

OFFICE OF COLLECTIVE BARGAINING  
----- x  
In the Matter

between

SENIOR DEPUTY SHERIFFS' ASSOCIATION

and

THE CITY OF NEW YORK  
----- x

FINDINGS OF FACT AND CONCLUSIONS

Under date of October 26, 1970 the Office of Collective Bargaining designated the undersigned as the Chairman of a three-man impasse panel to hear and make report and recommendations for settlement of a dispute between the Senior Deputy Sheriffs' Association and the City of New York. Subsequently the parties agreed to accept a one-man impasse panel, consisting of the undersigned, rather than a panel of three members. Pursuant to notice duly sent to the parties, a hearing was held at the offices of the Office of Collective Bargaining on April 20, 1971, at which the parties and their representatives appeared and evidence and arguments on the issues in controversy were submitted to and heard by the panel.

The Senior Deputy Sheriffs' Association represents the twenty-five Senior Deputy Sheriffs currently employed by the City of New York in the Office of the Sheriff. The contract between the Association and the City expired on September 30, 1968. Negotiations and mediation over the period from April 14, 1970 to date failed to produce a settlement and the parties agreed to submit the issues in dispute to an impasse panel appointed by the Office of Collective Bargaining.

The issues submitted to the Panel are:

1. Salary and pay plan.
2. Longevity increments.
3. Welfare fund contributions.
4. Annuity fund contributions.

It has been agreed that the term of the new agreement will cover the period from October 1, 1968 to December 31 1970.

Basically, the Association contends that the salary and pay plan, the longevity increments, the welfare fund contributions and the annuity fund contributions applicable to Senior Deputy Sheriffs should bear a direct relationship to those of the Deputy Sheriffs. It argues that the facts support the finding that when the Career and Salary Plan of 1954

was instituted the salaries of Senior Deputy Sheriffs were 29% higher than those of Deputy Sheriffs and that this relationship has eroded over the years and should now be reinstated.

The salaries and the fringe benefits here in issue of the Senior Deputy Sheriffs in effect on July 1, 1967, and which are still in effect, are as follows:

- a) salary range - \$9,462 - \$10,853
- b) longevity increments - \$100 after 10 years,  
another \$100 after 20 years
- c) welfare fund contributions - \$130 a day
- d) annuity fund contributions - \$1 per day

The rates now received by the 25 employees who hold the Senior Deputy Sheriff title are:

12	at	\$9,462
2	at	9,762
1	at	10,376
1	at	10,471
1	at	10,806
8	at	10,853

The Deputy Sheriffs, unlike the Senior Deputy Sheriffs, have negotiated a new agreement covering the period from October 1, 1968 to December 31, 1970, under the terms of which the Deputy

Sheriffs received an increase of \$1,042 per annum effective October 1, 1968 and \$525.00 per annum effective October 1, 1969. Deputy Sheriffs also were granted longevity increases of \$100.00 per annum after five years, ten-years, fifteen years, and twenty years, respectively, (previously they were granted only after ten years and twenty years, respectively) and an increase of the contributions to the welfare fund to \$140.00 per annum (instead of \$130.00 per annum). The benefits of the Deputy Sheriffs, who also have a three-year pay plan, under the current agreement are as follows:

a) salary

<u>Deputy Sheriff</u>	<u>Effective</u> <u>10/1/68</u>	<u>Effective</u> <u>10/1/69</u>
Appointment	\$8,974	\$9,499
1-yr. rate	9,195	9,720
2-yr. rate	9,746	10,271
3-yr. rate	10,425	10,950

b) longevity increases - \$100 each, after completion of 5, 10, 15, 20 years service

c) welfare fund contributions - \$140 a year

d) annuity fund contributions - \$1 per day per member

Unlike Deputy Sheriffs, Senior Deputy Sheriffs do not have a pay plan. The Association here requests that such

a pay plan, that is, different levels of salaries based upon length of service, be instituted. It also requests that the longevity increments, welfare fund contributions, and annuity fund contributions made to or on behalf of Senior Deputy Sheriffs be 29% higher than those of Deputy Sheriffs.

