

(PROPOSED)

ARBITRATION PANEL DECISION

ILRB
228

ILRB
CASE No.
S-MA-94-210

IN THE MATTER OF INTEREST ARBITRATION)

Between)

CITY OF ALTON ILLINOIS) FMCS NO. 95-00225

And)

INTERNATIONAL ASSOCIATION OF)

FIREFIGHTERS, LOCAL NO. 1255)

HEARING: MARCH 29, 1995

BRIEFS EXCHANGED: JUNE 9, 1995

PROPOSED DECISION: - SEPTEMBER 5, 1995

APPEARANCES:

FOR THE UNION: J. DALE BERRY, ESQ.

CORNFIELD & FELDMAN

FOR THE CITY: R. THEODORE CLARK, JR. ESQ.

SEYFARTH, SHAW, FAIRWEATHER

AND GERALDSON

ARBITRATION PANEL:

IAFF LOCAL 1255

DELEGATE: GLENN WALTERS

CITY OF ALTON

DELEGATE: KENNETH CARROLL

NEUTRAL CHAIRMAN: JAMES M. O'REILLY

BACKGROUND

Pursuant to the provisions of the Illinois Public Labor Relations Act the parties selected James M. O'Reilly from a panel of Arbitrators submitted by the Federal Mediation and Conciliation Service to serve as the Neutral Arbitrator to resolve impasse issues in their collective bargaining process.

A hearing was held and recorded on March 29, 1995 during which all parties were competently represented, had the opportunity to offer exhibits into evidence and to present and cross-examine witnesses. Post hearing arguments were submitted and exchanged by the Neutral Arbitrator on June 9, 1995.

OPINION

As determined by the parties and the Arbitration Panel, there are four(4) issues to be resolved which are all economic and accordingly, under the procedures of the "IPLRA", the final offer of one of the parties must be adopted for each issue based upon certain defined factors within the "IPLRA". The four(4) economic issues to be decided are as follows:

- I. General Wage Increase
- II. Retroactivity
- III. Hours of Work
- IV. Health Insurance

The instant case is different than others I have been selected to determine in that the issues submitted to arbitration were all tentatively resolved at the bargaining table but rejected by the IAFF Local 1255 membership. Contrary to Local 1255's argument, there was only one(1) clearly arrived at tentative agreement between the parties which was reached on July 24, 1994. The bargaining session on August 15, 1994 did not result in another tentative agreement, but rather a document the City Negotiator, Kenneth Carroll, signed that would be presented to the City Council "for consideration" . The proposal was presented without recommendation to the City Council which is compatible with the term "consideration" and subsequently rejected.

There was no evidence that the tentative agreement reached on July 24, 1994 was negotiated based upon a lack of knowledge of parity relationships, misinformation, or a lack of awareness of external comparisons. Thus it must be considered to have been negotiated in good faith and the Neutral Arbitrator can find no compelling reason that he would be able to render an Award which would be more reasonable than the parties were able to achieve during the collective bargaining process.

While the Neutral Arbitrator reviewed all the evidence and testimony related to the criteria as set out in the Act, he is of the opinion that the integrity of the parties tentative agreement reached in good faith

bargaining, must be the controlling factor in deciding the issues. That opinion I believe is permitted by factor number 8 in Section 1230.100 of the Act. Accordingly, I have selected the final offer that maintains the integrity of the collective bargaining process.

AWARD

I. General Wage Increase

The City's Final Offer(to be added)

II. Retroactivity

The IAFF's Final Offer(to be added)

III. Hours of Work

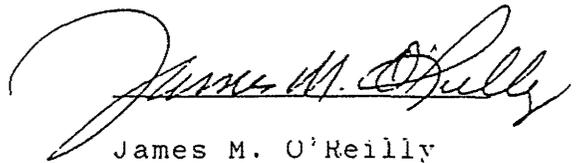
The City's Final Offer(to be added)

IV. Health Insurance

The City's Final Offer(to be added)

Dated this September 5, 1995

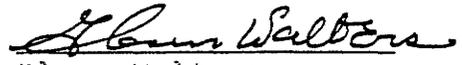
it is so ordered.



James M. O'Reilly
Neutral Chairman

Without agreeing or disagreeing with the rationale of the Neutral Chairman the:

IAFF Local 1255 Delegate concurs with item
Nos TWO and dissents with item
nos 1-3-4.



Glenn Walters

The City of Alton Delegate concurs with item
Nos _____ and dissents with item
Nos _____.

Kenneth Carroll