

FEB 02 1994

CONCILIATION

NEW YORK STATE PUBLIC
EMPLOYMENT RELATIONS BOARD

In the Matter of the Compulsory
Interest Arbitration Between

City of Rye

Case No. IA92-047; M92-465

and

Rye Police Association of the
City of Rye

The Arbitration Panel

Arthur T. Jacobs, Chairman
Alan C. Marin, Esq., Employer Member
George DeVito, Association Member

1992-1993 LOCAL 9201

An impasse occurring between these parties in the negotiation of a two year 1991-1993 Collective Bargaining Agreement, the NYS Public Employment Relations Board appointed the above panel on July 11, 1993 in accordance with Section 209 of the State's Civil Service Law. The panel held hearings on five days, the last being on December 9, 1993. The City was represented in these hearings by Vincent Toomey, Esq. and the Police by Alan E. Wolin, Esq.

The panel met in executive session on December 10, 1993 and each member independently thereafter thought through and discussed with the Chairman the tentative decisions reached at that time. In coming to its final decisions the panel kept in mind and observed the requirements of Section 209.4. It agreed that while the negotiation and interest arbitration results in other New York cities and other Westchester communities are of some pertinence, the City is most closely aligned and comparable to the other communities along New York's Long Island's South Shore and it is their salaries and working conditions which should be given most weight.

AWARD

1. Effective January 1, 1992 salaries shall be increased by 5 per cent.
2. Effective January 1, 1993 salaries shall be increased by 3.9 per cent.
3. Effective January 1, 1992 the Sergeants shall be paid \$8,484 more than top grade Patrol Officers for that year.

4. Effective January 1, 1992 longevity payments for officers hired after 1978 shall be \$250 after 9 years employment, \$450 after 14 years employment, and \$650 after 19 years employment.

5. All other demands by the City and the Police are denied; the justification for them was not convincing.

SALARIES

The City has argued for an increase of 3 per cent for each of the two years; the Police are demanding 8 per cent for each year.

For 1992 the available data for the neighboring communities show raises ranging from 2 to 6 1/2 per cent averaging 5.4 per cent as of June 1, 1992. The predominant increases were in the 5 per cent or more area. Port Chester gave the 6.5 per cent increase beginning June 1, 1992, New Rochelle 6 per cent as of January 1, 1992 with payment of the increase deferred to subsequent years, the Village of Mamaroneck 5.7 per cent beginning June 1, 1991 and 6 per cent a year later, Larchmont 5.5 per cent as of June 1, 1991 and Rye Brook 5 per cent as of June 1, 1992, both adding 5 per cent a year later. At the low end were Pelham with 2 per cent as of January 1, 1992 and the Town of Mamaroneck at 3.5 per cent effective July 1, 1992 and likewise a year later. In addition an interest arbitration awarded Mount Vernon Police no increase for 1992 and 3 per cent for 1993.

We note that some of the negotiated increases occurred in earlier years when salary increases for governmental employees were generally higher. We are also cognizant of the 3 per cent increases received by Rye's CSEA employees and the 4 per cent for Rye's teachers in 1992.

Some of the increases neighboring communities provided their Police forces for 1993 are noted above. Additional data: Pelham gave 5.7 per cent as of June 1, 1993, the Village of Mamaroneck 6 per cent as of June 1, 1992 extending into half of 1993, and New Rochelle 3 per cent as of January 1, 1993.

The Panel also considered 1993 salary increases contained in other Police interest arbitration awards issued recently. These include a 3 per cent salary increase in Bedford, 4 per cent in Ossining, and 3.9 per cent in Harrison in a just released Award.

Given these facts a 5 per cent increase in Rye's Police salaries for 1992 and a 3.9 per cent increase for 1993 seem very much in

line. After careful review of the detailed financial documents presented by the parties and the testimony of their supporting witnesses, we conclude that the City has ample ability to pay these increases.

LONGEVITY

Longevity payments for the Police differ substantially between those hired prior to 1979 and those hired before. The Patrol Officers hired earlier than 1979 get payments of \$600, \$1230, and \$1890 respectively after 9, 14, and 19 years on the job. Those hired after 1978 get \$200, \$400, and \$600, respectively, for the same time periods.

The payments to police hired from 1979 on are substantially less than such remuneration in most neighboring communities. In New Rochelle after six years it is \$625, after 11 years \$775, and after 16 years \$1,000. In Mount Vernon for the same time periods the figures are \$250, \$375, and \$800; in Larchmont \$200, \$550, and \$650; in Harrison \$425, \$825, and \$875; and in the Village of Mamaroneck \$547, \$666, and \$786. In Port Chester for the 9th, 14th, and 19th years, respectively, the amounts are \$500, \$650, and \$850. Pelham and Pelham Manor have 11 and 16 years' longevity dividers, the former with \$375 and \$751, the latter at \$600 and \$750. spectivevly after 9, 14, and 19 years on the job. Only in the Town of Mamaroneck are the amopunts less, \$175 after eight years, \$300 after 12 years, \$425 after 16 years, and \$550 after 20 years.

We believe that these comparisons justify at least the modest increase of \$50 in each of Rye's time periods, also effective January 1, 1992, thereby raising the rates to \$250 after 9 years, \$450 after 14 years, and \$650 after 19 years of employment.

SERGEANT DIFFERENTIAL

Currently Rye Sergeants receive 13 per cent more pay than top grade Patrol Officers. The Police ask for a 20 per cent differential. Their justification is the claim of extra responsibility and authority that they exercise compared with Sergeants in other Sound Shore communities. Rye is one of two Police Departments in that area without Lieutenants on duty 24 hours a day, leaving the Sergeants on duty, when Lieutenants are not, in charge with all the responsibilities and authority normally exercised by a superior officer. Because, too, Rye's manning table is quite lean, the

Sergeants are given extra responsibilities. One, for example, is also the Traffic Supervisor, the Radar Record Keeper, and the Infection Control Officer.

Differentials in nearby communities include New Rochelle at 20.6 per cent, Mount Vernon at 18 per cent, Larchmont at 15.8 per cent, White Plains, Rye Brook, and Port Chester at 15 per cent, Harrison at 14 per cent, Mamaroneck Village at 12.0 per cent, and Mamaroneck Town at 11.9 per cent.

We are convinced that the differential in Rye should be closer to those at the top rank among its neighbors and believe a differential of \$8484 is justified. That sum is equal to 18 per cent over the 1992 top grade Patrol Officer's salary and, we believe, under present circumstances should not be increased in 1993.

January 5, 1994

Arthur T. Jacobs

Arthur T. Jacobs, Chairman

Vincent Toomey
VINCENT TOOMEY
NOTARY PUBLIC, State of New York
No. 4970502
Qualified in Nassau County
Commission Expires August 13, 1994

Alan C. Marin

Alan C. Marin, Employer Member

ANN MARGRET BERNARDONE
Notary Public, State of New York
No. 5001147
Qualified in Westchester County
Commission Expires August 31, 1994

Ann Margret Bernardone
1/28/94

George DeVito

George DeVito, Association Member

1/20/94

Arthur T. Jacobs appeared before me & signed.

Richard E. Stout

RICHARD E. STOUT
Notary Public, State of New York
No. 60-9211000
Qualified in Westchester County
Commission Expires Aug. 31, 1994