

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

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In the Matter of the Arbitration :  
- Between - : Case No.  
: IA-2003-031  
COUNTY OF WESTCHESTER : Award  
"County" :  
- and - :  
WESTCHESTER POLICE OFFICERS :  
BENEVOLENT ASSOCIATION :  
"PBA" :  
:

-----X NYS PUBLIC EMPLOYMENT RELATIONS BOARD  
**RECEIVED**  
SEP 20 2004

APPEARANCES

**CONCILIATION**

For the County

Lori A. Alesio, Esq., Deputy County Attorney

For the PBA

HAROLD, SALANT, STRASSFIELD & SPIELBERG, ESQS.  
Leonard Spielberg, Esq., Attorney  
Sergeant Leonard Spano, President PBA  
Sergeant Michael O'Connor, Chief Negotiator  
Detective Kenneth Schaeffer, Detective Representative  
Officer Cornelius Westbrook, Police Officer Representative  
Officer Bernard Williams, Police Officer Representative

BEFORE: HOWARD C. EDELMAN, ESQ., CHAIRMAN OF THE PANEL  
MICHAEL WITTENBERG, PUBLIC EMPLOYER MEMBER  
CHRISTOPHER HAROLD, ESQ., EMPLOYEE ORGANIZATION  
MEMBER

The County of Westchester ("County") and the Westchester County Police Officers Benevolent Association ("PBA") are signatories to a Collective Bargaining Agreement which expired on December 31, 2002. Negotiations and Mediation efforts failed to produce a successor labor agreement. Consequently, pursuant to Section 209.4 of the Civil Service Law, Interest Arbitration procedures were invoked and the undersigned Panel was constituted to resolve the dispute.

Hearings were held before us on February 24, 2004; and March 25, 2004. Thereafter the Panel met in executive session.

During the course of the proceedings, the parties agreed that to expedite our determination, the Panel would issue an Award without an Opinion, to be followed in a reasonable period by an Opinion and re-issued Award. Therefore, and based solely on the record adduced at the hearings and the arguments of the parties, we render the following Award.

**AWARD**

1. **Term of Award**

The term of this Award shall be January 1, 2003 through December 31, 2004.

2. **Wages**

Wages shall be increased as follows:

Effective January 1, 2003 - 3.75 per cent

Effective January 1, 2004 - 4.00 per cent

3. **Benefit Fund**

- a) The County's contribution to the PBA's Benefit Fund shall be increased by following amounts:

Effective January 1, 2003 - \$100 per bargaining unit member

Effective January 1, 2004 - \$125 per bargaining unit member

- b) Employees who retire on or after January 1, 2003, shall be entitled to the benefits of the Benefit Fund, at no cost to the retiree. Effective January 1, 2004, the County shall make payments for employees who retired on or after January 1, 2003. These payments shall be the same as for active employees

4. **Health Insurance**

Current provisions regarding health insurance shall be modified as follows. All changes shall be effective December 31, 2004.

**Co-Pay Amounts**

**Drug Prescription Plan:**

\$5.00 generic, \$10 brand name; \$25 non-favored brand name

All 90 day mail order prescriptions shall be

subject to one co-payment. All pharmacy co-payments are subject to one co-payment for each 30 day supply.

**PPO co-payments - \$15.00**

**Mandatory Generic Drugs**

When a drug is available and an employee purchases a brand name drug, the employee shall be responsible for the generic co-pay and the difference in price between the generic and the brand name drug.

However, if the employee's doctor determines that because of a medical necessity, a brand name drug must be prescribed when there is a generic equivalent available, said doctor must contact the designated representative of POMCO for approval.

If the approval is granted, then the employee shall only pay the brand name co-payment.

Notwithstanding the foregoing, the County will consider the following drugs for mandatory generic exemption whereby approval is not needed, with a final determination to be made by POMCO:

1. Coumadin
2. Dilantin
3. Lanoxin
4. Levothroid
5. Mysoline
6. Premarin
7. Synthroid
8. Tegretol
9. Slobid

**Physical Therapy and Chiropractic**

All Chiropractic and/or physical therapy sessions shall be limited to 31 visits per year.





Case No. IA-2003-031

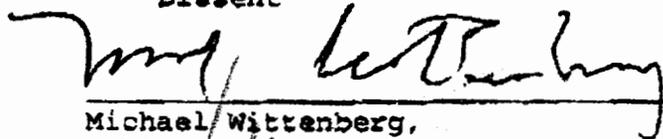
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Concur

Dissent



DATED:

Michael Wittenberg,  
Public Employer Member

STATE OF NEW YORK )

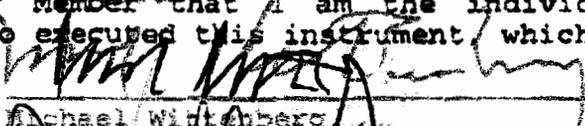
Concur

) s.:

COUNTY OF )

I, Michael Wittenberg, do hereby affirm upon my oath as Public Employer Member that I am the individual described in and who executed this instrument which is my Award.

DATED:

  
Michael Wittenberg,  
Public Employer Member  
Michael Wittenberg,  
Public Employer Member

DATED:

STATE OF NEW YORK )

) s.:

COUNTY OF )

DOMENICK CERVI JR  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 4969972

I, Michael Wittenberg, do hereby affirm upon my oath as Public Employer Member that I am the individual described in and who executed this instrument which is my Award.

DATED:

  
Michael Wittenberg,  
Public Employer Member

STATE OF NEW YORK )

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COUNTY OF )

DOMENICK CERVI JR  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 4969972