

Setting the Record Straight

PBA President Speaks out on the Issues.

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A Brief History

Who and what are really to blame for the disgraceful and dangerous state of police salaries in New York City?

There was a time, 35 or 40 years ago, when we could say we had come a long way from the day when police salaries were decided unilaterally by the city and announced by the police commissioner at a Communion breakfast. In the late 1960s, an arbitration decided by a seasoned team of labor professionals led by former U.S. Labor Secretary and Supreme Court Justice Arthur Goldberg concluded that New York City police officers should be among the highest paid in the nation. The view became so unquestioned a reality that the PBA even stipulated in a 1975 arbitration that New York's police officers enjoyed wages and other benefits "superior to those prevailing in other major cities."

In 1987, a commission led by former Deputy Mayor John Zuccotti issued a report making several recommendations, including setting higher educational and other professional standards for police officers. Notably, the Zuccotti Report also recommended that our officers be paid accordingly, that they should be at the top of the scale for police officers in major cities, and called for the elimination of parity with other uniformed services. In practically the next round of negotiations, the city began implementing a series of bad policy decisions that began putting police officers' pay in the hole that they are still trying to dig their way out of. While adopting the Zuccotti Report's recommendations on education and professionalism, the city ignored the recommendations on pay. And far from adopting the report's recommendation about eliminating parity with other uniforms, it created a pattern with all other city workers, both uniform and civilian.



The Folly of "Pattern-Bargaining"

No other city worker sacrificed more than its police officers to bring about the city's economic and public-safety renaissance. And nothing has done more to degrade our police officers' salaries than the inequitable, illogical and self-defeating collective-bargaining ploy known as "pattern-bargaining." What principled reason can support a system that essentially requires all government employees to receive the same raises even though they don't perform the same functions and when some job titles are paid above market rates, some at market rates and some below?

And yet the application of that system has allowed serious police wage injustices to fester and grow over the past two decades. During that time, two Office of Collective Bargaining arbitration panels failed to find additional compensation for New York City police officers even when it was clearly demonstrated that they had fallen substantially behind other, better-paid police officers. One of those panels even "awarded" our officers two years of zero raises and no extra compensation even as other big-city police officers around the country and those in the metropolitan area earned their well-deserved increases.

Arbitrators who apply the pattern-bargaining principle indiscriminately neglect the very Taylor Law standards they are charged with upholding — a law, by the way, that never once mentions pattern-bargaining but does emphasize the obligation to pay similar salaries to those who perform similar functions, clearly something that is not happening in this state when it comes to New York City police officers.



Of Omissions, Distortions And Other Inaccuracies...

By PATRICK J. LYNCH

For several years now, we've been reading *The Chief-Leader*, searching in vain for some semblance of fair and objective reporting and even-handed treatment on its editorial pages. During the same period, New York City police officers' salaries were sinking further and further behind those of other police officers in other departments to the point where we are now up to 30% behind them. And yet the so-called "Civil Employees Weekly" continues to echo the city's arguments, sometimes almost verbatim.

This newspaper's pro-management stance has become so bad that we decided to publish our own regular column dedicated to doing what the above headline says, "setting the record straight." We will advertise in this space monthly and will use the space to perform a service for *The Chief-Leader's* readers. We will not only expose them to the other side of the police labor story, but also clarify some of the issues *The Chief-Leader* covers inadequately, fill in the gaps when the paper ignores an important story altogether, and introduce some issues of our own.

I have been accused in these pages of politically motivated behavior simply because I refuse to give in to the city's demands. I answer to my 23,000 members and, if working in their best interest by securing better contracts is evidence of political motivation — then I plead guilty to the charge.



The Crisis That It Caused

Today's recruitment and retention crisis is pattern-bargaining's sad legacy — yet the city continues to push its flawed one-size-fits-all philosophy. In the last round of bargaining, the city sought to straddle our police officers with yet another year of zero wage increases. In the current round, they want to give police officers a raise that doesn't even keep pace with inflation and they want new hires to work 10 extra days a year for five years.

As a result of these failed policies, the NYPD has had trouble attracting recruits for nearly a decade. After the arbitrator in the last round went along with the city's proposal to lower starting salaries to offset the 10% raise, the city had the excuse it needed finally to admit that there's a recruitment problem. But they have yet to address the recruitment and retention problems, both symptoms of the embarrassingly low

pay. In the last two years, 1,769 police officers have resigned — *not retired* — from the NYPD. That's 42% more than the 635 who resigned in 2004 and nearly six times the number that quit in 1991 — which, not merely coincidentally, is about when our police officers' salaries started to go south. Commissioner Kelly recently revealed that the NYPD is about 1,000 sworn members short of its budgeted size and that their last recruiting class fell about 800 short of the department's target. Meanwhile, experienced and fully trained New York City police officers (at a training cost to the city of \$100,000 each) are showing up in great numbers not only in the rookie classes at the Nassau and Suffolk Police Departments and the Port Authority Police Department but also at other higher-paying police departments around the country.



The Chief-Leader's Pro-Management Bias

Although it seems strange to say that a newspaper that began its career as an advocate for civil service employees is now a management mouthpiece, the conclusion is inescapable. We plan to catalogue the most egregious examples in this space in future months but, for now, let's take a relatively recent illustrative instance. At the end of the year, when the PBA challenged a list of potential neutral PERB arbitrators because it contained the names of two who had awarded the PBA zeros in previous arbitrations, Labor Commissioner James Hanley, predictably, claimed that the PBA was "stalling the arbitration." A week later, *The Chief-Leader* headlined its editorial: "PBA Stalling Arbitration."

The editorial proceeded to parrot Hanley's arguments without even paying lip service to our rebuttals and to what the actual PERB record states. The PBA could simply strike the unwanted names from the list, as the process allows, the editorial echoed Hanley. There was no mention of our argument that we should not be forced to begin the process two names behind. These two arbitrators had shown up on previous lists without the PBA objecting, the editorial again repeated the city's arguments. Again, there was no mention of our rebuttal that this time PERB officials had volunteered the promise that no arbitrators who had been involved in previous panels deciding a PBA contract would be placed on the list.

Editorial opinion is just that — opinion — but it should give a fair accounting of the opposing view's full arguments before reaching any conclusions.

But the bias even extends to the news pages. In the Feb. 2 issue (on the newsstands Jan. 30) a page-one article headlined, "City Names Arbitrator, Says PBA Defaulted," repeats the city's naked assertion that its "appointment" of a neutral arbitrator of the city's choice in the current arbitration process is officially a done deal. Nothing could be further from the truth. The article neglects to mention the indisputable fact that in lieu of engaging in the striking process by which potential arbitrators are removed from the list until one is left standing, a PERB representative asked the parties to address in writing the issues raised by the PBA. The PBA complied with this request and *The Chief-Leader* has no basis — aside from a desire to echo the city's spin — to suggest that the city could appoint an arbitrator in the face of the PBA's clear compliance with PERB's directive.

Before we close, we would like to thank *The Chief-Leader* for supporting the PBA's position in its editorial, "Free the NYPD Hostages," which opposed the NYPD's refusal to release to the Port Authority the personnel records of officers seeking to transfer to that agency's police department. Too bad that support was so long in coming — the PBA's lawsuit in the matter is more than a year old, and the policy predates the lawsuit.



PATROLMEN'S BENEVOLENT ASSOCIATION
OF THE CITY OF NEW YORK

40 FULTON STREET NEW YORK, NY 10038 212-298-5531

Patrick J. Lynch President