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In the Matter of the Impasse  
between

DISTRICT COUNCIL 307, AMERICAN  
FEDERATION OF STATE, COUNTRY AND  
MUNICIPAL EMPLOYEES, AFL-CIO

-and-

THE CITY OF NEW YORK

REPORT

AND

RECOMMENDATION

Re:

I-15-68 -Park Foreman, General Park  
Foreman, Supervisor of Park  
Operations, Senior Supervisor  
of Park Operations.

OF  
IMPASSE

PANEL

I-16-68 -Foreman (Incl. Sp.), District  
Foreman (Incl. Sp.), Supt.  
Repairs to Distribution, General  
Superintendent Repairs to Dist.

I-15-68

I-16-68

I-17-68 -Gardeners, Foreman of Gardeners,  
Swimming Pool Operator

I-17-68

I-18-68 -Climbers & Pruners

I-18-68

-- -Horticulturist

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This proceeding results from the failure of the parties in direct dealings to reach agreement on salaries and other conditions of employment, for the period beginning July 1, 1967, for the five groups of employees comprising the various titles listed above. Each group was separately heard. The issues involving each were consolidated for procedural but not substantive purposes. Substantively, therefore, the panel in reaching its findings and conclusions has carefully and separately reviewed the record as it concerned each affected title, including the testimony of both sides, the many exhibits and the arguments.

Understandably, the paramount issue submitted to the panel was the appropriate salary change for each of the titles, and this issue has received the panel's most careful attention. On this score the panel was early made aware of the imbalance in the salary structure caused by the implementation of the decision of the Court of Appeals in Kelley v. Beame, 15 N.Y. 2d 103, 256 N.Y.S. 2d 329 (1965), which in some instances resulted in laborers earning more than their immediate supervisors. Thus, with respect both to supervisory titles and to all others the Board has recommended what it finds to be reasonable and equitable salaries, giving weight to each factor which has been presented. So, too, due regard has been given to the salary relationships among the various levels of supervision involved.

Beside salaries there were numerous proposals submitted for each of the groups. In all cases where a specific recommendation is not made herein the proposal must be deemed to have been denied. Among the items thus denied, for example, are the sick-leave and shift-differential proposals, where the panel finds that no persuasive case was made for any variation from already established City-wide practice. The same is true of the proposal for an annuity fund because no sufficient justification was shown for a departure from Citywide standards for these titles.

As to the hazard pay requested by Climber and Pruner, the rate established over the years as well as the recommendations herein, have been designed to encompass hazard pay as part and parcel of that job. Moreover, the presence in the City-wide contract of a provision for disabilities incurred on the job is further warrant for our denial of this demand.

The Board herewith makes the following recommendations:

1. The parties shall enter into a two-year written agreement effective July 1, 1967, and expiring June 30, 1969.
2. The salary increases and the salary ranges for each position shall be that shown in Schedule A, attached.

3. For the period July 1, 1967, to June 30, 1968, the annual rate for supervising a majority of "C" "D" or "E" laborers,, under the terms and conditions specified in Paragraph No. 4 of Personnel order No. 109/65 and Paragraph No. 3 of Personnel Order No. 110/65 shall be the maximum rate of the title involved which is recommended heroin effective July 1, 1967. For the period July 1, 1968, to Juno 30, 1969, the annual rate for supervising a majority of "C" "D" or "E" laborers under the terms and conditions specified in Paragraph No. 4 of Personnel order No. 109/65 and Paragraph No., 3 of Personnel order No. 110/65 shall be no less than the maximum rate of the title involved which is here in recommended effective July 1, 1967, plus \$280.00.
4. The rate specified in Paragraph No. 5 of Personnel order No. 109/65 and Paragraph No. 4 of Personnel order No. 110/65, dated December 9, 1965, for work performed on a Saturday or Sunday where these days are the sixth and/or seventh day in a work week, and on holidays, shall be changed from \$1.55 to \$1.95 per hour.

5. Upon promotion an employee shall, receive either the minimum rate of his now title or a salary increase equal to one-increment of the new salary range, whichever is greater.
6. Welfare contributions shall be increased by \$25.00 per year (to \$110.00) effective January 1, 1968.
7. (a) The uniform allowance for those employees (except climbers and pruners) required to wear uniforms shall be increased in the following annual amounts:
  - \$5.00 effective July 1, 1964.
  - An additional \$5.00 effective July 1, 1965.
  - An additional \$5.00 effective July 1, 1966.
  - An additional \$5.00 effective July 1, 1967.(b) The uniform allowance for climbers and pruners shall be increased in the following annual amounts:
  - \$5.00 effective July 1, 1964.
  - An additional \$35.00 effective July 1, 1967.
  - An additional \$15.00 effective July 1, 1968.

Milton Friedman, Chairman

Daniel Kornblum

Abram H. Stockman

Dated: November 27, 1968

SCHEDULE A

<u>POSITION</u>	<u>RECOMMENDED SALARY INCREASES</u>		<u>RECOMMENDED SALARY RANGES</u>		<u>INCREMENTS</u>
	July 1, 1967	July 1, 1968	Effective July 1, 1967	Effective July 1, 1968	
	Climber & Pruner	\$440	\$460	\$7670 - \$9170	
Gardener	440	460	7670 - 9170	8130 - 9630	6 @ 250
Swimming Pool Operator	440	460	7670 - 9170	8130 - 9630	6 @ 250
Foreman of Gardeners	550	570	9230 - 9980	9800 - 10,550	3 @ 250
Park Foreman	550	570	9230 - 9980	9800 - 10,550	3 @ 250
General Park Foreman	630	650	10,110 -11,350	10,760 -12,000	4 @ 310
Supervisor of Park Operations	630	650	10,110 -11,350	10,760 -12,000	4 @ 310
Senior Supervisor of Park Operations	665	680	10,845 -12,085	11,525 -12,765	4 @ 310
Horticulturist	1015	680	10,845 -12,085	11,525 -12,765	4 @ 310
Foreman (incl. Sp.)	550	570	9230 - 9980	9800 - 10,550	3 @ 250
District Foreman (incl. Sp.)	630	650	10,110 -11,350	10,760 -12,000	4 @ 310
Superintendent of Repairs to Distribution	725	730	11,655 -13,195	12,385 -13,925	4 @ 385
General Superintendent of Repairs to Distribution	810	820	12,940 -14,480	13,760 -15,300	4 @ 385