

CB491

**“Reopener”
of
2005-2011
Collective Bargaining Agreement
Between
The City of New York
and
The Sergeants’ Benevolent Association**

MEMORANDUM OF UNDERSTANDING made this 9th day of July, 2008, (“2005-2007 SBA Reopener MOU”) by and between the undersigned Sergeants’ Benevolent Association (the “Union”); and the City of New York (the “City”).

WITNESSETH

WHEREAS, the undersigned parties entered into a collective bargaining agreement on July 9, 2007, known as the 2005-2011 Sergeants’ Benevolent Association Memorandum of Understanding (“2005-2011 SBA MOU”), and an agreement successor to the Agreement terminating on May 31, 2005, to cover the employees represented by the Union (“Employees”);

WHEREAS, the SBA MOU for the period of June 1, 2005 to July 31, 2011 included a side letter concerning the parties’ intentions in the event that another uniform collective bargaining unit had an adjustment made to their salary schedule that was greater than the negotiated increases during the term of this Agreement;

WHEREAS, on May 22, 2008, a Public Arbitration Panel issued an award;

WHEREAS, pursuant to the terms of the side letter, the parties have reopened the 2005-2007 Agreement for the purposes of discussing that issue;

NOW, THEREFORE, it is jointly agreed as follows:

Section 1. Term

The term of this 2005-2007 SBA Reopener MOU shall cover the period from June 1, 2005 through May 31, 2007.

Section 2. Continuation of Terms

The terms of the 2005-2011 Collective Bargaining Agreement shall be continued, except as modified pursuant to this 2005-2007 SBA Reopener MOU.

Section 3. Adjustment to Basic Maximum Salary

a. Effective May 31, 2007, the basic maximum salary for a Sergeant shall be \$83,833.00, and the basic maximum salary for a Sergeant "Designated on Special Assignment" and/or "Designated as Supervisor of Detective Squad" shall be \$96,229.00.

b. The parties agree that this reopener has an economic impact on the period covering from June 1, 2007 to July 31, 2011. The parties agree to negotiate over the effects of the reopener on the successor agreement through the final steps of the bargaining process.

Section 4.

Effective upon the date of this agreement, Article III, Section 1.b. of the 2005-2011 Collective Bargaining Agreement shall be amended to reflect that the Department shall have the right to reschedule employees' tours of duty on an additional five (5) occasions (for a total of twenty) without payment of pre-tour or post-tour overtime provided that the Department gives at least 24 hours notice to the employees whose tours are to be rescheduled.

Section 5. Retroactivity

In the event that any payment is not paid on the date due under this 2005-2007 SBA Reopener MOU, such payment when made shall be paid retroactive to such date due.

Section 6. Conditions of Payment

The adjustments to basic maximum salary pursuant to Section 3 of this 2005-2007 SBA Reopener MOU shall be payable as soon as practicable upon ratification.

Section 7. Incorporation of Certain Provisions

The terms of this 2005-2007 SBA Reopener MOU shall be deemed incorporated into the 2005-2011 Unit Agreement as if they had been originally contained therein.

Section 8. Savings Clause

In the event that any provision of this MOU is found to be invalid by a court of law, administrative body, or other tribunal having jurisdiction, such invalidity shall not impair the validity and enforceability of the remaining provisions of this 2005-2007 SBA Reopener MOU. The parties shall meet to endeavor to renegotiate any such invalid provision so that the invalidity is overcome.

WHEREFORE, we have hereunto set our hands and seals this 9th day of July, 2008.

FOR THE CITY OF NEW YORK

BY: James F. Hanley
JAMES F. HANLEY
Commissioner of Labor Relations

FOR THE SERGEANTS' BENEVOLENT
ASSOCIATION

BY: Edward D. Mullins
EDWARD D. MULLINS
President

SERGEANTS BENEVOLENT ASSOCIATION

POLICE DEPARTMENT, CITY OF NEW YORK

35 WORTH STREET, NEW YORK, NY 10013
212.226.2180 FAX 212.431.4280
www.sbanyc.org



July 9, 2008

EDWARD D. MULLINS
PRESIDENT

ROBERT GANLEY
VICE PRESIDENT

ROBERT W. JOHNSON, ESQ.
TREASURER

MAURITEN MURPHY
RECORDING SECRETARY

GARY DE ROSA
FINANCIAL SECRETARY

JERRY LEARY
HEALTH & WELFARE SECRETARY

PAUL A. CAPPADONE
CITY-WIDE SECRETARY

Mr. James R. Hanley
Commissioner
Office of Labor Relations
40 Rector Street
New York, NY 10006

Dear Commissioner Hanley,

This letter is to inform you that on July 3, 2008, the delegates of the Sergeants Benevolent Association ratified the provisions of the reopener for the Collective Bargaining agreement covering the period of June 1, 2005 through May 31, 2007.

Thank you for your cooperation with this issue.

Sincerely,

A handwritten signature in cursive script that reads "Edward Mullins". The signature is written in dark ink and is positioned above the printed name and title.

Edward D. Mullins
President