



On June 21, 1988, the New York State Public Employment Relations Board designated a three (3) member Public Arbitration Panel to resolve the contract impasse between the Town of Cheektowaga and the Cheektowaga Police Club, Inc. (hereinafter referred to as "EMPLOYER" and "UNION" respectively).

On August 4, 1988, a Hearing was held in Cheektowaga, New York to hear the issue in this impasse. The Panel received seven (7) Joint Exhibits, three (3) UNION and one (1) multi-Exhibit from the EMPLOYER. The parties chose not to file Post Hearing Briefs. The Panel met in Executive Session before and after the Hearing, on August 11 and 22 in Cheektowaga to review their Hearing notes, Exhibits, independent research data, and take into consideration the following criteria as required in Section 209.4 of the Taylor Law 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 the employment of the employees involved in the

arbitration proceeding with the wages, hours,  
and conditions of employment of other employees per-  
forming 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 interest 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 qualifi-  
cations, (3) educational qualifications, (4) mental  
qualifications, (5) job training skills;

d. the terms of collective agreements negotiated  
between the parties in the past providing for com-  
pensation 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."

\* \* \* \* \*

A W A R D

ISSUE 1 - IMPACT OF NEW UNIFORMS AND ACCESSORIES

A. Uniformed Police Officers

Calendar 1989 - Two (2) pairs of trousers, and four (4) short sleeve shirts will be purchased.

Calendar 1990 - Four (4) long sleeve shirts, one (1) security holster\*, and two (2) speed loaders will be purchased.

\*choice of:

1. Smith and Wesson Security Plus, or
2. Safariland 275 MK II Break-Thru, or
3. Safariland 285 Eliminator.

Note - If Officer chooses to carry a security holster other than the above security holsters, it must first be approved by the range officer.

B. Plainclothes Personnel

Calendar 1989 - One (1) long sleeve shirt, one (1) short sleeve shirt, one (1) pair of trousers will be purchased.

Calendar 1990 - One (1) security holster\*, two (2) speed loaders will be purchased.

\* as detailed in "A" above.

C. Off - Duty Jobs

The EMPLOYER will allow "non-spec." uniforms to be worn for off duty employment (security).

D. Hardship Cases

The EMPLOYER will issue waivers to individual officers who have unique uniform problems. This will not be based on an officer's financial situation but will be based on his uniform requirements.

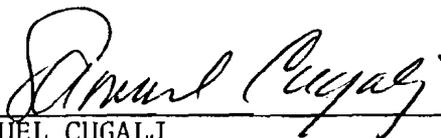
An example would be if an officer had to purchase several major uniform items in the same year.

STATE OF NEW YORK )  
 )  
COUNTY OF ERIE )

ss: *Karen R. Kovacevic*

**KAREN R. KOVACEVIC**  
**NOTARY PUBLIC, State of New York**  
**Qualified in Erie County**  
**My Commission Expires 5/31/88**

On this <sup>12<sup>th</sup></sup> day of ~~August~~<sup>Sept.</sup>, 1988, before me personally came and appeared Samuel Cugalj to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

  
\_\_\_\_\_  
SAMUEL CUGALJ  
Public Panel Member and Chairman

STATE OF NEW YORK )  
 )  
COUNTY OF ERIE )

ss: *Diane V. Heubusch*

**DIANE V. HEUBUSCH**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**QUALIFIED IN ERIE COUNTY**  
**MY COMMISSION EXPIRES FEBRUARY 28, 1990**

On this <sup>9<sup>th</sup></sup> day of ~~August~~<sup>Sept.</sup>, 1988, before me personally came and appeared Lee O. Ruth to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

  
\_\_\_\_\_  
LEE O. RUTH  
Employee Organization Panel Member  
(Concurs)

STATE OF NEW YORK )  
 )  
COUNTY OF ERIE )

ss: *Diane V. Heubusch*

**DIANE V. HEUBUSCH**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**QUALIFIED IN ERIE COUNTY**  
**MY COMMISSION EXPIRES FEBRUARY 28, 1990**

On this <sup>9<sup>th</sup></sup> day of ~~August~~<sup>Sept.</sup>, 1988, before me personally came and appeared Bruce D. Chamberlin to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

  
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BRUCE D. CHAMBERLIN  
Employer Panel Member  
(Concurs)

## O P I N I O N

### ISSUE 1 - IMPACT OF NEW UNIFORMS AND ACCESSORIES

The EMPLOYER believes it has a need to introduce new uniform specs in order to bring all police uniforms into conformity. Police Officers receive four hundred ninety dollars (\$490) annually for the purchase of uniforms and accessories and maintenance of same.

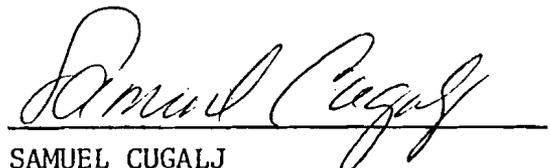
The Panel agreed on a phase-in of new uniform components as outlined in Sections A and B of the AWARD as being in the best interests of all parties concerned. A stalemate over the initial "Ike" jacket proposal for 1990 was resolved by substituting the more practical requirement of the new security holster and speed loaders in lieu of. The Chairman believes the holster would have an immediate benefit to UNION members and the general public by reducing the likelihood of an Officer's gun being removed from behind. Comparatively speaking, the security holster specs stems from a growing awareness, in this state at least, of the need to offer better protection against unwanted removal of the weapon. The Panel noted that security holsters are issued to all state troopers, and the parties themselves have experimented with the holster and found it beneficial and acceptable.

Unwanted gun removal and safety are stressed in new Police Officer training. For all these reasons, the choice of the security holster and speed loaders in this AWARD were a matter of improving safety deficiencies. The interest and welfare of the public is addressed in a positive manner with the phase-in character of the AWARD,, and the inclusion of the non-uniform components mentioned herein.

The Panel took note of the clothing allowance of police officers in some area municipalities. The uniqueness of police work is such that it was felt irrelevant to compare police officer's benefits with non-police employee benefits.

In conclusion, the Chairman wishes to express his appreciation to his two (2) Panel members for their diligence and patience in resolving this single, yet complex issue.

~~Sept~~  
August 12, 1988

  
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SAMUEL CUGALJ  
PUBLIC PANEL MEMBER AND CHAIRMAN