



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BRONX BOROUGH PRESIDENT

PUBLIC HEARINGS

A PUBLIC HEARING IS BEING called by the President of the Borough of The Bronx, Honorable Ruben Diaz Jr. for Thursday, October 15, 2009, commencing at 10:00 A.M. The hearing will be held in the offices of the Borough President, 851 Grand Concourse, Room 206, Bronx, New York 10451. The hearing will consider the following item:

CD 12-ULURP APPLICATION NO: C 090397 ZMX - IN THE MATTER OF an application submitted by Webster Commons, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d, by changing from an R6 District to an R7X District property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road, Borough of The Bronx, Community District 12, as shown on a diagram (for illustrative purposes only) dated August 17, 2009 and subject to the conditions of CEQR Declaration E-240.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS MATTER TO THE BOROUGH PRESIDENT'S OFFICE, (718) 590-6124.

o7-14

STATEN ISLAND BOROUGH PRESIDENT

PUBLIC MEETING

Staten Island Borough Board Conference Room 122 at 5:30 P.M., Wednesday, October 7, 2009, Borough Hall - Stuyvesant Place, Staten Island, New York 10301.

o1-7

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, October 7, 2009, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN No. 1 SUNSET PARK 197-A PLAN

CD 7 N 080396 NPK IN THE MATTER OF a plan concerning Community District 7 in Brooklyn, submitted by Community Board 7, for consideration under the rules for the processing of plans pursuant to Section 197-a of the New York City Charter. The proposed plan is called, "New Connections/New Opportunities - Sunset Park 197-A Plan."

The proposed plan can be reviewed at the Department of City Planning, 22 Reade Street, Room 6E, New York, New York 10007.

BOROUGH OF QUEENS

No. 2 DCAS OFFICE SPACE

CD 1 N 100108 PXQ IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for the use of property located at 45-02 Ditmars Boulevard (Block 769, Lot 1) (Queens Community Board 1 District office).

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

s24-o7

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, October 21, 2009, commencing at 10:00 A.M.

BOROUGH OF MANHATTAN

Nos. 1 EAST HARLEM VETERANS INITIATIVE

CD 11 C 090504 HAM IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at 110 East 118th Street and 1669-1671 Park Avenue (Block 1645, Lots 70 and 71) as an Urban Development Action Area; and
 - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story building, tentatively known as East Harlem Veterans Initiative, with approximately 87 residential units.

DELURY SQUARE PARK TEXT AMENDMENT

No. 2 N 090509 ZRM

CD 1 IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 91-063 (Modification of use and bulk regulations for zoning lots fronting upon DeLury Square Park) in the Special Lower Manhattan District, Community District 1, Borough of Manhattan.
DeLury Square Park Text Amendment

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE IX: SPECIAL PURPOSE DISTRICTS Chapter 1: Special Lower Manhattan District

91-06 Applicability of Article VII Provisions

91-063 Modification of use and bulk regulations for zoning lots fronting upon DeLury Square Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of DeLury Square Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

No. 3 2148 BROADWAY GARAGE

CD 7 C 090478 ZSM IN THE MATTER OF an application submitted by 76th and Broadway Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow for an attended public parking garage with a maximum capacity of 194 spaces on portions of the ground, cellar and first subcellar levels of a proposed mixed use development on property located at 2148 Broadway a.k.a. 208-216 West 76th Street (Block 1167, Lots 37 and 40), in a C4-6A District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

o7-21

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 11 - Thursday, October 8, 2009 at 7:30 P.M., Holy Family Home, 1740 84th Street, Brooklyn, NY

Public Hearing on Community Board 11 Capital and Expense Budget recommendations for FY 2011.

o6-8

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 12 - Wednesday, October 7, 2009 at 7:00 P.M., 711 West 168th Street, (enter on Haven Avenue), New York, NY

Obtain public comments on the application submitted to the Board of Standards and Appeals (No.: 182-09-BZ) by Congregation Mita, Inc. requesting zoning variances to legalize the renovations made without permits or other approvals to the existing house of worship located at 612 West 180th Street between Wadsworth Avenue and St. Nicholas Avenue.

o1-7

BOROUGH OF MANHATTAN

Community Board NO. 8 - Public Hearing on Capital and Expense Budget for FY 2011 will take place on Tuesday, October 13, 2009 at 7:00 P.M., at 505 Park Avenue (59th Street), Conference Room.

o7-13

EMPLOYEES' RETIREMENT SYSTEM

MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, October 8, 2009 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

o1-7

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting at 2:30 P.M., on Wednesday, October 14, 2009 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contracts Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

