

CITY OF NEW YORK
OFFICE OF LABOR RELATIONS

FACT FINDER'S REPORT

RE: I-73-71

AND

TITLES OF CLIMBER AND PRUNER,
GARDNER

AFSCME, DISTRICT COUNCIL 37

DATE OF REPORT : JUNE 25, 1971

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The undersigned Fact Finder, designated by the Office of Collective Bargaining held a hearing on April 20, 1971 at which time the instant dispute presented by the parties. The City was represented by Thomas M. Laura, Assistant Director of the Office of Labor Relations, and the Union by Daniel Nelson, Director of Research and Negotiations.

THE ISSUE:

The issues for resolution are: 1) the appropriate rate to be paid for employees in the classifications of Climber and Pruner as well as Gardener; 2) the granting of an 80% increase in the annual uniform allowance; 3) a quarterly cost of living allowance; and 4) the appropriate length of the Agreement.

THE FACTS:

The history of rates for Gardeners, Climbers and Pruners since January 1, 1960 is set forth in the first two columns below. The Unions which claims comparability to the classifications Laborers C and E cites the rates of there classifications in the last two columns:

| | <u>Gardeners</u> | | <u>C</u> | <u>E</u> |
|--------|-----------------------------|-------------|-----------------|-----------------|
| | <u>Climbers and Pruners</u> | | <u>Laborers</u> | <u>Laborers</u> |
| | <u>Min.</u> | <u>Max.</u> | | |
| 1/1/60 | \$4,550 | \$5,990 | \$ 5,060 | \$ 5,100 |
| 1/1/62 | 4,850 | 6,290 | 5,460 | 5,520 |
| 7/1/65 | 7,050 | 8,550 | 8,663 | 8,765 |
| 7/1/66 | 7,230 | 8,730 | 8,847 | 9,134 |
| 7/1/67 | 7,670 | 9,170 | 9,032 | 9,421 |
| 7/1/68 | 8,130 | 9,630 | 9,630 | 9,605 |

| | <u>Gardeners Climbers and Pruners</u> | | <u>C Laborers</u> | <u>E Laborers</u> |
|--------|---|-------------|-----------------------|-----------------------|
| | <u>Min.</u> | <u>Max.</u> | | |
| 7/1/69 | \$9,155 | \$10,405 | \$ 9,960 | \$ 10,064 |
| 1/1/70 | | | 10,419 | 10,524 |
| 7/1/70 | | | 10,878 | 10,933 |
| 1/1/71 | | | 11,630 | 11,735 |
| 7/1/71 | | | 12,758 | 12,862 |

As indicated, the maximum rate for the disputed classification in 1960 and 1962 was substantially higher than the E Laborer rate. In 1965, 1966 and 1967, as a result of the Kelly v. Beame decision, Laborer rates exceeded the maximum Gardeners, Climbers and Pruner's rate. In 1968, pursuant to the November 27, 1968 Report of the Friedman, Kornblum and Stockman panel, the maximum rate was set at \$25.00 above the E Laborer rate. The 1969 contract for Gardeners, Climbers and Pruners was negotiated prior to that for the E Laborers and was limited to one year. The Laborers' contract, when finally agreed to, established a July 1, 1969 rate below the maximum of the disputed classifications, but through a series of six months increases rose to a July 1, 1970 maximum of \$10,983, and a July 1, 1971 maximum of \$12,862, giving rise to the Union's demand for \$11,500 effective July 1, 1970 and \$13,300 effective July 1, 1971.

The rates paid by the City for outside contractors performing comparable work run from \$2.75 to \$4.50 per hour according to the City, and at \$7.00 per hour according to the Union.

Turning to the issue of uniform allowances, prior to 1964 Gardeners, Climbers and Pruners were granted \$45.00 for the uniforms prescribed by the City and periodically inspected by them. In the November 27, 1968 Fact Finder's Report the allowance for Gardeners was raised to \$65.00 and for Climbers and Pruners \$100.00. The Union now requests an 80% increase in the uniform

allowance for all employees.

