

Office of Collective Bargaining
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In the Matter of the Impasse

between
DISTRICT 1199, RWDSU

and
THE CITY OF NEW YORK

Re: Dietician Titles I-119-75
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REPORT AND RECOMMENDATIONS
OF
IMPASSE PANEL

On February 13, 1975, the Office of Collective Bargaining designated the undersigned as a one-member Impasse Panel to hear and make report and recommendations in the current contract dispute between District 1199, RWDSU, herein after referred to as the Union, and the City of New York, represented by the Office of Labor Relations.

A hearing was held on March 11, 1975, at which the parties were given the full opportunity to present testimony, evidence and argument an their respective positions.

At the hearing the Union was represented by Jesse Olsen, Executive Vice President, Vivian Gioia, Vice President, Ella Allen, Organizer, and representatives from a number of the City hospitals, the Department of Correction and the Department of Social Services.

The City was represented by Robert Pick, Assistant Director, Office of Labor Relations, Elizabeth Grace, Assistant Management Director, OR, John Fregaldenhoven, for the Health and Hospitals Corporation.

On March 24, 1975, the undersigned mat with the parties seeking to resolve the dispute through mediation. The effort was not successful

and it has now become necessary to make a report and recommendations on the issues of the dispute.

There are approximately 308 in the bargaining unit consisting of 180 Dieticians, 97 Head Dieticians, 22 Chief Dieticians, 4 Senior Chief Dieticians and 5 Principal Chief Dieticians. Until recently they were represented by Local 237, I.B.T. In June, 1974, District 1199 became the collective bargaining representative and began the current negotiations for a contract effective so of January 1, 1974.

Dieticians require a baccalaureate degree from an accredited college or university with major studies in food, nutrition or institutional management. Their general duties and responsibilities are to assist in the operation of a unit in the dietary department of an institution or hospital. They instinct and supervise the proper preparation and distribution of food, interview and guide clinic patients in proper dietary needs, requirements and habits, inspect kitchens to assure that proper standards are maintained in the preparation, cooking and serving of food, and do related work.

The issues in the dispute are as follows:

The parties are agreed an a two year contract to run from January 1, 1974 to December 31, 1975. The Union has stated that it knows there is a pattern for wage settlements for City employees and will accept it, the pattern being an eight*percent raise in the first year and a six percent raise in the second year with a cost of living adjustment towards the end of the second year. The parties are in dispute, however, over the starting and minimum salaries for the respective titles. The City has agreed to increase the minimum salary by the amount equal to the wage increase for each year, but the Union contends that the Dieticians have been discriminated against because of poor representation by the prior collective bargaining representative In that they were not treated equally with the registered nurses with whom they established parity in the private sector in the voluntary

hospitals.

The minimum salary of the Dietician at present is \$9,925. The voluntary hospitals pay Dieticians \$12,896 and on July 1, 1975, will pay \$13,416. The Union said that it did not expect the starting salaries to move to \$12,896 as of July 1, 1974, but it asked that the minimum in the registered nurse contract be established for the Dieticians. This would mean a minimum of \$12,200 as of July 1, 1974.

The Union also asks that an additional \$300 be paid to those who have the baccalaureate degree, Moreover, it asks for an additional increment of \$600 a year for a masters degree similar to that given the RN's.

The RN's receive \$600 a year in tuition remission. Dieticians only get \$250. The Union asked a tuition remission similar to the RN's.

The Union asked for an increase hazard pay for those Dieticians who work in correctional prison facilities.

Finally, the Union asked a differential for an ADA membership. To become a member of ADA one has to have a baccalaureate degree with a major in food nutrition and dietics. To maintain registration with the ADA, a Dietician must complete 75 clocked hours of education within every five year period. This additional training makes them more qualified and able to devise special diets.

The City submitted a number of exhibits comparing the City Dieticians with those of the hospitals in the private sector, One exhibit showed that if the salary and fringe benefits were coated out, the effective hourly rate of the City Dieticians ranged from \$8.20 to \$9,61 while private sector hospital Dieticians ranged from \$6.53 to \$9.44. If the City's offer of an approximately \$800 general increase retroactive to January 1, 1974, were considered, it would raise the effective hourly rate of City Dieticians to \$8.84 to \$10.25.

The City denied that the Dieticians should be compared with registered nurses. The Dieticians work 35 hours per week and the RN's 37 1/2. Nurses are in short supply, but there is no problem in hiring Dieticians. Dieticians have a City pension which costs approximately 19 ½ percent of their payroll. The nurses are not competitive employees and only one-third of them receive a pension.

The City does not recognize the ADA, does not ask the Dieticians to join it, and does not want to pay for it, although the City is not unhappy that the Dieticians join it.

DISCUSSION

I am persuaded that an adjustment in minimum salary is needed since in the past minimum have not kept pace with the increases granted to the bargaining unit, thereby widening the spread in salaries between newcomers and veterans, However, this need must be tempered by the fact that the City is in poor financial condition. We are required by the N.Y.C. Labor Law to consider the public welfare and the City's financial condition concerns the public welfare. Hence a modest increase is called for.

The increase in tuition costs warrant an increase in tuition remission.

The Union's demand for an increased differential for those who work in prison facilities is similar to that which has been granted other employees exposed to this hazard.

In view of the City's attitude towards ADA registration, no differential for it is warranted.

While I do not accept the Union's arguments for differentials for advanced education similar to that given the RN's, the achievement of a masters degree is an educational attainment significantly above that required for the job and should be encouraged.

I hereby issue the following

RECOMMENDATIONS

1. That the salary minimum for Dieticians be increased by the sum of \$350 over and above that already agreed to by the parties, effective January 1, 1975.
2. That the tuition remission be increased from \$250 to \$300, effective January 1, 1975.
3. That the differential for those assigned to correctional prison facilities be increased to \$600, effective January 1, 1975.
4. That a differential of \$300 be awarded, effective January 1, 1975, to Dieticians who achieve a masters degree.

Dated, April 15, 1975

BENJAMIN H. WOLF
Impasse Panel