o5-14

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **October 20, 2009 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-1164 - Block 1470, lot 35 - 37-58 83rd Street - Jackson Heights Historic District
A neo-Classical style rowhouse designed by Charles Peck and built in 1911. Application is to install an areaway fence.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-2420 - Block 8041, lot 55 - 103 Arleigh Road - Douglaston Historic District
A free standing Colonial Revival style house designed by Robert Gilbert and built in 1924. Application is to legalize the replacement of windows, a balustrade, and driveway posts, and the construction of a retaining wall without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 09-8955 - Block 77, lot 52 - 21-16 45th Avenue - Hunters Point Historic District
An Italianate style townhouse designed by Root and Rust and built circa 1871-72. Application is to alter the areaway and construct a rear yard addition.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-2572 - Block 136, lot 12 - 56 Warren Street - Tribeca South Historic District Extension
A Renaissance Revival style store and loft building designed by M.G. Lane and built in 1880-81. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-2355 - Block 486, lot 11 - 84 Wooster Street - SoHo-Cast Iron Historic District
A Beaux-Arts/Classical style mercantile building designed by Albert Wagner and built in 1895-96. Application is to install a new storefront.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5327 - Block 196, lot 9 - 416 Broadway - Tribeca East Historic District
A Renaissance Revival style store and office building designed by Jordan & Giller and built in 1898-99. Application is to legalize the installation of a rooftop addition without Landmarks Preservation Commission permits and the installation of storefront infill in non-compliance with Certificate of Appropriateness 06-3975.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-0240 - Block 535, lot 7501 - 1-9 West 3rd Street, aka 2-14 West 4th Street, 248-256 Mercer Street, 683-697 Broadway - NoHo Historic District
A Georgian Revival style store building designed by W. Wheeler Smith and built in 1899-1901. Application is to legalize the installation of storefront infill, awnings, signage, light fixtures, and flagpoles without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8769 - Block 523, lot 32 - 200 Mercer Street, aka 631-635 Broadway, - NoHo Historic District
A vernacular style stable building, designed by John G. Prague, built in 1870-1871, and three Italianate style store and loft buildings built in 1853-1854, all joined internally and converted to an apartment complex in 1985. Application is to establish a master plan governing the future replacement of windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1662 - Block 584, lot 7501 - 456 Hudson Street - Greenwich Village Historic District
A neo-Federal style apartment building designed by Charles B. Meyer and built in 1925. Application is to install new storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1660 - Block 572, lot 61 - 35 West 8th Street - Greenwich Village Historic District
A rowhouse built in 1845 and altered in the early 20th Century to accommodate storefronts at the first and second floors. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-8779 - Block 588, lot 28 - 298 Bleecker Street - Greenwich Village Historic District
A Federal style residential building with a commercial ground floor, built in 1829. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1066 - Block 591, lot 43 - 323-325 Bleecker Street - Greenwich Village Historic District
A neo-Renaissance style apartment building designed by George F. Pelham and built in 1902. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission permits and to replace the cornice removed without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1847 - Block 645, lot 44 - 21-27 9th Avenue - Gansevoort Market Historic District
A row of four Greek Revival style rowhouses, built circa 1844-1846 and altered in the 1880's and 1920's. Application is to construct a rooftop addition, alter a canopy, and install new storefront infill and signage. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1595 - Block 717, lot 62 - 436 West 20th Street - Chelsea Historic District Extension
A Greek Revival style townhouse built in 1835. Application is to construct a rooftop addition, remove a fire escape, and to apply decorative finishes. Zoned R7-B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1976 - Block 822, lot 1 - 49 West 20th Street - Church of The Holy Communion-Individual Landmark Ladies' Mile Historic District
A Gothic Revival style church, designed by Richard Upjohn, and built in 1844-46; the Gothic Revival style Sisters House built in 1850; the Gothic Revival style Chapel built in 1879; and the Rectory built in 1844. Application is for the installation of signage, landscape alterations at the yard, and the legalization of the installation of asphalt roofing.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-5710 - Block 823, lot 1 - 676 6th Avenue - Ladies' Mile Historic District
A neo-Renaissance style store building designed by Samuel B. Ogden, built in 1900 and altered in 1963. Application is to install storefront infill and signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-2511 - Block 698, lot 18 - 515-521 West 26th Street - West Chelsea Historic District
A vernacular style factory building designed by Abraham Ratner and built in 1921; a daylight factory building designed by Rouse & Goldstone and built in 1911; and a daylight factory building with Arts and Crafts style elements designed by Harris H. Uris and built in 1913-14. Application is to construct rooftop additions. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-2301 - Block 835, lot 41 - 350 Fifth Avenue - The Empire State Building, Individual Landmark and Interior Landmark
An Art Deco style office building designed by Shreve, Lamb and Harmon and built in 1930-31. Application is to replace windows at the 86th floor.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-2211 - Block 1124, lot 5 - 59 West 71st Street - Upper West Side/Central Park West Historic District
A neo-Renaissance style apartment building designed by George F. Pelham, and built in 1924. Application is to enlarge a penthouse. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-2335 - Block 1196, lot 26 - 7 West 82nd Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse, designed by Thom & Wilson and built in 1886-87. Application is to legalize work performed at the primary facade and areaway without Landmarks Preservation Commission Permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8756 - Block 1383, lot 1 - 781 Fifth Avenue - The Sherry Netherland Hotel-Individual Landmark
A hotel designed by Schultze & Weaver and built in 1926-27. Application is to amend Certificate of Appropriateness 90-0014 for a master plan governing the future installation of windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1312 - Block 1389, lot 1 - 930 Fifth Avenue - Upper East Side Historic District
A Classicizing Modern style apartment building designed by Emery Roth & Sons and built in 1940. Application is to amend Certificate of Appropriateness 85-0080 for a master plan governing the future replacement of windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8276 - Block 265, lot 17 - 170 Joralemon Street (part of the campus of the Packer Collegiate School) - Brooklyn Heights Historic District
A preparatory school campus with buildings designed by Minard Le Fever and Renwick and Sands, built between 1848 and 1869. Application is to replace the bluestone sidewalk.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-9519 - Block 285, lot 10 - 122 Atlantic Avenue - Cobble Hill Historic District
A building built in the mid-19th century and altered in the 20th century. Application is to install a bracket sign.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-2628 - Block 1078, lot 71 - 511 3rd Street - Park Slope Historic District
A neo-Grec and Queen Anne style rowhouse built 1889. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 07-2674 - Block 1073, lot 39 - 31 Prospect Park West - Park Slope Historic District
A neo-Federal style brick house designed by W.J. McCarthy and built in 1919. Application is to enclose the entry porch.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-1651 - Block 5117, lot 74 - 141 Argyle Road - Prospect Park South Historic District
A Dutch Colonial Revival style freestanding house designed by Slee & Bryson and built in 1918. Application is to create a curb cut and install a parking pad.

o6-20

LOFT BOARD

■ PUBLIC MEETING

NOTICE IS HEREBY GIVEN PURSUANT TO ARTICLE 7 OF THE PUBLIC OFFICERS LAW that the New York City Loft Board will have its monthly Board meeting on **Thursday, October 15, 2009**. The meeting will be held at **2:00 P.M. at Spector Hall, 22 Reade Street, 1st Floor**. The proposed agenda will include cases and general business.

The general public is invited to attend and observe the proceedings.

o5-7

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

OCTOBER 27, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 27, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

321-63-BZ
APPLICANT – Slater & Beckerman, LLP, for Verizon New York, owner.
SUBJECT – Application September 15, 2009 – Amendment

of Special Permit (§73-65) which allowed the enlargement of Telephone Exchange Facility (UG 6D). The amendment would allow the change of use from a telephone exchange (UG 6D) to a UG 6 on the first floor, from a hospital related facility (UG 4A) to a school (UG 3) on the fourth floor, from a telephone exchange (UG 6D) to a school (UG 3) on the fifth and sixth floors, and from offices for the Human Resources Administration (UG 6B to offices (UG 6B) on the seventh and eighth floors and the creation of recreation space, accessory to the school (UG 3), on the roof. R8/Special Grand Concourse Preservation District.
PREMISES AFFECTED – 1775 Grand Concourse, 100 East 175th Street and 1730 Walton Avenue, Corner lot with frontages on the south side of East 175th Street, east side of Walton Avenue and west side of Grand Concourse, Block 2822, Lot 27, Borough of Bronx.
COMMUNITY BOARD #5BX

60-82-BZ
APPLICANT – Eric Palatnik, P.C., for BP Products North America, owner.
SUBJECT – Application September 22, 2009 – Extension of Time to obtain a Certificate of Occupancy for a gasoline service station (BP North America) which expired on December 13, 2007; Waiver of the Rules. C2-3/R7X zoning district.
PREMISES AFFECTED – 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.
COMMUNITY BOARD #2Q

