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In the Matter of the
Impasse Panel Proceeding

between

THE CITY OF NEW YORK

-and-

LOCAL 1199, DRUG & HOSPITAL
EMPLOYEES UNION, RWDSU, AFL-CIO
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REPORT

and

RECOMMENDATIONS

I-27-68

APPEARANCES:

For the City:

Joseph A. Mazur, Esq., Associate Counsel,
Office of Labor Relations
Robert Pick, Assistant Director of. Labor Relations
John J. Rocho, Director of Research
Joseph J. Maher, Assistant Director of Research
Salvatore Colangelo, Chief, Studios & Report
Mary O'Shea, Assistant to Chief, Studies & Report
Victor Starr, Assistant Commissioner, Department
of Hospitals
Lao Banner, Chief Pharmacist, Department of Hospitals

For the Union:

Sipser, Weinstock & Weinman, Attorneys
By: I. Philip Sipser, Esq.
George Glotzor, Vice President
Philip Kamenkowitz, Area Director
Sidney Barchet, Area Director

Local 1199 is the collective-bargaining agent for the pharmacists employed by the City. There are more than 200 in the unit, the bulk of whom work in the Department of Hospitals.

The agreement between the City and the Union expired on December 31, 1968. When efforts to effect a new settlement proved unsuccessful, the Impasse Panel was designated to hear the matter and make recommendations for the resolution of disputed issues. The Union's demands include such items as substantial salary increases, differentials, promotional guarantees and the agency shop. The City, in addition to challenging most of the Union's demands as presented, proposed that work schedules be adjusted to ensure coverage seven days per week and at night. The major issues before the Panel, in terms of general impact on the unit, are those concerned with salaries and schedules.

Salaries

With respect to its salary proposals, the Union relied heavily on comparisons with pharmacists employed in the metropolitan area in retail establishments and in voluntary hospitals. The City, while not denying the relevance of this, pointed out that in many cases privately employed pharmacists work a 40-hour week compared with the City's 35, and also introduced more favorable comparisons with other governmental jurisdictions.

Pharmacists employed in the public sector constitute a minor fraction of those in private employment. There are con-

siderably more than 2000 pharmacists employed in drug stores and hospitals in the metropolitan area and only about 220 in City service. In dealing with such a clearly defined universally similar profession, it is appropriate to measure the compensation of City employees in the context of those in private employment.

The basic City title, Pharmacist, is directly comparable with registered pharmacists in private employment who have at least one year's experience. In unionized drug stores, constituting the majority in the metropolitan area. (and, according to Union testimony, in non-Union, as well), registered pharmacists received a minimum salary of \$10,400,, effective October 1, 1968. By June 1, 1970, the minimum reaches \$11,440. At present, the City's minimum is \$82 00. In their two-year contract, from October 1, 1968, to September 30, 1970, pharmacists in the private sector will receive general increases totaling \$2080. It is evident that compared with pharmacists in retail stores, who perform. an identical function, the City's pharmacists lag considerably behind in salary.

Similarly, a large number of pharmacists is employed in voluntary hospitals in Now York City. They also receive a minimum rate of \$10,400. Going salaries were higher according to the Union; the Union cited newspaper ads for hospital pharmacists, one of which, for example, not only offered a \$10,400 starting salary, but also an \$832 increase in six months.

One of the measurements in salary comparisons, as the City notes, is the number of hours required, for a given salary or minimum rate. Store personnel generally do work a 40-hour week, but about half of the voluntary hospitals have a 35-hour week, and the remainder are almost all on a 37½ hour week. The City's pharmacists are largely employed in its municipal hospitals. It is valid, therefore, to consider the hospitals as a more meaningful comparison than the drug stores for purposes, of analyzing appropriate salaries.

In recommending a two-year agreement, the Panel views a general increase of \$1040 to be appropriate for Pharmacist in the first year, and \$832 in the second. The recommended minimums are \$10,400 and \$11,232. Other titles in the pharmacy group are keyed to the recommendations on Pharmacist'.

Where a recommended general increase would leave an employee below the minimum, he must be brought to the minimum rate. Thus in each year the employee is entitled to receive either the amount of the general increase or the amount of the general increase or the amount necessary to bring him to the minimum for that year, whichever is greater. This approach does not apply to Trainee or Technician, however, where a single minimum rate applies in each of the two years and where the second-year general increase is applicable only to those who had been employed prior to January 1, 1969. In all cases, an employee hired after January 1, 1969, will receive only the applicable minimum rate for his title.

Senior, Supervising and Principal Pharmacists who were employed prior to January 1, 1969 should receive a general increase on that date of \$1300 per year, unless a higher amount is required to bring them to the new minimum. On January 1, 1970, such employees should receive whatever increase from \$832 to \$1040 is necessary to give them increases totaling a minimum of \$2340 over the two years. None is to receive increases in excess of \$2340 except if a larger increase is necessary to reach a minimum.

Schedules

Pharmacists have been employed on a daytime schedule, Monday to Friday. The City has proposed that they be placed on a rotating seven-day basis, and participate where necessary in evening work. The Union has objected strenuously to imposition of such schedules on employees who have always been employed from 9:00 AM to 5:00 P.m., Monday to Friday.

