not a Class B misdemeanor or higher offense, the Town shall provide legal counsel for the prosecution of said case through the office of the attorney for the Town, only when such charge is contested.

For the purpose of this section (5) a "contested charge" shall be defined as any proceeding in the Town of Cornwall Justice Court in which the defendant has retained legal counsel to defend himself and has demanded a trial, however, the Town shall not be required to provide trial counsel for the complainant except when the contested charge is one which can reasonably be anticipated to carry a jail sentence and/or loss of driving privileges upon conviction after trial.

7. Patrol Vehicles - This language has already been agreed to by the parties.

8. All other proposals are rejected.

Lorraine Bennett - Public Employer Member

John P. Henry

John P. Henry - Employee Organization Member

John P. Henry
No. 100000000
Qualified in Westchester County
Term Expires March 30, 1982

Martin F. Scheinman, Esq., Chairman