140-92-BZ
APPLICANT – The Law Office of Fredrick A. Becker, for Evangel Church, owner.
SUBJECT – Application December 19, 2008 – Amendment of variance (§72-21) which allowed a five story and cellar enlargement of an existing four story and cellar non-conforming school with accessory uses (UG 3) which increased the degree of non-compliance when the zoning lot was designated M1-3D. The amendment seeks to enlarge the current building creating new non-compliances with respect to height and setback (§43-43). M1-2/R5D & M1-2/R5B (Special Long Island City Mixed Use District).
PREMISES AFFECTED – 39-21 Crescent Street, southerly side of Crescent Street between 39th Avenue and 40th Avenue, Block 396, Lot 10 & 36, Borough of Queens.
COMMUNITY BOARD #1Q

3-04-BZ
APPLICANT – Eric Palatnik, P.C., for Rushikesh Trivedi, owner.
SUBJECT – Application September 22, 2009 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) for a two story, two family dwelling which expires on November 29, 2009; Waiver of the Rules. R-2 zoning district.
PREMISES AFFECTED – 147-08 46th Avenue, between Parsons Boulevard and 149th Street, Block 5452, Lot 3, Borough of Queens.
COMMUNITY BOARD #7Q

19-05-BZ
APPLICANT – Slater & Beckerman, LLP, for Groff Studios Corporation, owner.
SUBJECT – Application September 18, 2009 – Extension of Time to complete construction of a previously granted Variance (§72-21) for the change in use of portions of an existing nine-story, mixed-use building to residential use which expires on October 18, 2009. M1-6 zoning district.
PREMISES AFFECTED – 151 West 28th Street, north side of West 28th Street, 101' east of Seventh Avenue, Block 804, Lot 8, Borough of Manhattan.
COMMUNITY BOARD #5M

APPEALS CALENDAR

197-09-A
APPLICANT – Paul Russo, Breezy Point Cooperative Inc., owner; Paul Armour, lessee.
SUBJECT – Application June 26, 2009 – Proposed reconstruction and enlargement of an existing building which lies within the bed of a mapped street contrary to General City Law Section 35 and the upgrade of the private disposal system located within the bed of a mapped street contrary to Section 35 GCL and the Department of Buildings Policy. R4 Zoning District.
PREMISES AFFECTED – 518 Browns Boulevard, southwest side of Browns Boulevard, 366.43' east of Bayside Drive, Block 16340, Lot 50, Borough of Queens.
COMMUNITY BOARD #14Q

OCTOBER 27, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 27, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

14-09-BZ
APPLICANT – Eric Palatnik, P.C., for Orenstein Brothers, owner; ExxonMobil Corporation, lessee.
SUBJECT – Application January 26, 2009 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store and automotive laundry (UG 16B) on a site located in a C2-1/R3-2 zoning district.
PREMISES AFFECTED – 2294 Forest Avenue, Southeast intersection of Forest Avenue and South Avenue, Block 1685, Lot 15, 20, Borough of Staten Island.
COMMUNITY BOARD #1SI

182-09-BZ
APPLICANT – Eric Palatnik, P.C., for Congregation Mita, Inc., owner.
SUBJECT – Application June 4, 2009 – Variance (§72-21) to legalize the existing Use Group 3 nonvotiate and Use Group 4 house of worship. The proposal is contrary to §24-35 (side yard) and §24-36 (rear yard). R7-2 district.
PREMISES AFFECTED – 612 West 180th Street, 180th Street between Wadsworth and St. Nicholas Avenues, Block 2162, Lot 33, Borough of Manhattan.
COMMUNITY BOARD #12M

215-09-BZ
APPLICANT – Law Office of Fredrick A. Becker, for 92-16 95th Avenue Realty Corporation By: Alfred Smith, owner.
SUBJECT – Application July 6, 2009 – Special Permit (§11-411 & §11-413) for a reinstatement and change of use from a wholesale sales of imported food products (UG 7) to retail (UG6) on the ground floor of a three story building, which expired on March, 2002; Extension of Time to obtain a certificate of occupancy, which expired March 1993; Waiver of the Rules. R5 zoning district.
PREMISES AFFECTED – 92-16 95th Avenue Southwest corner of 93rd Street and 95th Avenue, Block 9032, Lot 8, Borough of Queens.
COMMUNITY BOARD #9Q

218-09-BZ
APPLICANT – Jeffrey A. Chester, for Rich Gene Realty

Corporation, owner; McDonald's Corporation, lessee.
SUBJECT – Application July 8, 2009 – Special Permit (§73-243) to allow an accessory drive-through facility to an as-of-right eating and drinking establishment (McDonald's) on the C1-3 zoned portion of a lot which is divided by a district boundary line and is contrary to §32-15. C1-3/C8-2 zoning district.
PREMISES AFFECTED – 57 Empire Boulevard, between McKeever Place and Bedford Avenue, bounded by Sullivan Place on south, Block 1306, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK

247-09-BZ
APPLICANT – Michael T. Sillerman, Esq., c/o Kramer Levin et al, for Central Synagogue, owner.
SUBJECT – Application August 26, 2009 – Variance (§72-21) to allow for the expansion of the Community House of the Congregation Ahawath Cheshed Shaar Hashomayim contrary to floor area and height and setback regulations. (ZR 33-12, 81-211, 33-432). C5-2, C5-2.5 Mid District.
PREMISES AFFECTED – 123 East 55th Street, north side of East 55th Street between Park Avenue and Lexington Avenue, 127.5', Block 1310, Lot 10, Borough of Manhattan.
COMMUNITY BOARD #5M

Jeff Mulligan, Executive Director
o6-7

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001-H

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, October 14, 2009 (SALE NUMBER 10001-H). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>

Terms and Conditions of Sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

o1-14

■ SALE BY SEALED BID

SALE OF: 11 LOTS OF ROLL-OFF CONTAINERS, USED.

S.P.#: 10002 **DUE:** October 13, 2009

DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

s29-o13

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody of the Property Clerk Division without claimants. Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES
 Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES (All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

ADMINISTRATION FOR CHILDREN'S SERVICES

■ INTENT TO AWARD

Human / Client Service

CHILD CARE SERVICES – Negotiated Acquisition – DUE 10-09-09 AT 4:00 P.M. – PIN# 06810NA33790 - Farragut Day Care Center, Inc. PIN# 06810NA35340 - Ohel Sarah Day Care Center, Inc. The New York City Administration for Children's Services (ACS) Office of Procurement intends to enter into negotiated acquisitions with the two organizations cited below for the provision of child care services. In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules. ACS intends to use the negotiated acquisition process to extend the subject contracts' terms to ensure continuity of mandated services. The term of the contracts is projected to be for eighteen months, from January 1, 2010 to June 30, 2011. Suppliers may express interest in future procurements by contacting Sherene Hassen at ACS, Child Care Contracts Unit, 150 William Street, 9th Floor, NY, NY 10038, or by calling (212) 341-3443, between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Farragut Day Care Center, Inc.
 104 Gold Street, Brooklyn, NY 11201
 PIN# 06810NA33790 - \$692,982.00

