

OFFICE OF COLLECTIVE BARGAINING

IMPASSE PANEL

In the Matter of the Impasse

between

Case No. I-58-70

LOCAL 237, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS

and

THE CITY OF NEW YORK, OFFICE OF LABOR
RELATIONS.

Before Jonas Silver, Chairman
Maurice S. Trotta, Member
George Marlin, Member

Appearances Barry Feinstein, President, Local 237
Bert Rose, Director of Organization, Local 237

Robert H. Pick, Assistant Director of Labor Relations,
Office of Labor Relations.

On August 14, 1970, in accordance with local law, the undersigned were designated an Impasse Panel by the Deputy Chairman of the Office of Collective Bargaining to conduct hearing and make report and recommendations for settlement in the current dispute between Local 237, IBT, and the Office of Labor Relations. The unit involved comprises special officers, senior special officers, and hospital security officers numbering approximately 800, employed principally by the Social Services Department and the Hospitals Corporation.* Hearing on the matters in dispute was held on September 18, October 13 and 15, at which the parties presented testimony, documentary evidence and argument in support of their respective positions. Based upon the entire record adduced

*I.E., New York City Health and Hospitals Corporation.

at the hearing, the Panel submits the following findings, opinion and recommendations:

1. The Existing Pay Plan; the Demands of Local 237 and the City's Offer

The expired 3 year agreement (January 1., 1967-December 31, 1969), provided a Salary plan in the final year as follows:

	<u>Effective 1-1-69</u>
Special Officer, Appointment Rate	\$6,000
After 1 Year	6,200
After 2 years	6,640
After 3 years	7,080
After 5 years	7,380
Senior Special Officer	8,000
Hospital Security Officer	9,250

Local 237 demands parity in salary and fringe benefits of the employees involved herein with the salary and fringe benefits received by the police in the Police Department.

On October 15, during the course of the hearing, the City offered in each year of a 3 year contract, the following increases: \$500, special officers; \$650, senior special officers; and \$750, hospital security officers. Under the City's offer there would be no change in the existing structure of the 5 year pay plan of the special officers.

2. The Issue

The issue before the Panel is:

Whether special officers, senior special officers, and

hospital security officers are entitled to the same salary, pay plan,¹ and fringe benefits as patrolmen, sergeants and captains in the Police Department?

3. The Salary Issue

Local 237 seeks to justify its claim of parity on the ground that special officers are today, more so than before, faced with serious risks while coping with incidents of violence at welfare centers and municipal hospitals. The argument is made that though authorized to make arrests, special officers are not permitted to carry a gun, a circumstance aggravating the hazards of employment. With the responsibilities of regular policemen, the argument continues, special officers are nevertheless paid well below the police or any other law enforcement officer of the City or local public agency (i.e., Housing Transit, Corrections, Bridge and Tunnel).

The City contends that the duties of special officers have not changed in recent years, that these duties are confined in place and time and do not embrace the varied, continuous and dangerous responsibilities of patrolmen whose qualifications and training are well above those required of special officers. Further, the City asserts, the employees in question have in the past received salary adjustments in accordance with the increases of other employees in their departments, a relationship which should be adhered to.

(a) Qualifications and training: The position of special officer under civil service² carries no formal educational or experience

¹The City has withdrawn its objection to this Panel making any recommendation with regard to the existing steps in the special officer's 5 year pay plan.

²Special officer, senior special officer and hospital security officer are the formal civil service titles of the positions involved herein. For internal use, the departments employ the appellations of patrolman, sergeant and lieutenant, respectively.

requirements. Applicants must be able to pass a qualifying medical and physical test. The written test is of a type designed to ascertain the candidate's aptitude, general intelligence and judgment.

Upon appointment to a position in the Social Services Department, the special officer undergoes a 5 day training course given by department instructors trained at and using materials prepared by the police Academy. The unit training memos cover penal law and procedure. During the first 6 months of employment, the newly appointed special officer may receive 3 additional weeks of training if manpower availability permits. A related training program has recently been instituted for special officers assigned to hospitals.

Qualifications and training relative to applicants for the position of patrolman in the Police Department, are more extensive and demanding. Thus the applicant, at the time of appointment, must be a high school graduate or the possessor of an acceptable equivalent diploma or certificate. He must meet severe medical and physical standards. The written examination is designed to test the candidate's capacity specifically to learn the duties of a patrolman. Following appointment as a patrolman, the individual is on probationary status for a year including the 6 months spent in training at the police academy.

(b) Work and responsibilities: Special officers are assigned in varying numbers to welfare centers and shelters and to municipal hospitals, there to perform the tasks related to the overall responsibility of maintaining order, protecting life and property, and directing persons in

and but of the buildings. Immediate supervision covering these locations is furnished by senior special officers, each responsible for the welfare centers within a particular area, while at the hospitals special officers and senior special officers are under the direction of a hospital security officer assigned to each hospital.

