

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D33376
H/prt

_____AD3d_____

Argued - December 2, 2011

DANIEL D. ANGIOLILLO, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
L. PRISCILLA HALL, JJ.

2011-00309

DECISION & ORDER

In the Matter of County of Putnam, et al., respondents,
v Putnam County Sheriff's Employees Association, Inc.,
appellant.

(Index No. 2294/10)

Bunyan & Baumgartner, LLP, Blauvelt, N.Y. (Joseph P. Baumgartner of counsel),
for appellant.

Roemer Wallens Gold & Mineaux LLP, Albany, N.Y. (Earl T. Redding of counsel),
for respondents.

In a proceeding pursuant to CPLR article 75 to vacate an arbitration award dated June 10, 2010, the Putnam County Sheriff's Employees Association, Inc., appeals from an order of the Supreme Court, Putnam County (Nicolai, J.), dated December 8, 2010, which granted the petition and denied its cross motion to confirm the award.

ORDERED that the order is affirmed, with costs.

A court may vacate an arbitration award on the ground that the arbitrator exceeded his power only where the arbitrator's award violates a strong public policy, is irrational, or clearly exceeds a specifically enumerated limitation on the arbitrator's power (*see Matter of New York City Tr. Auth. v Transport Workers Union of Am., Local 100*, 14 NY3d 119, 123; *Matter of New York City Tr. Auth. v Transport Workers' Union of Am., Local 100, AFL-CIO*, 6 NY3d 332, 336; *see Matter of United Fedn. of Teachers, Local 2, AFT, AFL-CIO v Board of Educ. of City School Dist.*

December 20, 2011

Page 1.

MATTER OF COUNTY OF PUTNAM v PUTNAM COUNTY SHERIFF'S
EMPLOYEES ASSOCIATION, INC.

of City of N.Y., 1 NY3d 72, 79; *Matter of Town of Callicoon [Civil Serv. Empls. Assn., Town of Callicoon Unit]*, 70 NY2d 907, 909).

As the Supreme Court properly determined, the arbitrator, in effect, revised, modified, and altered the parties' agreement, which was specifically prohibited by the arbitrator's powers defined in the parties' collective bargaining agreement (*see* CPLR 7511[b][1][iii]; *Matter of Good Samaritan Hosp. v 1199 Natl. Health & Human Servs. Empls. Union*, 69 AD3d 721, 721-722; *Fairview Fire Dist. v Fairview Professional Firefighters Assn., Local 1586, IAFF, AFL-CIO*, 143 AD2d 727, 728; *Matter of Board of Educ. of N. Babylon Union Free School Dist. v North Babylon Teachers' Org.*, 104 AD2d 594, 597). Accordingly, the Supreme Court properly granted the petition to vacate the award and denied the cross motion to confirm the award.

ANGIOLILLO, J.P., DICKERSON, LEVENTHAL and HALL, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court