Ohel Sarah Day Care Center, Inc.
 771 Crown Street, Brooklyn, NY 11213
 PIN# 06810NA35340 - \$740,127.00

Administration for Children's Services, 150 William Street New York, NY 10038. Sherene Hassen (212) 341-3443
sherene.hassen@dfa.state.ny.us

o1-7

BUILDINGS

CONTRACTS UNIT

■ SOLICITATIONS

Services (Other Than Human Services)

CONSTRUCTION TRADES LICENSING EXAMINATIONS – Request for Proposals – DUE 10-28-09 AT 3:00 P.M. – PIN# 81010LEX0062 – Request for Proposals – PIN# 81010LEX0062 – DUE 10-28-09 AT 3:00 P.M. – Proposers who download the RFP must e-mail docontracts@buildings.nyc.gov using PIN 81010LEX0062 in the subject line and stating firm and contact names, addresses (e-mail and postal), telephone and fax numbers, to ensure notification of any RFP addenda. A pre-proposal conference will be held on October 19, 2009 at 10:00 A.M. at 280 Broadway, 6th Floor.

Department of Buildings, 280 Broadway, 6th Floor.
 Leesell Wong (212) 566-4183, lewong@buildings.nyc.gov

o7-14

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

CONTROLLER LIGHTING – Competitive Sealed Bids – PIN# 8570900991 – DUE 10-22-09 AT 10:30 A.M.

Department of Citywide Administrative Services
 1 Centre Street, Room 1800, New York, NY 10007.
 Anna Wong (212) 669-8610.

o7

■ AWARDS

Goods

CANDY/MAYO/SUGAR/CREAMER/TEA/PICKLES/PEANUT BUTTER – Competitive Sealed Bids – PIN# 857900813 – AMT: \$441,103.00 – TO: Cookies and More, Inc., 145 Price Parkway, Farmingdale, NY 11735.

o7

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

o7-14

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:
 A. Collection Truck Bodies
 B. Collection Truck Cab Chassis
 C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

o7-14

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

o7-14

ENVIRONMENTAL PROTECTION

■ INTENT TO AWARD

Goods & Services

SERVICE AND MAINTENANCE FOR SEM EQUIPMENT – Sole Source – Available only from a single source - PIN# X018141826 – DUE 10-23-09 AT 11:00 A.M. The Department of Environmental Protection / Bureau of Water Supply intends to enter into a sole source agreement with FEI Company for the service and maintenance of our Scanning Electron Microscope (“SEM”)(Quanta2000FEG) equipment. Any firm which believes they can also provide the required maintenance and parts is invited to do so by mail. Ira M. Elmore, Deputy Agency Chief Contracting Officer 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 (718) 595-3259 or e-mail: Irae@dep.nyc.gov

o5-9

BUREAU OF WATER SUPPLY

■ SOLICITATIONS

Services (Other Than Human Services)

CONED CROTON FILTER PLANT - CONSOLIDATED EDISON CONNECTION – Sole Source – Available only from a single source - PIN# 82610WM00253 – DUE 10-22-09 AT 11:30 A.M. – DEP intends to enter into a Sole Source Agreement with ConEd for CRO-312: ConEd Croton Filter Plant-Consolidated Edison Connection. The Department of Environmental Protection is currently constructing a Water Treatment Plant (the Croton WTP) below ground at the Mosholu Golf Course in Van Cortlandt Park, Bronx, NY, in accordance with the Supplement to the Consent Decree entered in federal court among the United States, the State of New York and the City of New York. This plant will provide filtration and disinfection of the Croton Water Supply System to New York City through the New Croton Aqueduct. The CRO-312 ConEd contract will provide electrical feeders to the Croton WTP for permanent power. The contract includes the routing of electrical cables and conduit from the north end of Van Cortlandt Park to the south end where the Croton WTP is located. Any firm which believes it can also provide the required service is invited to so, indicated by letter at: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, New York 11373. Debra Butlien (718) 595-3423, dbutlien@dep.nyc.gov

o1-7

CONTAINER SERVICES AND DEBRIS REMOVAL AT VARIOUS LOCATIONS, CITYWIDE – Competitive Sealed Bids – PIN# 82610WSOCSDR – DUE 10-28-09 AT 11:30 A.M. – CONTRACT CSDR-10. Document Fee: \$40.00. There is a pre-bid conference on 10/20/09 at 10:00 A.M. held at 96-05 Horace Harding Expressway, 3rd Floor Conference Room #2, Flushing, NY 11373. The Project Manager is Patrick Wang (718) 595-5269. Vendor ID#: 63946.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Environmental Protection
 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373.
 Greg Hall (718) 595-3236, ghall@dep.nyc.gov

o7

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

o1-d31

■ SOLICITATIONS

Goods

NARROW AND BROAD BAND BULBS – Competitive Sealed Bids – PIN# 111-10-051 – DUE 10-26-09 AT 3:00 P.M. – Narrow band need 160/year, broad band need 48/year and narrow band hand and foot need 32/year.

Bellevue Hospital Center, Purchasing, 462 First Avenue, Room# 12 East 25, New York, NY 10016.
 Mai Mikhaeil (212) 562-2720,
mai.mikhaeil@bellevue.nychhc.org

o7

Goods & Services

ARTEL PCS PIPETTE CALIBRATION SYSTEM – Sole Source – Available only from a single source - PIN# 231-10-029SS – DUE 10-13-09 AT 10:00 A.M. – The North Brooklyn Health Network intends to enter into a sole source contract for the ARTEL PCS Pipette Calibration System with Artel, 25 Bradley Drive, Westbrook, Maine 04092-2013.

Any other supplier who is capable of providing this service to the North Brooklyn Health Network may express their interest in doing so by writing to Abraham Caban, Procurement Analyst, 100 North Portland Ave., Rm. C32, Brooklyn, NY 11205, (718) 260-7593 or Abraham.Caban@nychhc.org

North Brooklyn Health Network, 100 North Portland Avenue, Rm. C32, Brooklyn, NY 11205.
Abraham Caban (718) 260-7593, abraham.caban@nychhc.org

05-9

MAINTENANCE OF AUTOMATIC TEMPERATURE CONTROL UNIT – Competitive Sealed Bids – PIN# 231-10-030 – DUE 11-09-09 AT 10:00 A.M. – and (DDC) American Auto Matric Control System for Greenpoint Clinic, 875 Manhattan Ave., Brooklyn, NY 11222. To request a bid package at no charge, e-mail Akihiko.Hirao@woodhull.nychhc.org. A site visit is scheduled for 10-26-09 at 10:00 A.M. at Greenpoint Clinic, 875 Manhattan Ave., Brooklyn, NY 11222. Site visit will begin no later than 10:16 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

North Brooklyn Health Network, 100 North Portland Avenue, Rm. C32, Brooklyn, NY 11205. Akihiko Hirao (718) 260-7684 akihiko.hirao@woodhull.nychhc.org

07

Human/Client Service

PHOTOCOPYING SERVICES FOR THE MEDICAL INFORMATION DEPT. – Competitive Sealed Bids – PIN# TJ10-314511R – DUE 10-29-09 AT 3:00 P.M. – For a period of three (3) years with an option for two (2) additional years. A pre-bid conference has been scheduled for October 19, 2009 at 1:30 P.M. at the Support Office Building, 591 Kingston Avenue, Room 251, Brooklyn, NY 11203. For further information please contact Theresa Jackson (718) 245-2119.

Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Theresa Jackson (718) 245-2119, theresa.jackson@nychhc.org
The Support Office Building, 591 Kingston Avenue Room 251, Brooklyn, NY 11203.

07

Services (Other Than Human Services)

ON DEMAND SNOW REMOVAL SERVICES – Competitive Sealed Bids – PIN# QHN2010-1030QHC – DUE 10-29-09 AT 2:00 P.M. – There will be a mandatory pre-bid/walk thru on Tuesday, October 20th and Wednesday, October 21st at 10:00 A.M. All concerned need to attend one day only. Pick-up bid package prior to pre-bid.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Queens Health Network, 82-68 164th Street, "S" Building, Jamaica, NY 11432. Aurelio Morrone (718) 883-6000, morronea@nychhc.org

07

HEALTH AND MENTAL HYGIENE

SOLICITATIONS

Services (Other Than Human Services)

ANIMAL CONTROL SERVICES – Negotiated Acquisition – PIN# 10AA024000R0X00 – DUE 11-05-09 AT 5:00 P.M. – The New York City Department of Health and Mental Hygiene, Veterinary Public Health Services, intends to negotiate with appropriately qualified vendors to provide effective services in New York City for animal control services. The ideal contractor would have experience operating multiple animal shelter facilities for a major US city with a population greater than 1,000,000 residents. A contract will be awarded to the responsible proposer whose proposal is determined to be the most advantageous to the City, and shall be subject to timely completion of contract negotiations, and a determination of both vendor responsibility and administrative capability. The anticipated term of this contract will be from April 1, 2010 to June 30, 2015.

There is a limited number of vendors available and able to perform the work.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Health and Mental Hygiene, 40 Worth Street, 15th Floor CN #66, New York, NY 10013. Norma Torres (212) 676-2120 ntorres3@health.nyc.gov

02-8

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Human/Client Service

TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. – The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.

Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

SOLICITATIONS

Construction/Construction Services

ROOF REPLACEMENT AND RELATED WORK – Competitive Sealed Bids – PIN# RF9013028 – DUE 10-19-09 AT 10:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nychc.nyc.gov

05-9

PURCHASING DIVISION

SOLICITATIONS

Goods

HONEYWELL PARTS – Competitive Sealed Bids – RFQ #7365 RF – DUE 10-21-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Fax your request to (718) 707-5246. Ronald Feldman (718) 707-5455.

07

FURNISH GAL. ZONE LOCKS AND PARTS – Competitive Sealed Bids – RFQ# 7353 RF – DUE 10-20-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Ronald Feldman (718) 707-5455.

07

FURNISHING COBRA HEAD OUTDOOR FIXTURES – Competitive Sealed Bids – RFQ# 7390 – DUE 10-21-09 AT 10:35 A.M.

Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Atul Shah (718) 707-5450.

07

FURNISH ELEVATOR CARBON BRUSH – Competitive Sealed Bids – RFQ# 7351 RF – DUE 10-22-09 AT 10:30 A.M.

Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Ronald Feldman (718) 707-5455.

07

HOUSING PRESERVATION & DEVELOPMENT

DIVISION OF MAINTENANCE

SOLICITATIONS

Construction Related Services

INSTALLATION AND REPAIR OF WINDOW GUARDS IN PRIVATELY OWNED BUILDINGS – Competitive Sealed Bids – DUE 11-05-09 AT 11:00 A.M. – PIN# 806099708276 - Manhattan, All CD's PIN# 806099708277 - The Bronx, All CD's PIN# 806099708278 - Brooklyn-CD's 1, 3-5 and Queens-CD's 1-13
PIN# 806099708279 - Brooklyn-CD's 2, 6-18 and Queens-CD 14

Bid documents will be available commencing 9:00 A.M. Wednesday, October 7, 2009. A non-refundable document cost of \$25.00 per bid package shall be payable at time of pick-up. Acceptable forms of payment are money order or certified bank check, only. Documents are available Monday through Friday, excluding City Holidays, between the hours of 9:00 A.M. to Noon and 2:00 P.M. to 4:00 P.M.

A pre-bid conference is scheduled for Thursday, October 15, 2009 at 11:00 A.M. The conference will be held at HPD, 100 Gold Street, New York, NY 10038, on the 6th Floor. Attendance is HIGHLY encouraged.

People with disabilities requiring special accommodations to pick up solicitation documents are advised to call Diane Faulkner at (212) 863-7078/7723, so that necessary arrangements can be made.

This contract is subject to ALL provisions as may be required by Federal, State, and Local Statutes, Rules and Regulations.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Preservation and Development, 100 Gold Street, Room 6-M, New York, NY 10038. Brian Saunders (212) 863-7723, contracts@hpd.nyc.gov

07

JUVENILE JUSTICE

SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Juvenile Justice, 110 William Street 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

POLICE

CONTRACT ADMINISTRATION UNIT

SOLICITATIONS

Construction Related Services

RENOVATE BATHROOMS AT 48TH PRECINCT – Competitive Sealed Bids – PIN# 056090000612 REBID – DUE 11-04-09 AT 11:00 A.M. – All labor and material necessary and required for renovation of bathrooms at the 48th Precinct. Mandatory pre-bid conference is scheduled to be held 10:00 A.M. on Thursday, October 15, 2009 at 48th Precinct Station House, 450 Cross Bronx Expressway, Bronx, New York. Bid documents are available at the NYPD Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007, from Monday to Friday, during the hours of 9:00 A.M. to 5:00 P.M. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005. VSID#: 63973.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Police Department, 51 Chambers Street, Room 310 New York, NY 10007. Stephanie Gallop (646) 610-5225.

07

AWARDS

Human/Client Service

YOUTH COURT – Renewal – PIN# 056090000622 – AMT: \$148,000.00 – TO: Fund for the City of New York, 121 Avenue of the Americas, 6th Floor, New York, NY 10013. The New York City Police Department is intending to renew a contract with the North Brooklyn Youth Community Justice Center to continue to intervene in the lives of young people at the point of their initial encounter with the justice system.

07

AGENCY RULES**BUILDINGS**

NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED AMENDMENTS TO RULE 101-07 RELATING TO INSPECTIONS AND APPROVED AGENCIES

NOTICE IS HEREBY GIVEN pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter, and in accordance with Section 1043 of the Charter and Section 28-114.1 of the New York City Administrative Code, that the Department of Buildings proposes to amend Section 101-07 of Chapter 100 of Title 1 of the Rules of the City of New York.

