

For The Record

The Chief-Leader's June 1 "Razzle Dazzle" column contained so many items that needed either comment or contradiction to set the record straight that we didn't know where to start. We lack the space to tackle them all, so here's just a sample.

In discussing the infamous "double-zeros" 1995-2000 contract award containing a two-year wage freeze at its outset and the participation of arbitrators Arnold Zack and Stanley Aiges in that OCB proceeding, the columnist expressed the opinion that "the worst that could be said about the two arbitrators' decision was that they acted conventionally in signing off on a package that conformed to an existing bargaining pattern" so it was unreasonable of the PBA to object to their inclusion on a list of potential arbitrators because of their "anti-police history."

How the word "conventional" can be used to characterize that award is beyond us. We challenge the writer to point to "conventional arbitrations" where — without a fiscal crisis and with the bargaining group anywhere from 20 to 40% behind virtually every other jurisdiction in the country — the arbitrator saddled the union with a two-year wage freeze?

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The column went on to discuss the 2005 award issued by PERB arbitration panel chairman Eric Schmertz, saying that Jay Waks, the PBA's representative on the panel, "devoted much (our emphasis) of a 39-page brief to ripping it apart and faulting Mr. Schmertz's logic."

This is patently untrue. While Waks did object to the rookie givebacks and the pattern of reciprocity, he devoted the lion's share of his 39 pages to embracing Schmertz's logic and decision. Waks used words like "distinction" and "eloquence" to describe Schmertz's record and decision, praising the chairman's written opinion as being "supported by a solid factual foundation and... premised on the voluminous record of this interest arbitration."

Among the key Schmertz "holdings" that Waks wholeheartedly embraced:

- "New York City's police officers must be among the highest paid in the nation" (the 'Goldberg Panel standard') but are not, and this standard controls in setting their "just and reasonable" compensation.

- "In making the national pay comparisons, cost-of-living adjustments must be made because New York City is as much as 26% more costly to live in than other large cities to which the city compares its police officers' pay."

- "A significant wage increase for New York City's police officers is justified alone by the national pay comparisons of police officer pay in the 20 largest cities that the city refers to as being national comparators."

- "...The chairman's holding that police officers may not be compared to other municipal employees in setting their pay nails the lid shut on any 'pattern' argument — indeed, the chairman's opinion holds that so-called 'pattern' is not relevant to police officers' pay — and also defeats any claimed need for so-called 'pattern conforming' givebacks."

That's just a small sample. Waks' concurring opinion is riddled with expressions of approval of Schmertz's logic — quite the opposite of what "Razzle-Dazzle" suggests.

PATROLMEN'S BENEVOLENT ASSOCIATION

Volume I, Number 5



40 Fulton Street New York, NY 10038 212-233-5531

June 15, 2007



Setting the Record Straight

After Years of Denial, NYPD Brass Wakes up to "Serious" Recruitment and Retention Problem

By PATRICK J. LYNCH

News flash: The NYPD has more than 5,000 fewer officers than it had in the year 2000, will fall more than 2,000 recruits short of the target for the next Academy class and figures to do even worse in the class scheduled for six months later.

"We have serious problems," NYPD Personnel Chief Rafael Pineiro testified at a City Council hearing June 4.

Our question: Where have you been? Police Commissioner Ray Kelly, Pineiro and other department officials have been very vocal lately about the NYPD's severe staffing problems, at last confirming what the PBA has been warning for years: that headcount reductions may be reaching the crisis stage. But, as I testified at that hearing, this phenomenon goes back for years but had been masked by city officials, who had asserted that there was no recruiting and retention problem — instead, they had claimed for some time that they had planned the headcount reductions... And no one except the PBA challenged those assertions.

And now the crisis — brought on by low salaries, especially at top pay — is threatening the city's public-safety future, as the NYPD is unable to recruit and retain enough qualified candidates to staff the city's precincts and commands at a level that is safe. In the precinct where I live, the 111th in Bayside, Queens — 9.4 square miles with 116,000 residents — there often are just two or three patrol cars covering the area. In the 28 Pct. in Harlem, there are currently 188 officers, compared with 252 in 2000 — a decrease of about 25% at a time when several index crimes have increased there. These staffing shortages are seen citywide and, if allowed to persist, will create a danger to city residents and to New York City police officers.

To my knowledge, the NYPD is the only major law-enforcement agency that is actually downsizing in a post-9/11 world. And for years department officials claimed they were "voluntarily" shrinking its manpower, not by hundreds but thousands, or 10-15%.

At the hearings, Peter Vallone, Jr., chairman of the council's Public Safety Committee, asked the question point-blank: "Do you know of any other police force in any major city since 9/11 that has decided that the best strategy would be to downsize," he questioned NYPD Deputy Chief John Gerrish.

A visibly stunned Gerrish responded: "I can't answer that question."

But we're finally getting public admissions by NYPD officials that there is a serious problem. As I said, we've been warning for years, as early as 2000, about the crisis that uncompetitive police pay was causing — issuing press release, talking to all reporters who would listen and taking out full-page newspaper ads. In May 2001, we even rented a 34-foot-high-by-20-foot-wide billboard in Times Square predicting the coming crisis. A 2002 arbitration award agreed with the PBA that the NYPD faced a staffing crisis. When the city was unable to meet its recruitment goals in 2003, it said that it had "voluntarily" reduced manpower by 3,500. In arbitration hearings in 2005, department officials, in the face of solid PBA evidence to the contrary, testified that there was no crisis and produced witnesses claiming they could get all the highly-qualified recruits

Why Aren't the Phones Ringing? The NYPD recently spent \$10 million in a drive to attract police officer candidates. The response was the worst in memory. Here's why the phones aren't ringing at the NYPD Recruitment Section: In your first year as a New York City police officer, you will: 1. Not see the every day (24 officers have been killed in the line of duty since 1999) 2. Not have a salary of \$35,000 (20,000 officers are below the line of duty each year) 3. Not have a pension (most officers are below the line of duty each year) 4. Not have a 401k plan (most officers are below the line of duty each year) 5. Not have a 403b plan (most officers are below the line of duty each year) 6. Not have a 457 plan (most officers are below the line of duty each year) 7. Not have a 409a plan (most officers are below the line of duty each year) 8. Not have a 409b plan (most officers are below the line of duty each year) 9. 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