

OFFICE OF COLLECTIVE BARGAINING
CITY OF NEW YORK
NEW YORK, NEW YORK 10007

Docket No. I-72-71

In the Matter of the Dispute Between
THE CITY OF NEW YORK

-and-

DISPUTE COUNCIL 37, AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO

REPORT

AND

RECOMMENDATIONS

OF

IMPASSE PANEL

RE: Swimming Pool Operator Foreman, Foreman of Gardeners, General Park Foreman, Supervisor of Park Operations, Senior Supervisor of Park Operations, Assistant Park Director, Horticulturist.

This proceeding, conducted on June 10, 1971, resulted from the failure of the parties to negotiate agreement on salaries and other conditions of employment for the above classifications for the period beginning July 1, 1970. The undersigned one-man impasse panel has reached his findings and recommendations after careful review of the testimony of both sides, the voluminous exhibits, and the arguments.

THE ISSUES:

The following are the proposals of the union:

1. A two-year contract effective July 1, 1970 to June 30, 1972.
2. Each title shall have a single rate of pay as follows:

<u>Title*</u>	<u>July 1, 1970</u>	<u>July 1, 1971</u>
Park Foreman	\$ 12,600	\$ 14,400
Foreman of Gardeners	12,600	14,400
General Park Foreman	14,150	16,000
Supervisor of Park Operations	14,150	16,000
Senior Supervisor of Park Operations	16,000	17,800
Assistant Park Director	19,140	20,150
Horticulturist	19,140	20,150

(* The parties stipulate that swimming pool operator is an almost defunct title and the union will accept the city offer re the remaining three, three, anticipating that it will be that accorded climbers and pruners.)

3. For the employees in the above titles, annual rates for supervising a majority of prevailing rate employees (other than the A and B laborers) shall be no less than the annual rates for such supervision provided for corresponding titles in the Department of Highways.

4. All annual uniform allowances shall be increased by 80 percent.

5. For each increase in the cost of living in the New York area, as determined by the Bureau of Labor Statistics of the United States Department of Labor, there shall be identical increase in wages. Wages shall be adjusted quarterly.

The parties stipulate on a two-year contract effective from July 1, 1970 to June 30, 1972.

DISCUSSION AND RECOMMENDATIONS:

On the remaining issues:

ISSUE NO. 2: Salaries: To the basic union arguments for a single rate that: 1) this group of employees below the managerial and above the non-supervisory levels is offered smaller increases than those offered to those who supervise them and those whom they supervise, and 2) park managers (excepting two who have special assignments), at one end of the spectrum, and laborers, at the other, have single rates, the city replies that the cost is prohibitive (minimum cost would be \$162. per man for Horticulturists), given the city's present financial condition.

The union proposal may be costed out at approximately 15% for salaries alone; the city counterproposal aggregation approximately 8% for salaries and fringes.

1. The union makes no claim that the classifications in question, except that of Assistant Park Director, embrace managerial employees. OCB Docket No. R-199-66, dated April 30, 1969, which put the title Assistant Park Director in the instant bargaining unit, established that that title neither participated in policy-making nor planned nor organized operations. And laborers clearly are subordinates.

2. While the union emphasizes intra-department ratio between the involved employees and park managers, on the one hand, and those employees and laborers on the other, the city presents data which indicate that:

1. City salaries in the classifications in question are higher than those in the same classifications paid by the state, Westchester, and Nassau, and 2) with the present rates, the city has no trouble recruiting and has no serious turn-over problem.

3. The union concedes that establishment of the proposed single rate for the classifications in question would cost the city a substantial sum.

4. At the same time, the city rejects union proposals for an increase in the uniform allowances and a cost-of-living clause, alluded to below, on the basis that its 8% package is intended and sufficient to cover any increase in the cost of apparel and upkeep and in the cost of living.

5. The city proposes in salary increases:

<u>Title</u>	<u>July 1, 1970</u>	<u>July 1, 1971</u>
Park Foreman	\$ 650	\$ 625
Foreman of Gardeners	\$ 650	\$ 625
Central Park Foreman	\$ 725	\$ 725
Supervisor of Park Operations	\$ 725	\$ 725
Senior Supervisor of Park Operation	\$ 750	\$ 750
Assistant Park Director	\$ 850	\$ 800
Horticulturalist	\$ 850	\$ 800

6. With an approximately seven percentage point gap between the city package proposal and the union salary proposal, given a rising cost of living and cost of apparel and upkeep, and from knowledge of recent settlements with other groups of city employees, the panel is of the opinion that that gap should be narrowed. In addition, and across-the-board increase to the classifications in question would seem to be more in line with both the increased cost of living and prevailing settlement trends.

The panel, therefore, recommends as a reasonable adjustment:

July 1, 1970 - \$1,100 increase per man in each of those classifications.

July 1, 1971 - \$1,200 increase per man in each of those classifications.

ISSUE NO. 3: Department of Highways rates for supervision off C laborers:

The union proposes that the rates to be paid the classifications in question for supervision for C laborers shall not be less than the annual rates for such supervision provided for corresponding titles in the Department of Highways.

The city counters that : 1) during the last go-round, anything above a title maximum for the classifications in

question was negotiated out, and 2) over two hundred laborers have been transferred out of that rate since that time, leaving very few C laborers to be supervised by the involved classifications.

The panel finds that the union fails to refute the city contentions alluded to above, and recommends that, effective July 1, 1970, annual rates for the titles in question for supervising groups consisting of a majority of C laborers be the maximum rate of the involved title.

TITLE NO. 4: Uniform Allowance: While the city argues that the 8% package proposed is intended and sufficient to cover any increase in the cost of clothing, the union replies that is in fact that CPI figures for the New York City metropolitan area indicated that the cost of apparel and upkeep increased by better than 17% from June , 1967 to June, 1970.

The panel recommends that, if the city accepts its recommended adjustments with regard to salaries, the union drop this demand for this go-round.

ISSUE NO. 5: Cost-of-living increase: As was the case with the immediate prior issue, if the city accepts the panel's recommended adjustment with regard to salaries, the panel again recommends that the union drop this demand for this go-round.

IRVINE L. H. KERRISON

Dated: June 21, 1971