The Association consequently requests that the following conditions be instituted:

a) salary

<u>Sr. Deputy Sheriff</u>	Effective <u>10/1/68</u>	Effective <u>10/1/69</u>
Appointment	\$11,953	\$12,625
1-yr. rate	12,417	13,089
2-yr. rate	12,881	13,553
3-yr. rate	13,345	14,016

Incumbents to be slotted into the proper step based on years of service as a Senior Deputy Sheriff. Increments to be payable on the anniversary date of appointment.

b) longevity increments - effective October 1, 1968, \$130 after 5 years, \$250 after 10 years, \$380 after 15 years, \$500 after 20 years.

c) welfare fund contributions - effective October 1, 1968, \$190 a year.

d) annuity fund contributions - effective October 1, 1968, \$1.30 a day.

The City of New York contends that the relationship between the benefits received by Deputy Sheriffs and Senior Deputy Sheriffs in 1954 were changed by the process of collective bargaining, commencing in 1963, and that since that time Senior Deputy Sheriffs have received, with respect to salaries, either the same dollar increases or the same percentage increases. Prior to 1963 the differential had dropped to 17% and in 1967 it was 16%. The City suggests that the Senior Deputy Sheriffs be granted an across-the-board increase of \$1,042 per annum effective October 1, 1968 and an increase of \$525.00 per annum effective October 1, 1969, as were granted to the Deputy Sheriffs, and that these amounts be granted to incumbents and be added to the minimum and maximum rates of the rate range. It opposes the institution of any pay plan and of any, increment system. With respect to longevity increments and welfare fund and annuity fund contributions, it states that they should be the same as those of Deputy Sheriffs.

#### RECOMMENDATIONS

After hearing all of the evidence and arguments of the parties, and after due consideration, it is recommended as follows:

1. Salary Increases. Salary increases shall be provided to incumbents in the title of Senior Deputy Sheriff in accordance with the following table:

<u>Rate as of September 30, 1968</u>	<u>Rate as of October 1, 1968</u>	<u>Rate as of October 1, 1969</u>
\$8,768)		
9,116)		
9,462)	\$10,654	\$11,450
9,762	10,954	11,700
10,376)		
10,471)	11,663	12,400
10,806)	12,045	12,800
10,853)		
Range	\$10,654 - 12,045 (\$12,445)*	\$11,450 - 12,800 (\$13,225)*
	\$12,145 * A	\$12,925 * A
	12,245 * B	13,025 * B
	12,345 * C	13,125 * C
	12,445 * D	13,225 * D

---

\*

The maximum salary in parentheses and the rates followed by an asterisk allow solely for longevity increases granted for and upon the completion of years of service in a class of positions in the Sheriff Occupational Group, as follows: A--5 years, B--10 years, C--15 years, D--20 years.

The amounts by which such rates exceed the maximum basic rate shall not be deemed to be part of salary for purposes of retirement allowances unless at the time of retirement a Senior Deputy Sheriff paid at the rate indicated by \*A or \*B shall have completed twenty years of service, and one paid at the rate indicated by \*C or \*D shall have completed twenty-five years of service, except that one paid at the rate indicated by \*C or \*D who shall have completed twenty years, but not twenty-five years, of service at the time of retirement shall have the amount by which the \*B rate exceeds the maximum basic rate deemed to be part of salary for purposes of retirement allowances.

2. Promotional Increases. Those Deputy Sheriffs promoted on or after October 1, 1968 to the position of Senior Deputy Sheriff shall receive the now rate next above their rates as Deputy Sheriff exclusive of any longevity to which he may be entitled in accordance with the following table:

<u>Rate as Deputy Sheriff</u> <u>October 1, 1968</u>	<u>Senior Deputy Sheriff</u> <u>October 1, 1968</u>
\$8,974	
9,195	
9,746	
10,425	\$10,654
 <u>October 1, 1969</u>	 <u>October 1, 1969</u>
\$9,499	
9,720	
10,271	
10,950	\$11,450

3. All rates contained herein are exclusive of welfare fund and the annuity fund.

4. \$140 Per annum shall be contributed per member to the welfare fund for the period October 1, 1968 through December 31, 1970.

5. The \$1 per day per member annuity fund contribution shall be continued for the period of the agreement.

6. In the event thliat tho Deputy Sheriffs shall receive additional monies as a result of the police parity case resolution, the Senior Deputy Sheriffs shall receive a like sum.

7. The term of the agreement shall be from October 1, 1968 through December 31, 1970.

Dated: New York, N. Y.  
April 20, 1971.

---

I. Robert Feinberg,  
Impasse Panel