

New York City
Office of Collective Bargaining

In the Matter of the Fact Finding

between

New York State Nurses Association

and

The City of New York and
New York City Health and

Report and
Recommendations
the Impasse Panel

Case No. I-94-72

Before the impasse Panel

Daniel G. Collins
Thomas G.S. Christensen
Eli Rock

Appearances

For New York State Nurses Association

Murray A. Gordon, P.C., Attorney for New York State
Nurses Association, by Murray Gordon, Esq. and
Michael J. Horowitz, Esq., oi counsel

For The City of New York and New York City Health and Hospital
Corporation

Robert H. Pick, Esq., Assistant Director, New York
City Office of Labor Relations, and Myron Horwitz,
Director of Labor Relations, New York City Health and
Hospitals Corporation

The proceeding was initiated pursuant to Section 1173-7.0c of the New York City Collective Bargaining Law, Chapter 54 of the Administrative Code. The Impasse Panel held a total of six daily hearings between November 16, 1972 and February 26, 1973. The testimony filled 814 pages, and 69 exhibits, many multiple, were received in evidence. Thereafter the Impasse Panel met in executive session.

The Background of the Impasse

The New York State Nurses Association (the "Association") is the duly recognized bargaining representative for registered professional nurses employed by New York City and New York City Health and Hospitals Corporation (the "Corporation") in the following classes of positions:

- Staff Nurse
- Assistant Head Nurse
- Head Nurse
- Supervisor of Nurses
- Nurse-Midwife
- Instructor Chairman
- Assistant Superintendent
of Nurses (assigned to nursing education)

Negotiations for a contract between the Association, and the City and Corporation for the period beginning July 1, 1972, made little progress, if any, and despite the services of a mediator an impasse was reached.

At the outset of the present proceeding, the City objected to the bargainability of a number of the Association's proposals. With the assistance of the parties and the office of Collective Bargaining, a procedure was implemented by which Association proposals that were concededly mandatory subjects of bargaining were referred immediately to the Impasse Panel; so-called "professional items" were referred to the parties for further

discussion and mediation, with the understanding that such matters might, if unresolved, be submitted to the Board of Collective Bargaining (the "Board") for decision on the question of bargainability; and all other items whose bargainability was in dispute were submitted directly to the Board. The Board thereafter rendered determinations on bargainability in its Decision No. B-2-73. Except as otherwise stated in this Report, all matters which were concededly mandatory subjects of bargaining, or were determined to be bargainable by the Board, have been withdrawn or are the subject of Impasse Panel recommendations in formulating its recommendations, the Impasse Panel has weighed carefully the considerable evidence in the record concerning the relative wages, hours of work and fringe benefits of the registered professional nurses in the bargaining unit and other registered professional nurses and personnel employed by the City of New York and by public and voluntary hospitals in the City and elsewhere. The Impasse Panel has also taken into account the overall compensation of registered professional nurses in the unit; changes in the cost of living; the interest and welfare of the public, including in particular the quantity and quality of the services rendered by the nurses to the population served by the Corporation, and including guidelines established by the Pay Board and Cost of Living Council, and the financial condition of the City and the Corporation; and such other factors as are normally considered in collective

bargaining or impasse resolution.

The impasse Panel's recommendations are, unless other-wise indicated, retroactive to July 1, 1972 and will continue for the period from that date to June 30, 1974.

A. Evening and Night-Shift Differential

The annual differential for work on evening and night tours was \$1500 as of June 30, 1972. The Association proposes an increase to \$2000. Tie believe that the prior differential remains reasonable and equitable and, accordingly, recommend that it be maintained at \$1500.

B. Educational Differential

The annual educational differential, as of June 30, 1972, was \$250 for a Bachelor of Science Degree and \$400 for a Master of Science Degree. The Association seeks differentials of \$500 for a baccalaureate degree and \$1000 for a masters degree. We believe the coverage of the differentials should not be expanded, but that the differential should be increased to \$300 for a Bachelor of Science Degree and to \$600 for a Master of Science Degree.

C. Differential for Work in a Higher Classification

We recommend that the Association's proposal be withdrawn without prejudice to such rights as the parties may have with respect to this item.

D. Differential for Evening and Night Shift Responsibilities

The Association asks that staff nurses on evening and night

tours be compensated at the rate for head nurses. We believe that while this proposal is unduly broad, staff nurses who assume burdensome supervisory responsibilities because of staffing patterns on evening and night tours should receive commensurate compensation. We recommend that where a registered professional staff nurse is assigned or exercises responsibility for one or more staff nurses or for two or more units, that nurse, beginning as of July 1, 1973, receive \$3 per tour for such responsibility.

E. Tuition Reimbursement

As of June 30, 1972, tuition for approved courses was reimbursed at the rate of \$250 per annum. The Association seeks full reimbursement. We believe that this benefit has great value to the City, the Corporation, and the patients they serve, as well as to the registered professional nurses in the unit. We also note that the cost of education has risen appreciably. Accordingly we recommend that the per annum reimbursable amount be increased to \$425.

F. Uniform Allowance

The uniform allowance was \$100 per annum as of June 30, 1972. The Association proposes an increase to \$200 coupled with a revise of accrual periods. We believe that the Prior amount and the payment procedure were fair and equitable and accordingly, recommend that they be continued.

G. Revolving Fund for Housing Facilities

The Association proposes the "establishment of a revolving fund in the amount of no less than \$250,000 ... to secure housing facilities adjacent to hospitals so as to provide living quarters for Registered Nurses." We find that there is insufficient evidence to warrant the creation of such a fund and that the Association's contention that there was a prior commitment to establish such a fund is not supported by the evidence.