A public hearing on the proposed rule will be held at the Executive Offices of the Department of Buildings, 280 Broadway, 6th Floor Training Room, New York, New York, on November 10, 2009 at 9:00 A.M. Written comments regarding the proposed rule may be submitted to Phyllis Arnold, Deputy Commissioner, New York City Department of Buildings, 280 Broadway, New York, New York 10007, on or before November 10, 2009.

Written comments and an audio tape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Commissioner, Executive Offices, Department of Buildings, 280 Broadway, New York, NY 10007.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Phyllis Arnold at the foregoing address by October 21, 2009.

This rule was not included in the agency's most recent regulatory agenda.

Matter underlined is new. Matter [in brackets] is deleted.

Section 1. It is proposed to amend Subdivision (a) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(a) Definitions. For the purposes of this section, all terms used herein shall have the same meanings as set forth in the New York City [b] Building [c] Code ("Building Code").

In addition, the following terms shall have the following meanings:

(1) Approved construction documents. Any and all documents that set forth the location and entire nature and extent of the work proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of the Building Code and other applicable laws and rules. Such documents shall include shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.]

(2)1 Approved boiler inspection agency. An agency employing qualified boiler inspectors [, as defined below].

(3)2 Approved inspection agency. An agency that is approved by the department as qualified to inspect at regular intervals the material that is to be or is listed and labeled, to verify that the labeled material is representative of the material tested. Such term shall include, when approved pursuant to department rules, a third party testing or certification agency, evaluation agency, testing laboratory, testing service or other entity concerned with product evaluation] perform one or more of the inspections required by the New York City Construction Codes ("Construction Codes").

(3) Approved pipe welder qualifying agency. An agency that is approved by the department to qualify welders of gas piping installations in accordance with section 406.1.1.1 of the New York City Fuel Gas Code ("Fuel Gas Code") and high pressure steam piping systems in accordance with section 1210 of the New York City Mechanical Code ("Mechanical Code").

(4) Approved product certification agency. An inspection agency that is approved by the department as qualified to inspect at regular intervals the material that is to be or is listed and labeled, to verify that the labeled material is representative of the material tested.

(4)5 Approved progress inspection agency. An agency that is approved by the department as qualified to perform one or more of the progress inspections required by section BC 109 of the [b] Building [c] Code.

(5)6 Approved testing agency. An agency that is approved by the department as qualified to test and evaluate the performance of one or more of the materials regulated in its use by the [building code] Construction Codes. Such term shall include, when approved pursuant to department rules, a third party testing or certification agency, evaluation agency, testing laboratory, testing service or other entity concerned with product evaluation. Such term shall also include a licensed concrete testing laboratory.

(6)7 Certificate of compliance. A certificate stating that materials meet specified standards or that work was done in compliance with approved construction documents and other applicable provisions of law.

(8) Construction documents. Plans and specifications and other written, graphic and pictorial documents, prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit.

(7)9 Qualified boiler inspector. An inspector who has been issued a certificate of competence by the State Department of Labor and who is employed by an authorized insurance company, a high pressure boiler operating engineer licensed pursuant to the provisions of the New York City Administrative Code ("Administrative Code"), a class A or class B oil burning equipment installer licensed pursuant to the provisions of such Code, a master plumber licensed pursuant to the provisions of such Code, or a journeyman plumber acting under the direct and continuing supervision of a master plumber licensed pursuant to the provisions of such Code. For inspection of boilers at properties owned or managed by the Department of Education, such term shall include an individual who has passed the National Board Commission examination and who has 5 years relevant experience, as defined below, approved by the department.

(10) Qualified elevator inspector. An individual who has obtained a Qualified Elevator Inspector ("QEI") Certificate from an ASME-accredited agency to witness elevator inspections and tests.

(11) Qualified elevator inspector supervisor. An individual who has obtained a Qualified Elevator Inspector Supervisor ("QEIS") Certificate from an ASME-accredited agency to supervise a QEI's witnessing and/or to witness directly elevator inspections and tests.

(8)12 Qualified exterior wall inspector. A [New York State licensed civil or structural engineer with 1 year relevant experience or a New York State registered architect with 1 year relevant experience] registered design professional with at least 1 year of relevant experience.

(9)13 Relevant experience. Direct participation and practice related to the underlying construction activities that are the subject of the special or other inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of the special or other inspection.

(10)14 Supervision. Oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to effectively perform responsibilities associated with the inspection being supervised. Field supervision shall include responsibility for determining competence of special inspectors for the work they are authorized to inspect and monitoring the inspection activities at the jobsite to assure that the qualified inspector is performing his or her duties when work requiring inspection is in progress. The supervisor shall review inspection

progress reports and final reports for conformance with the approved plans, specifications and workmanship provisions of the [b] Building [c] Code. Such supervision and control shall be evidenced by the supervisor's signature and seal upon any required statements, applications and/or reports.

(11)15 Technician. An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E 329-07, paragraph 3.1.17.

§ 2. It is proposed to amend Paragraph (2) of Subdivision (b) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(2) Duties. Expect as provided in paragraph (8) of subdivision (c) of this section, [T] the approved agency shall:

§ 3. It is proposed to amend Paragraph (5) of Subdivision (b) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(5) Limitation of duties. An approved agency shall not engage in any activity for which it has not been approved, registered, licensed or accredited. An inspector or technician employed by an approved agency shall not perform inspections or tests beyond the area of expertise for which he or she is qualified in accordance with the standards set by the department, the accrediting agency, if applicable, and the agency supervisor.

§ 4. It is proposed to amend Paragraph (7) of Subdivision (b) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(7) [Insurance] Maintenance of insurance. Every approved agency shall maintain the following insurance coverage:

(i) A general liability policy [for] in the amount of one million dollars. Where a registered design professional of record for an application for construction document approval also serves personally, without relying on persons under his or her supervision, as the progress inspector for such application in accordance with paragraph (3) of subdivision (c) of this section, a general liability policy shall not be required.

(ii) Insurance required by the provisions of the New York State [Worker's] Workers' Compensation and Disability Benefits Laws; and

(iii) For progress inspection agencies [and], qualified exterior wall inspectors and licensed concrete testing laboratories only, in addition to the requirements of (i) and (ii) above, a Professional Liability/Errors and Omissions insurance policy in the amount of at least three hundred thousand dollars[, occurrence based, for the term of the registration or accreditation].

§ 5. It is proposed to amend Paragraphs (1) and (2) of Subdivision (c) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(1) Except as otherwise provided in subdivisions (c)8(vi) and (d) of this section, on or after the effective date of this section, all approved agencies, including single person approved agencies, shall comply with the requirements of this section and Title 28-114 of the [New York City] Administrative Code and shall meet the qualifications set forth herein.

