

OFFICE OF COLLECTIVE BARGAINING

In the Matter of the Impasse

between

THE CITY OF NEW YORK, THE NEW
YORK CITY HEALTH AND HOSPITAL
CORPORATION

and

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 144

Re: I-121-75

Micro-Biologists
Occupational Group

REPORT AND RECOMMENDATIONS

of

IMPASSE PANEL

The undersigned was designated by the Office of Collective Bargaining as a one-member impasse panel to hear and make a report and recommendations in the current dispute between, Local 144, Service Employees International Union and the New York City Office of Labor Relations with respect to wage increases for the microbiologist occupational group.

In the consideration of the issue in this dispute, and in the study and analysis of that issue, and in the preparation of this report and recommendations, the undersigned

Impasse Panel has given due consideration to the criteria and standards set forth in Section 1173-7.o.c.(3)(b) of Chapter 54, New York City Charter and OCB Consolidated Rules (1972), Part-5, Section 5.10.

Hearing was held on March 18, 1975, at which time both parties were afforded an opportunity to and did offer testimony and exhibits as evidence examined and cross-examined witnesses, and made oral argument relating to their respective positions. An executive session was subsequently held.

BACKGROUND

This proceeding involves the employees in the microbiologist title series. As of the expiration of the 1972-1974 collective bargaining agreement, this job series included:

<u>Title</u>	<u>Number In Group</u>	<u>1972 - 1974 Salary Range</u>	<u>Av. Salary</u>
Junior Bacteriologist	197	10,300 - 13,415	\$11,329
Asst. Microbiologist	104	11,800 - 15,375	13,555
Microbiologist	55	13,300 - 17,425	15,330
Senior Microbiologist	39	16,400 - 20,000	17,969
Principal Microbiologist	8	18,444 - 22,100	19,506

Periodically, and for some years, the microbiologist series (previously denominated! the "Bacteriologist" series) and the chemist series received salary grades and annual increments that were comparable. Under the later Career and Salary Plan, the chemists and bacteriologists were slotted in the same grades; salaries and annual increments continued to be similar. Thereafter, both groups were unionized, and each group negotiated a collective bargaining agreement.

The Union in this proceeding contends, that in the 1970-1972 and 1972-1974 contract negotiations, while the microbiologist occupational group obtained the same increments as the chemists, the greater number of employees in the chemist group with higher job titles caused the latter group to receive a higher dollar increment. Briefly, the greater number of chemists in higher titles and the weighted average of the chemist classification led to a differential to the disadvantage of the microbiologist group.

The Microbiologists, and the Union on their behalf, seek to achieve money parity with the Chemists. Request here is that the impasse panel recommend "the same amounts of money that were granted to the Chemists and ... end the discriminatory pattern that has existed since the 1970-1972 contract."

DISCUSSION

Testimony and other evidence establish quite convincingly a strong parallel in the job function's and duties of the microbiologist and chemist groups. Historically, there is a common genesis at the entry level. Proof offered reaffirmed that in some installations, chemists handled bacteriological and microbiological analysis; that the bacteriologist did blood chemistries, etc. The undersigned is impressed with the fact of job and duties parallels established in this proceeding, and is reluctant to endorse continuation of an inequity.

The City urges that the impasse panel take into consideration and give great weight to the pattern of settlements reached by the City in negotiations with some 40 other bargaining units covering 702 job titles and applying to some 128,490 positions. These settlements involved an eight (8%) percent increase across the board for the first year, and a six (6%) percent increase across the board for the second year.

If this increase pattern is recommended by the panel, it would call for an increase of \$900 to the Junior Bacteriologist the first year while a chemist at the same level has been granted a first year increase of \$1,000. (on the basis of the 8% package).

Despite this difference of \$100 which operates to the disadvantage of the Junior Bacteriologist and similarly to others in the microbiologist occupational group, the undersigned must give great weight to the pattern of settlement currently negotiated by the City with a substantial proportion of bargaining units and covering so many job titles. Furthermore, the financial plight of the City, its borrowing problems, its announced employee lay-off program and other belt-tightening steps cannot be ignored in assessing the shape of these recommendations.

However, since the undersigned has concluded that both occupational groups - Microbiologist and Chemist - perform similar functions and duties, some attempt should be made and steps taken in the direction of restoring parity between them. This impasse panel therefore recommends that the minimum and maximum of the salary range for each of the five (5) job titles in the microbiologist series for each of the two years beginning July 1, 1974 and July 1, 1975, shall be the same as the minimum and maximum of the salary range of the comparable job titles in the chemist occupational group as hereinafter set forth in "Paragraph 2" of the following recommendation.

CONCLUSION AND RECOMMENDATIONS

Having given due consideration to the record in this controversy, including the stenographic transcript, the Exhibits introduced, and the oral argument of the parties, the undersigned as the one-member Impasse Panel reports and recommends:

1. The Microbiologist occupational group shall receive an across the board salary increase of eight (8%) percent of their average salary for the first year, retroactive to July 1, 1974, and for the second year a compounded six (6%) percent increase.

2. The salary ranges shall be as per the following schedule:

A. Junior Bacteriologist		
<u>Effective</u>	<u>General Increase</u>	<u>Salary Range</u>
7-1-74	\$900.00	\$11,300 - \$13,790
7-1-75	750.00	12,100 - 14,590
B. Asst. Microbiologist		
7-1-74	1100.00	13,050 - 17,250
7-1-75	875.00	14,050 - 18,250
C. Microbiologist		
7-1-74	1200.00	14,700 - 19,750
7-1-75	1000.00	15,900 - 20,950

D. Senior Microbiologist			
7-1-74	1400.00	17,900 -	22,650
7-1-75	1175.00	19,400 -	24,150
E. Principal Microbiologist			
7-1-74	1500.00	19,900 -	26,600
7-1-75	1325.00	21,150 -	28,250

Dated: New York, N. Y.
April 11, 1975

George Moskowitz
Impasse Panel

State of New York)
 ss.:
County of New York)

On this 11th day of April, 1975 before me personally appeared GEORGE MOSKOWITZ to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he duly executed the same.

Edith L. Felek