H. Differential for Prison Health Services

The differential, as of June 30, 1972, for registered professional nurses working in Department of Correction prison facilities was \$600, per annum. We believe that the difficulty and importance of such work justifies an increase in compensation. Accordingly, we recommend that this differential be increased to \$750.

I. Experience Differential

During the period July 1, 1970 to June 30, 1972, experience differentials were provided for appointees to certain positions in the unit. In addition, incumbent nurses with commensurate service were also accorded an experience differential, but only for experience accumulated as of June 30, 1970. The Association proposes that the experience differential be increased. In addition, the Association contends that the prior practice has created an inequity with respect to incumbents, and it therefore proposes that incumbents be accorded an equivalent differential

as of the time they accumulate the requisite experience. We do not believe that there is any justification for an increase in the differential. At the same time, we agree with the Association that the prior practice was not responsive to the legitimate concerns of nurses in the unit.

We do not believe that this problem can best be resolved by any radical revision of the parties' experience differential scheme. Instead, we think across-the-board increases should be provided that are sufficiently in excess of the increase in entry level salaries to preclude inequities of the kind that may have arisen in the past. In addition, it will be necessary to provide that any experience adjustment for incumbent nurses be made prior to according them an across-the-board increase.

We recommend that the prior plan of additional money for two, four or five years of nursing experience in the respective titles be continued. We also recommend that there be a single inequity adjustment for nurses who have achieved one of those experience levels during the prior period. Effective July 1, 1972 and before any general increases recommended herein are computed, we recommend that each nurse who as of June 30, 1972 has achieved appropriate years of experience shall have his or her pay adjusted to the appropriate experience level existing as of June 30, 1972.

J. Salaries and Ranges

The salaries and salary ranges for the registered professional nurses as of June 30, 1972 were as follows:

	<u>Minimum</u>	<u>Maximum</u>
Staff Nurse	\$10,311	\$12,051
Assistant Head Nurse	10,711	12,662
Head Nurse	11,111	12,951
Supervisor of Nurses and Nurse-Midwife	12,411	14,751
Instructor Chairman	14,411	15,611
Assistant Superintendent of Nurses (assigned to nursing education)	16,471	16,471

The per diem rate was \$40 for the day shift and \$44 for the evening and night shifts.

The Association seeks to increase the minimum base salary for the Staff Nurse from \$10,311 to \$12,470, and to establish a cumulative differential structure of 5 percent for the Assistant Head-Nurse (\$13,093), 7 per cent for the Head Nurse (\$14,009), 15 percent for the Supervisor of Nurses and Nurse Midwife(\$16,110), 10 per cent for the Instructor Chairman (\$17,721) and 11.4 percent for the Assistant Superintendent of Nurses (assigned to nursing education) (\$19,747).

The Association also seeks a per d-bm rate of \$46 for days and \$50 for evenings and nights.

As noted above, the Impasse Panel has received substantial evidence as to the wages, hours of work and fringe benefits of registered professional nurses and other employees in comparable public and private employment. The Panel has also taken into account the overall compensation of the registered professional nurses in the unit, the changes in the cost of living, and the interest and welfare of the public. We have

been particularly cognizant of these factors in formulating our salary recommendations. In addition we have also been concerned, as we indicated earlier, with the need to remove inequities between newly appointed and incumbent nurses by providing across-the-board increases greater than the increases in minimum scale.

We have also very seriously considered the Association's desire to establish percentage differentials between position titles and its desire to expand existing differentials. We do not believe, however, that a persuasive case has been made for departing from the traditional practice of establishing fixed rates for positions. We do agree with the Association that the differentials for higher grades should be expanded.

Our recommendations are as follows:

<u>Position Title</u>	<u>Across-the Board Increase</u>		<u>Minimum Scale</u>		<u>Maximum Scale</u>	
	<u>7/1/72</u>	<u>7/1/73</u>	<u>7/1/72</u>	<u>7/1/73</u>	<u>7/1/72</u>	<u>7/1/73</u>
Staff Nurse	\$850	\$850	\$10,850	\$11,400	\$12,901	\$13,751
Assistant Head Nurse	950	950	11,350	12,000	13,301	14,251
Head Nurse	1050	1050	11,850	12,600	14,001	15,051
Supervisor of Nurses and Nurse-Midwife	1350	1350	13,250	140100	16,101	17,451
Instructor Chairman	1350	1350	15,350	16,200	16,550	18,000
Assistant Superintendent of Nurses (assigned to nursing education)	1350	1350	17,821	19,171	17,821	19,171

In formulating our salary proposals, we have computed the salary ranges by adding to the pre-existing maximums our recommended general (across-the-board) increases. It is our understanding that the effect of this process will not reduce or diminish for any incumbent any adjustments or increases recommended hereunder.

We also recommend that the per diem rate be \$44 for days and \$48 for evenings and nights, retroactive to July 1, 1972.

W. Miscellaneous

Because the bargainability of certain of the Association's proposals was disputed, the parties never in fact have bargained as to a number of such proposals which the Board found to be within the scope of mandatory bargaining. These include the Association's proposals with respect to notification of new hires, notification of disciplinary action, the establishment of a seniority roster, the posting of work assignments, and the City's productivity contractual language demand. We therefore recommend that after the parties have had an opportunity to bargain as to these subjects, they advise us as to whether any impasse exists.

Dated: June 19, 1973

Daniel G. Collins

Thomas G. S. Christensen

Eli Rock