(2) Testing and inspection agencies.

(i) A testing [and/or inspection] agency shall be deemed an approved testing [and/or approved inspection] agency for [such] testing [and/or inspecting] materials [and listing and labeling materials] to specified standards in accordance with [the building code] the Construction Codes and [its] their referenced standards where such agency has achieved accreditation for such testing [and/or inspections] from International Accreditation Service, Inc. or an equivalent accrediting agency accrediting to the standards set forth in [ASTM Designation: E 329-07] International Standards Organization ("ISO") 17025, 2005 edition (General Requirements for the Competence of Testing and Calibration Laboratories) or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(ii) An inspection and/or product certification agency shall be deemed an approved inspection and/or approved product certification agency for listing and labeling materials to specified standards in accordance with the Construction Codes and their referenced standards where such agency has achieved accreditation for such listing and labeling from International Accreditation Service, Inc. or an equivalent accrediting agency accrediting to the standards set forth in ISO 17020, 1998 edition (General Criteria for the Operation of Various Types of Bodies Performing Inspection), ISO Guide 65, 1996 edition (General Requirements for Bodies Operating Product Certification Systems) or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(iii) iii An approved testing and/or approved inspection agency shall have in responsible charge a director who shall be qualified by education and relevant experience to undertake the tests or inspections performed. Qualification may be based on the standards set forth in ASTM E329-07. The director shall personally supervise the testing and/or inspection of materials for compliance with prescribed nationally recognized standards. Concrete testing laboratories shall follow the provisions of subdivision (c)6 of this section.

(iii) iv Technicians shall be qualified by education and relevant experience to perform all tests or inspections they may be required to conduct under the supervision of the director. Qualification may be based on the standards set forth in ASTM E329-07.

(iv) v An approved testing agency shall furnish to the department such proof of qualifications of all

personnel and information regarding the equipment used to perform tests as the department may from time to time request, and any other such information that the commissioner deems appropriate in assessing the competency of the agency's operations.

(v) vi All approved testing and approved inspection agency inspection and test reports shall be retained in a form acceptable to the department and shall bear the name of the approved agency, its accreditation, license or department acceptance identification information where applicable, the name of the director who supervised the inspection or test, the names of all personnel who performed the inspection or test, and the names of all witnesses to such inspection or test.

§ 6. It is proposed to amend Paragraph (4) of Subdivision (c) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(4) Elevator inspection agencies.

(i) Notwithstanding anything to the contrary set forth herein, elevator inspection [companies] agencies, including their [agency] directors and [agency] inspectors that currently hold or hereafter secure a Certificate of Approval from the department issued pursuant to Chapter 11 of Title 1 of the Rules of the City of New York shall be deemed approved elevator inspection agencies without further requirement of registration or accreditation, for the purpose of conducting the periodic elevator inspections and tests required by section 28-304.6 of the Administrative Code.

(ii) Written or oral tests required by 1 RCNY 11-01(2)(ii) shall require familiarity with the standards set forth in section 3001.2 and appendix K of the [b] Building [c] Code, including chapter K3, pertaining to existing elevators, as set forth in the rules of the department.

(iii) Tests and [I] inspections performed by an approved elevator inspection agency on behalf of the owner after the effective date of this section shall be performed in compliance with reference standards set forth in section 3012.1 and appendix K of the [b] Building [c] Code, provided that for the period from January 1, 2008 through September 15, 2008, inspections and tests need not be witnessed by another approved elevator inspection agency, QEI or QEIS authorized pursuant to clause (C) of subparagraph (iv).

(iv) Effective January 1, 2009, periodic elevator inspections and tests performed by an approved elevator inspection agency on behalf of the owner as required by section 28-304.6.1 of the Administrative Code shall be performed in compliance with the following requirements:

(A) The test must be performed by an approved elevator inspection agency and witnessed by an approved elevator inspection agency or a QEI or QEIS authorized pursuant to clause (C) of this subparagraph that is not affiliated with the agency performing the test.

(B) The approved elevator inspection agency responsible for performing the test shall designate skilled elevator trade personnel in its employment to perform the test under the direct supervision of a director who holds a Certificate of Approval from the department issued pursuant to the 1968 Building Code and 1 RCNY 11-01. Such designation by the director shall be in writing and shall indicate the director's endorsement of the qualification of the personnel designated to conduct the test. Such personnel may perform the test through December 31, 2011. Thereafter, the test shall be performed by an inspector or director who holds a Certificate of Approval from the department.

(C) The approved elevator inspection agency responsible for witnessing the test shall designate to witness such test an inspector in its employment who holds a Certificate of Approval from the department issued pursuant to the 1968 Building Code and 1 RCNY 11-01. Individuals who do not hold a Certificate of Approval, but who possess the qualifications set forth in items ((a)) through ((c)) below, may witness such test through July 1, 2010. No such individual shall witness the test beyond such date unless he or she has by July 1, 2010 applied for and passed a department-sponsored/administered examination for a Private Elevator Inspection Agency Director or Private Elevator Inspection Agency Inspector Certificate of Approval. Individuals who have passed such examination by July 1, 2010 may continue to witness the test based on satisfaction of the qualifications set forth in items ((a)) through ((c)) below through July 1, 2011 or until the issuance or denial of a Certificate of Approval from the department, whichever is sooner.

((a)) A valid QEI or QEIS Certificate;

((b)) A minimum of five (5) years of satisfactory experience, within the last seven (7) years immediately preceding the date of affirmation from the director of the agency as prescribed in item ((c)) below in the assembly, installation, repair, design, or inspection of elevators, or as an elevator mechanic;

((c)) An affirmation from the director of the agency, on such form as the commissioner shall require, attesting that the QEI or QEIS is familiar with the construction and maintenance of elevators, escalators and related equipment and the standards set forth in Chapter 30 and appendix K of the Building Code, including appendix K3, pertaining to existing elevators, as set forth in the rules of the department and a determination by the director that the QEI or QEIS is of good moral character so as not to adversely impact upon his or her fitness to witness elevator inspections. The commissioner may refuse to accept such certification for any of the reasons specified as grounds for revocation or suspension set forth in subdivision (e) of this section.

(v) Agency employee restriction. An employee of an elevator inspection agency may work only for such agency and for one agency director at a time.

(D) The witnessing inspector shall affix the test/inspection date and his or her agency's Certificate of Approval number to the inspection certificate at the site. The witnessing inspector and the director of the witnessing agency shall further sign and indicate that agency's Certificate of Approval number in the test report.

§ 7. It is proposed to amend Item ((c)) of Clause (A) of Subparagraph (ii) of Paragraph (5) of Subdivision (c) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(c) A certification by the owner that identified defects have been corrected. The report must be filed within 45 days from the date of the inspection but in no event later than December 31st of each calendar year. Any required part of the report not filed within 45 days from the date of the inspection and on or before December 31st shall be deemed late and shall subject the owner to penalties as provided in Administrative Code sections 28-201.2.2 and 28-202.1 and the rules of the department.