The Union does not deny the urgent community need for medical services in City hospitals and health care clinics at hours convenient for the public, a need which cannot be met without the services of pharmacists. But the Union does not want onerous hours to be required of pharmacists. The Panel sees no alternative to a recommendation that will meet a real need for such community medical services, including those of pharmacists, by approving the City's general proposal, with adequate safeguards against inequitable treatment of employees, or excessive and burdensome schedules.

This determination does not rest solely on social justification for the service. The City has emphasized the distinction between its level of compensation and that of retail pharmacies where the hours are longer and fringe benefits less extensive. Privately employed pharmacists in stores and hospitals do work evenings and weekends as required. The City's arguments were not denied. Thus the gains made by the Union in winning elimination of the differential based upon the City's 7/8 formula, which is equated the City's 35-hour salary with private pharmacists' 40-hour salary, would not be possible here, if the Panel were not concurrently recommending compensating schedule changes. City pharmacists will now earn what their confreres earn in private employment. To justify this parallel in wages, a limited number of evening and weekend hours accordingly should be worked, as do pharmacists in drug stores and hospitals.

The Panel is cognizant of the inconvenience or hardship this may cause employees accustomed to weekdays, daytime hours. Consequently, every reasonable measure must be used to minimize the inconvenience resulting from the change in hours while enabling the City to fulfill its responsibility to its citizenry.

Therefore, evening work shall be limited to once per week. Weekend work shall be limited to one day per month. Such assignments must be equitably distributed among the employees in the unit involved. Notice of assignments must be scheduled and posted at least two weeks in advance, and 48 hours' notice must be given if a change in tour is required.

RECOMMENDATIONS

1. There shall be a two-year agreement from January 1, 1969, to December 31, 1970.
2. The recommended salary increases and minimum rates shall be those set forth in attached Schedule A.
3. Promotional guarantees shall be as follows:
 - a) A Pharmacist who is promoted to Senior Pharmacist shall receive \$600 or the minimum salary of the Senior Pharmacist, whichever is greater.
 - b) A Senior Pharmacist who is promoted to Supervising Pharmacist shall receive \$750 or the minimum salary of Supervising Pharmacist, whichever is greater.
 - c) A Supervising Pharmacist who is promoted to Principal Pharmacist shall receive \$750 or the minimum salary of Principal Pharmacist, whichever is greater.
4. Welfare contributions shall continue at \$85 until July 1, 1969, when they shall be increased to \$110. Contributions shall be increased to \$125, effective July 1, 1970.
5. Tuition Reimbursement: Effective January 1, 1969, a pro-rated annual allowance shall be provided to reimburse for tuition and expenses up to a maximum of \$200 per annum for each person employed in the class of positions in Pharmacist Occupational Group, who completes satisfactorily one or more courses of job related education or training approved by the employing agency of the City.
6. Request for Reconsideration of Title Structure: During the month of September, 1969, the City, under the aegis of Office of Labor Relations, shall confer with the Union and the Departments of Social Services and Purchase to discuss upward revision of titles. The City has indicated its willingness to schedule such conferences.
7. Uniforms appropriate, to the Department of Correction shall be given to Pharmacists employed there, similar to the practice in the Department of Hospitals.

8. The Agency Shop cannot be legally recommended by the Panel. If legislation, which the City asserts to be pending becomes law, the City shall thereupon negotiate an Agency Shop provision to be incorporated in the agreement between the parties.
9. The Union's proposals for hazard differentials and free meals are denied.
10. The City's proposal for weekend and evening schedules shall be adopted on the following basis:
 - a) Pharmacists may be requested to work not more than one evening per week and one weekend day per month within their regular five-day 35-hour week.
 - b) Such assignments shall be scheduled on a fair and equitable basis among those employed in each institution where such assignments are required.
 - c) Each institution shall post schedules not less than two in advance. Forty eight hours' notice shall be given to an employee if a change in tours is required.

Milton Friedman, Chairman

Benjamin C. Roberts

Allan Weisenreld

Dated: July 9, 1969

SCHEDULE A

RECOMMENDED MINIMUMS AND GENERAL INCREASES

Title	<u>Present Minimum</u>		<u>Recommended Minimums</u>		<u>Recommended General Increases</u>	
		<u>January 1, 1969</u>	<u>January 1, 1970</u>	<u>January 1, 1969</u>	<u>January 1, 1970</u>	
Trainee	\$ 6500	\$ 7500	\$ 7500			\$ 600*
Technician	5700	7700	7700			625*
Pharmacist	8200	10,400	11,232	\$1040		832
Senior Pharmacist	8750	11,050	11,882	1300		832-1040**
Supervising Pharmacist	9300	11,700	12,532	1300		832-1040**
Principal Pharmacist	10,400	12,800	13,632	1300		832-1040**

*Applicable only to those on the payroll prior to January 1, 1969.

**Employees on the payroll prior to January 1, 1969, shall receive on January 1, 1970, at least \$832, but up to \$1040 if more than \$832 is required to provide an aggregate increase over the two years of \$2340. Employees may receive a greater total increase than \$2340 only if due to the application of new minimums. (Those hired after January 1, 1969, shall receive the appropriate minimum rates only.)