The Union agrees that these two classifications are entitled to a wage increase large enough to reestablish their relationship with the Laborer's classification from which employees in these classifications may be promoted. It refers to the classification's traditional relationship with Laborers, noting that many Gardeners have been promoted from Laborer A and Laborer B, and occasionally from Laborer C classifications, and citing the 1968 Fact Finder's Report which established a maximum rate for the Gardeners, Climbers and Pruners at \$25.00 above the E Laborer's classification.

Further, the Union argues, there should be a single rate in effect for these classifications, rather than a rate range, recognizing that employees moving into there come by promotion from the single rate Laborer's classification. Accordingly, the Union requests a two year Agreement with an expiration date of June 30, 1972 as now in effect for the Laborers. A grant of \$11,500 effective July 1, 1970 and \$13,300 effective July 1, 1971 would thus properly rectify the disparity in comparability with the Laborers.

On the issue of uniform allowances, the Union notes that the allowance for these classifications has remained constant since 1968, despite a BLS reported increase of apparel of 17.5% during the period June 1967 to June 1970. The 80% requested increase the Union asserts will approximate the increasing costs over the period from 1968 through 1972.

Finally, the Union urges the adoption of a quarterly cost of living adjustment to maintain the real wages of covered employees and to protect them

against the inflationary effect of rises in the consumer price index.

The City takes the position that the pertinent comparability for these classifications is the outside contractors performing identical work rather than with the Laborer classifications since there are very few occasions in which employees might supervise Laborers. The comparability is further discriminated by the substantial fringe benefits paid to City employees, it alleges. Further, it notes that Climbers and Pruners are hired in title rather than promoted from Laborer, and that few Laborers do move into the Gardener classification. It indicates its willingness to eliminate the existing rate range by establishing a fixed rate at \$10,520 or \$115.00 above the present maximum rate.

It argues further that an increase in the clothing allowance is unjustified, and that the 1968 grant was adequate to meet any increased costs through the contract period currently in dispute.

DISCUSSION

In determining the appropriate wage rates for these classifications, we are urged to recognize two conflicting standards of comparability: the prevailing rate for these same skills in the private sector, and the rates currently in effect for Laborers C and E. While there is merit to the positions of both parties in regard to the appropriate standard to follow, we do not believe that the evidence presented sustains the view that we are forced to adhere to either standard of comparability to the detriment of the other. Nonetheless, we do recognize that a wage standard must be established that provides the employees concerned with an increase which provides adequate recognition of their job.

responsibilities, and of the increasing cost of living. At the same time we feel constrained by the financial condition of the City to limit the recommendation to salary without any added expenditure for additional items such as an expanded clothing allowance, or a quarterly cost of living adjustment.

We have been asked to establish a single rate for this classification to bring it in line with other single rated classifications. To do so with a wage spread such as is now in effect would necessitate granting those at the start rate an increase that is \$1,250 more than that granted to those at the maximum. To grant a reasonable increase for those at bottom steps might result in the substantial number of employees at the top getting little increase, if any and certainly, not enough to meet the rising costs of living. Accordingly, we have declined to create a single step believing that such a monumental step could best be undertaken by the parties themselves. It could not be done through the aegis of the Fact Finder Report without seriously jeopardizing the legitimate economic demands of a substantial number of employees in the classifications, concerned. It is our responsibility to reduce rather than increase the disparities in the wage structure.

In view of the foregoing we recommend the establishment of the following salary schedule for Gardeners, Climbers and Pruners, for the period July 1, 1970 through June 30, 1972:

| | <u>Min.</u> | | | | | <u>Max.</u> |
|--------------|-------------|----------|----------|----------|----------|-------------|
| July 1, 1970 | \$ 9,905 | \$10,175 | \$10,445 | \$10,715 | \$10,985 | \$11,255 |
| July 1, 1971 | \$10,740 | 11,030 | 11,320 | 11,610 | 11,900 | 12,190 |

Arnold M. Zack, Fact Finder