
IN THE MATTER OF THE IMPASSE

BETWEEN

THE LICENSED PRACTICAL NURSES
OF NEW YORK, INC.

AND

THE CITY OF NEW YORK

Case No. I-59-70

REPORT
AND
RECOMMENDATIONS
OF
FACT-FINDING PANEL

Before:

GEORGE MOSKOWITZ

Impasse Panel

This in a Fact Finding Proceeding between the Licensed Practical Nurses Of New York, Inc., and the New York City Hospital Corporation, the successor agent to the New York City Department of Hospitals. The employees here involved are covered by an agreement dated July 1, 1969, and expiring June 30, 1971. The original signatories to this Agreement are the City of New York (hereinafter referred to as the "City"), and the Licensed Practical Nurses of New York, Inc. (hereinafter referred to as the "Association")

At the outset of the hearing it was acknowledged by a representative of the City that the Licensed Practical Nurses employed under the Agreement (Joint Exhibit No. 1) are now employed by the New York City Hospital Corporation, the successor agent to the New York City Department of Hospitals, and that all the benefits and rights are transferred along with them, as well as the obligations of the Collective Bargaining Agreement.

The Agreement provides a re-opening for the re-negotiation of the "Appointment Rate Salary" effective July 1, 1970 (See Schedule A of Joint Exhibit No. 1). The Union exercised its option to re-open the Agreement for purposes of negotiating such Appointment Rate effective July 1, 1970, for the remaining period of the contract; to wit June 30, 1971.

This Fact Finding Proceeding arises from the inability of the City, or its successor, and the Association to arrive at a mutually satisfactory settlement through collective bargaining negotiations of the said "Appointment Rate" to be effective July 1, 1970.

The undersigned was designated by the Office of Collective Bargaining of the City of New York on June 5, 1970, as a one-man Impasse Panel to hear and make a Report and Recommendation to the parties for the settlement of their dispute. Thereafter, and pursuant to such appointment, the undersigned scheduled and held hearings on July 1 and July 13, 1970, at which times the parties appeared by the representatives and submitted testimony and other evidence.

At the outset of the hearing on Wednesday, July 1, 1970, the parties executed an agreement providing that any recommendation ("Award") made by this Impasse Panel will be final and binding upon the parties to this proceeding.

During the course of the hearing, evidence was offered with respect to salaries and salary increases of other categories of employees employed in the hospitals maintained by the New York City Department of Hospitals. In addition, evidence was offered concerning salaries and salary increases negotiated at voluntary hospitals within the City of New York. There was also evidence relating to the duties of the Licensed Practical Nurses.

Having given careful consideration to the transcript of the testimony taken at the hearings in this proceeding and to other settlements and increases referred to, the undersigned Recommends and Awards as follows:

RECOMMENDATION AND AWARD

The undersigned, as Impasse Panel appointed by the Office of Collective Bargaining, recommends and in accordance with the agreement signed by the parties at the outset of the hearing, Awards that the Appointment Rate effective for the period beginning July 1, 1970, shall be \$7,400 and that said Appointment Rate continue for the duration of the Collective Agreement between the parties as if fully set forth in the Schedule "A" attached thereto.

Dated: New York, N.Y.
 September 29, 1970

Respectfully submitted,

George Moskowitz, Impasse Panel