

CITY OF NEW YORK
OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

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In the Matter of the Impasse

between

THE DETECTIVES' ENDOWMENT ASSOCIATION
PETITIONER-EMPLOYEE ORGANIZATION

-and-

CITY OF NEW YORK, POLICE DEPARTMENT
RESPONDENT-PUBLIC EMPLOYER

IMPASSE PANEL'S
UNANIMOUS
RECOMMENDATIONS

DOCKET NO. I-196-89

Re: Terms and Conditions of Employment
After 6/30/87

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APPEARANCES

For the Detectives' Endowment Association

Vincent F. McDonnell, Esq.
Detective Thomas Scotto, President

For the City of New York, Police Department

Robert W. Linn, Esq., Director, Office of Municipal Labor
Relations
Mr. James Hanley, Acting Director, Office of Municipal
Labor Relations
Marc Z. Kramer, General Counsel,, Office of Municipal Labor
Relations

PROSKAUER, ROSE, GOETZ & MENDELSON, ESQ., BY:
Saul G. Kramer, Esq., A member of the firm

BEFORE: Howard C. Edelman, Esq., Impartial Chairman
Hon. Hezekiah Brown, Member
David N. Stein, Esq., Member

DATES AND PLACE OF HEARING: November 27,, 28, 29, 30 December 1,
1989, Office of Collective Bargaining, 110 Church Street, New
York N.Y. 10007

IMPASSE PANEL'S RECOMMENDATIONS

The Detectives' Endowment Association (DEA) initiated this proceeding in accordance with the New York City Collective Bargaining Law and the Rules of the Board and Office of Collective Bargaining, when it and the City of New York (the City) were unable to reach agreement on a collective bargaining agreement (Agreement) to succeed the contract which expired on June 30, 1987, and which governed the terms and conditions of employment of first, second and third grade detectives who work for the City.

The City and the DEA designated an Impasse Panel consisting of the three impartialists listed above. Prior to the commencement of the hearings in this matter, the City submitted a scope of negotiations petition to the Board of Collective Bargaining, in which it asserted that a substantial number of the DEA's proposals were identified as managerial prerogatives in the so-called management rights clause of the New York City Collective Bargaining Law, and, as permissive or prohibited subjects of negotiations, could not be considered by this Impasse Panel, without the City's consent, which it had not granted. For its part, the DEA joined issue with many of the allegations in the City's petition, and asserted that its proposals could be placed before this Panel. The Board, as of the issuance of these Recommendations, has not yet issued its determination on the City's Petition.

Therefore, in order to expedite the resolution of those DEA demands which are, both parties agree, clearly subject to, the jurisdiction of this Panel, the DEA and the City concurred that

this Panel should hear and render its Report and Recommendations to the issue of the wage increases which could be granted to employees in the bargaining unit represented by the DEA.

Throughout this proceeding, both the City and the DEA were represented by counsel, presented material in support of their respective positions and examined and cross-examined witnesses (the latter, by agreement, was for purposes of clarification only). After the conclusion of their presentations, each party presented its concluding arguments in the form of a closing statement. A transcript was made of the proceedings in accordance with law.

Subsequent to the close of the record, this Panel engaged in extensive efforts to eliminate or close the gap between the parties through mediation efforts specifically provided for by law. Due to the lapse of time caused by the hearings and mediation sessions, this Panel has decided it is imperative to issue its recommendations in order to conclude this current round of bargaining, as a new round is scheduled to commence imminently. The Panel will issue its Report containing the relevant facts and rationale which has resulted in the following

RECOMMENDATIONS:¹

1. There shall be compounded wage increases of six percent on July 1, 1987; July 1, 1988 and July 1, 1989. The increases provided for in this paragraph shall be applied to the base rates, minimum and maximum rates (including levels) and advancement

¹These recommendations are a result of the record placed before us.

increases of detectives designated to the third grade before 1/1/90, or designated to the first or second grades before 7/1/90.

2. An increase in the Uniform Allowance effective as follows: 7/1/88; \$45.00; 7/1/89; \$250.00. An increase in the Legal Benefits Fund of \$25 per employee, effective 7/1/87, at a total value of .29 per cent.

3. An increase in the longevity payments, effective 1/1/90 to one thousand dollars after five years, two thousand dollars after ten years, three thousand dollars after fifteen years and four thousand dollars after twenty years, subject to the conditions set forth in the 1988 economic agreement between the City and the PBA, at a value of 3.39 per cent.

4. The term of the Agreement shall be extended by four months until November 30, 1990 - at a value of (.87) percent.

5. An overtime bank of sixteen hours per year for each employee (Under this provision an employee may be assigned sixteen additional hours of overtime work each year without compensation) which, if not used, may not be carried over as an additional balance into a subsequent year, effective January 1, 1990 - at a value of (.72) per cent.

6. The surrender by each member of the bargaining unit of the personal day - at a value of (.29) per cent.

7. The assignment, effective 1/1/90, of each member of the bargaining unit to five additional tours per year without

Dated: New York, New York
January 26, 1990

Howard C. Edelman, Esq., Chairman

Hon. Hezekiah Brown, Member

David N. Stein, Esq., Member

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

Wendy E. Patitucci, being duly sworn, deposes and says that: on this 26th day of January, 1990, before me personally came Howard C. Edelman, Hezekiah Brown and David N. Stein, known to me to be the individuals described in, and who executed the foregoing instrument, and each acknowledged to me that he executed same.

Wendy Patitucci
Notary Public of the State

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of New York
No. 31-4954224
Commission Exp. August 7, 1991