Special and senior special officers wear uniforms hardly distinguishable from that of patrolmen and sergeants of the Police Department. Baton, handcuffs, memo book, arrest forms--are the same for these employees as for the regular police. As a matter of administrative policy, however, firearms are not carried by the special officers or their superiors. Special officers nevertheless possess all the powers and discharge all the duties of a peace officer, including the authority to make arrests while on duty and at the buildings to which they are assigned.

"The general statement of duties and responsibilities" for the title of special officer issued by the Civil Service Commission, states: "Under general supervision, performs special police work of ordinary difficulty and responsibility." To a considerable extent the everyday job experience of the special officer comes within this generalization in that he gives information to and directs visitors and clients, ejects loiterers, and safeguards property against theft. But, under conditions of contemporary urban existence, hospitals and welfare facilities have been the objects of obstructive and sometimes violent conduct by demonstrators as well as by individual protestors. In many of these group actions regular police are called in. However, special officers bear the brunt of the outbreak of disorder. It is not

surprising, therefore, to find that in recent years, special officers have made more arrests than previously.³

On the other hand, patrolmen in the Police Department are not confined to municipal facilities, nor are their law enforcement and order keeping responsibilities restricted to an 8 hour day. Indeed, patrolmen are utilized in a wide range of activities such as policing high crime areas, regulating traffic, controlling crowds, and coping with explosions and other disasters. Moreover the armed patrolman runs the mortal risk of firearms usage for gun possession invites gun retaliation. And while the lack of a gun puts the special officer in unequal contest when having to disarm a person brandishing a weapon, a welfare or hospital facility does not harbor the potential for serious crime that continuously lurks in the ghetto and other areas of the City.

4. Conclusions and Recommendations

In view of the foregoing findings of greater responsibilities and risks, qualifications and training, in the work of the patrolman as compared with the special officer, the Panel must reject the claim of parity advanced by Local 237.⁴ Nevertheless the Panel regards the City's offer, based solely on

³Thus, the Department of Social Services reports 184 arrests in 1966, 284 in 1968, and 602 in 1969. In 1970, through October, the number more nearly resembles the 1968 total. Hospitals Corporation arrest statistics are not available. Unofficial figures suggest substantial numbers.

⁴At present the starting salary of patrolman is \$9,499 and goes to a maximum of \$10,950 after 3 years.

intradepartmental relationships, as an incomplete yardstick.⁵ A more equitable and realistic approach would also take account of the increased importance of the arrest authority of the special officers in seeking to prevent obstruction to the administration of welfare centers and hospitals.

Accordingly, this Panel shall recommend annual increases in each of 3 years, commencing January 1, 1970 as well as a \$100 increase in the present pay step after 1 year of service of special officers and the shortening of the present 5 year salary plan to 4 years. This will provide appropriate salary adjustments for the classes of positions involved in this proceeding.

In the area of fringe benefits further recommendations shall be made as to uniform allowance and welfare funds.

The Panel's recommendations, specifically set forth, are:

Term of Agreement: Three (3) Years (1/1/70-12/31/72)

	<u>1/1/70</u>	<u>1/1/71</u>	<u>1/1/72</u>
<u>Security Officers</u>			
<u>Appointment Rate</u>	\$6,000	\$7,200	\$7,800
*After one year of service	6,900	7,500	8,100
*After two years of service	7,240	7,840	8,440
*After three years of service	7,680	8,280	8,880
*After four years of service	7,980	8,580	9,200
*Either on July 1st or January 1st.			
<u>Sr. Special Officers</u>	\$8,750	\$9,500	\$10,250
<u>**Hospital Security Officers</u>	10,150	11,050	11,950

**Differentials which were received under the former agreement between the Security Officers and the City shall be continued.

⁵The City put in evidence salary levels of security personnel in federal, state and city employment in this State and elsewhere. Because the data, including the job descriptions, does not establish the extent to which proper comparison may be realistically made with the work of special officers, the Panel cannot draw upon this material.

Uniform Allowance - Effective 1/1/70 the Uniform Allowance provided for Special Officers who are required to wear uniforms shall be increased to a pro-rated annual amount of \$135.

Effective 1/1/71 a Uniform Allowance shall be provided for Special Officers who had heretofore been supplied uniforms on a pro-rated annual amount of \$135.

Welfare Fund - Effective 1/1/71 it is recommended that this unit elect the City-wide Welfare Arrangement.

DATED: New York, New York
January 27, 1971

Respectfully submitted,

Jonas Silver, Chairman

Maurice S. Trotta, Member

George Marlin, Member

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