

BOARD OF COLLECTIVE BARGAINING
OFFICE OF COLLECTIVE BARGAINING

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In the Matter of the Impasse

-between-

THE CITY OF NEW YORK

Docket No.: I-155-80

-and-

Recommendations of
the Impasse Panel.

LOCAL 375, CIVIL SERVICE TECHNICAL
GULID, A.F.S.C.M.E., AFL-CIO.

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Hearings in the above-entitled matter were held on November 24, 1980 and December 5, 1980. The Impasse Panel met with representatives of the parties on December 17, 1980 in an effort to resolve the matters in dispute. Having failed to settle all issues, the parties requested that the Impasse Panel issue Recommendations expeditiously with a full Report to follow.

Based upon the testimony, evidence presented at the hearing and in light of the standards governing impasse panels (N.Y.C.C.B.L. Section 1173-7.0(c) (3) (b), Section 23 of the Financial emergency Act, as amended), the Impasse Panel recommends with regard to the issues raised at the Impasse, as follows:

1. Salaries, Longevity Increase and Minimum Rate.

a. (i) Effective July 1, 1980, Employees shall receive a general increase of 8% or \$900 per annum, whichever is greater.

(ii) Effective July 1, 1981, Employees shall receive an additional general increase as follows:

Persons with less than 5 years ser-

vice in City employment as of the effective date of this increase shall receive 8% or \$900 per annum, whichever is greater. Persons with 5 years but less than 10 years service in City employment as of the effective date of this increase shall receive 8 1/2% per annum.

Persons with 10 years or more service in City employment as of the effective date of this increase shall receive 9% per annum.

(iii) Part-time per annum, hourly paid and per diem Employees shall receive the increases provided in 1a(i) and (ii) on the basis of computations heretofore utilized by the parties for all such Employees.

b. The general increases provided for in this Recommendation 1 shall be calculated as follows:

(i) the general increase in 1a(i) shall be based upon the base rates (which shall include salary or incremental schedules) of applicable titles in effect on June 30, 1980, exclusive of any amounts of "non-pensionable cash payment"; and

\$1,500 or share thereof shall be further pro-rated based on the portion of the 24 months of the Agreement during which the Employee is in active service.

- (ii) An Employee who is paid on a part time per annum, per hour ("hourly paid") or per diem basis shall qualify for payments under this 2a, provided that an hourly paid Employee shall have the Non-Pensionable Cash Payment thereunder based upon 35.7 per hour of compensation, and all other Employees shall have the Non-Pensionable Cash Payment hereunder based upon computations heretofore utilized by the parties.
- (iii) Inactive service is defined for purposes of this Recommendation 2 as including the following Employees:
 - (a) Those who are on a preferred or recall list.
 - (b) Those who are on approved leave.
- (v) The sums provided for in this 2a shall be paid in equal shares in each regular paycheck received by the Employee.

- b. If an Employee entitled to payment pursuant to this Recommendation 2 shall not receive a pay-check during the period that any portion of such sum is payable pursuant to this Agreement, then such accrued and unpaid portion of that sum shall be paid to the Employee in a lump sum.
- c. The payments provided for in this Recommendation 2 shall be deemed included in the base rates of the applicable titles for all purposes (including but not limited to the calculation of benefits such as overtime, shift differentials and premium pay), except pension and as otherwise expressly provided in Recommendation 1, Section b. of these Recommendations.
- d. In no case shall the amount of Non-Pensionable Cash Payment under 2a exceed \$1,500.00 except for an Employee who holds an equivalent of more than one full-time job. This \$1,500.00 limitation shall not apply to the payment of benefits such as overtime, shift differentials and premium pay.

- e. For purposes of this Recommendation 2, an Employee who has been suspended:
 - (i) shall be deemed in active service if suspended with pay;
 - (ii) shall be deemed in active service if the Employee receives back pay for the period of such suspension; and
 - (iii) shall be deemed in inactive service if the Employee does not receive pay or back pay for the period of such suspension.

3. Incorporation of Non-Pensionable Cash Payment
Into Base Rates.

a. on July 1, 1982, Employees shall have their base rates increased by adding \$750 per annum or 35.7 per hour for hourly paid Employees based on computations heretofore utilized by the parties.

b. On July 1, 1982, the then existing base rates, incremental salary levels and the minimum and maximum rates (including levels) if any, fixed for the applicable titles, shall be increased by adding \$750 per annum or 35.74~ per hour for hourly paid positions based on computations heretofore utilized by the parties.

c. The resulting increased rates shall be the basis for any general increase which may be effective on or after July 1, 1982.

4. Training Fund.

The City shall contribute a lump sum of \$25,000.00 per annum, effective July 1, 1980 and July 1, 1981, to the Union administered training fund on behalf of employees employed in mayoral agencies and the Health and Hospitals Corporation.

The parties have agreed that effective July 1, 1980 there shall be an increase of \$50 per full time employee per annum in the City's contribution to the welfare fund.

Effective July 1, 1981, the City shall increase its contribution to the welfare fund by an additional \$50 per full-time employee per annum. The distribution and use of these funds shall continue as in the past except that a portion of these funds may be used for training and educational purposes.

5. Salary Review Panel, Assignment Differential and Advancement Increase.

The joint committee established under Article XVIII, Section 1. of the current agreement between the parties, referred to as the Professional Development Committee, shall consider the problems which have arisen in regard to the possible inequities among the Engineers, Chemists, Inspectors, Technicians and other titles represented by the Union and related occupational groups: problems of recruitment and retention of personnel generally, and the development of a professional pay plan. The Committee should

not be restricted to a consideration of those issues raised in these factfinding proceedings but should consider recruitment and retention issues in a realistic fashion in light of current developments. The Professional Development Committee shall meet regularly so that it may be able to consider these matters in an expeditious fashion.

6. Farming Out.

The City has challenged the jurisdiction of the Impasse Panel in regard to this issue. No Recommendations are made on the issue of "farming out" until such time as the scope of bargaining issue has been resolved by the Board of Collective Bargaining.

Dated: New York, New York
December 18, 1980.

MONROE BERKOWITZ

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

On this 18th day of December, 1980, before 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 executed the same.

NOTARY PUBLIC