§ 8. It is proposed to amend Paragraph (6) of Subdivision (c) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(6) Concrete testing laboratories.

(i) Except as provided in subdivision (d) of this rule, a concrete testing laboratory shall be deemed an approved agency [and a licensed concrete testing laboratory pursuant to the provisions of Article 406 of Title 28 of the Administrative Code] for purposes of testing and inspecting concrete-related construction activities in accordance with the [b] Building [c] Code and its referenced standards where such laboratory has: [achieved accreditation from AASHTO Accreditation Program or an equivalent accrediting agency accrediting to the standards set forth in ASTM Designations: C1077, C1093 and E 329-07 or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.]

(A) Obtained a license as a concrete testing laboratory pursuant to Article 406 of Title 28 of the Administrative Code; and

(B) Achieved accreditation from AASHTO Accreditation Program, the National Voluntary Laboratory Accreditation Program, or an equivalent accrediting agency accrediting to the standards set forth in ASTM Designations: C1077, C1093 and E 329-07 or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(ii) A licensed concrete testing laboratory shall have in responsible charge a director who shall be qualified by education and relevant experience to undertake the tests or inspections performed. [Qualification may be based on the standards set forth in ASTM C1077, C1093 and E 329-07. The director shall personally supervise the inspection and tests for compliance with prescribed nationally recognized standards. The director shall be a registered design professional.] Such director shall:

(A) Personally supervise inspections and tests to ensure compliance with prescribed nationally recognized standards. Such supervision shall include ensuring that inspectors and technicians are properly trained and educated as necessary in order to perform their duties and shall include planning for continued training related to developing technology;

(B) Be a full-time employee of the laboratory and shall not serve as the director of more than one licensed laboratory at a time. Laboratories in good standing with the department that are licensed prior to July 1, 2008, shall be required to comply with this requirement by July 1, 2010;

(C) Be a registered design professional with at least five years of experience in the testing and inspection of concrete materials. Laboratories in good standing with the department that are licensed prior to July 1, 2008, shall be required to comply with this requirement by July 1, 2010; and

(D) Submit proof of qualification to the department with any application for the initial licensing of a laboratory and when there is a change in director for an existing licensed laboratory.

(iii) Technicians shall be qualified by education and relevant experience to perform all tests or inspections they may be required to conduct under the supervision of the director. Field technicians shall be certified as ACI Field Testing Technician – Grade I, or other equivalent certification acceptable to the commissioner.

(iv) Laboratory technicians shall be certified as ACI Concrete Testing Laboratory Technician – Level 1, or other equivalent certification acceptable to the commissioner. Qualification may be based on the standards set forth in ASTM C1077, C1093 and E 329-07.

(v) The concrete testing laboratory shall furnish to the department such proof of qualifications of all personnel and information regarding the equipment used to perform tests as the department may from time to time request, and any other such information that the commissioner deems appropriate in assessing the competency of the laboratory's operations.

(vi) All concrete testing laboratory inspection and test reports shall be presented in a form acceptable to the department and shall bear the name of the laboratory or service and its accreditation and department-issued license number where applicable, the name of the director who supervised the inspection or test, the names of all personnel who performed the inspection or test, and the names of all witnesses. Reports shall be signed and sealed by the director who supervised the inspection or test.

(vii) A concrete testing laboratory shall maintain a New York City address for the acceptance of service. A Post Office Box shall not be acceptable for such purposes. A laboratory approved by the department prior to the effective date of this subparagraph shall comply with such requirement by January 1, 2010.

(viii) A concrete testing laboratory's facilities and equipment shall be used exclusively for its own concrete testing and quality control and shall not be shared with other entities.

(ix) A concrete testing laboratory shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.

(x) A concrete testing laboratory testing for the acceptance of concrete as part of a special inspection, shall be employed by the owner in accordance with section 1704.1 of the Building Code.

§ 9. It is proposed to amend Subdivision (c) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York by adding a paragraph (8) to read as follows:

(8) Pipe welder qualifying agencies. An agency shall be deemed an approved agency for qualifying welders of gas piping installations in accordance with section 406.1.1.1 of the Fuel Gas Code and high pressure steam piping systems in accordance with section 1210 of the Mechanical Code, where such agency complies with the following:

(i) The testing administrator for the pipe welder qualifying agency shall be an employee of such agency and either a AWS Certified Welding Inspector or Senior Certified Welding Inspector or a quality control manager of a manufacturer or contractor holding an ASME Certificate of Authorization.

(ii) A pipe welder qualifying agency shall be responsible for the following:

(A) Verifying that welder performance qualifications are in accordance with ASME Boiler and Pressure Vessel Code Section IX;

(B) Positively identifying each welder or welding operator being qualified;

(C) Observing the welder or welding operator during the qualification test;

(D) Verifying that all welder qualification records (e.g., QW-484 forms or equivalent) accurately record the data required by ASME Boiler and Pressure Vessel Code Section IX and are certified by the manufacturer or contractor; and

(E) Signing the welder qualification record and submitting a copy to the department when required.

(iii) No pipe welder qualifying agency shall engage in any activities that may conflict with its objective judgment and integrity, including but not limited to having a financial or other interest in the qualification of the welder. A quality control manager or his or her designee shall be considered sufficiently independent to satisfy this requirement when a manufacturer or contractor has an ASME Certificate of Authorization.

(iv) A letter requesting pipe welder qualifying agency approval and attesting to compliance with this section, signed by the owner of the agency, accompanied by any related fees set forth in the rules of the department, shall be mailed to the Department of Buildings, 280 Broadway, 7th Floor, New York, NY, 10007, Attn: The Office of Technical Certification and Research ("OTCR").

(v) A pipe welder qualifying agency's approval shall be renewed every three years.

(vi) An agency previously approved to qualify welders in accordance with the 1968 New York City Building Code shall be required to request re-approval in accordance with subparagraph (iv) above by January 1, 2010 in order maintain its ability to qualify pipe welders beyond that date.

(vii) A pipe welder qualifying agency shall maintain a New York City address for the acceptance of service. A Post Office Box shall not be acceptable for such purposes. An agency approved by the department prior to the effective date of this subparagraph shall comply with such requirement by January 1, 2010.

§ 10. It is proposed to amend Subdivision (e) of Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York to read as follows:

(e) Suspension or revocation and reinstatement of approved agency status.

(1) In accordance with department rules, the commissioner may suspend or revoke an approved agency's approval, with or without the imposition of penalties, for violation of any provision of Title 28 of the Administrative Code or the [b] Building [c] Code or the rules of the department, or any other applicable law or rule. The commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of law or rule that bears the signature of any approved agency or director that has been found, after notice and an opportunity to be heard, to have knowingly or negligently made a false

statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of Title 28 of the Administrative Code or the [b] Building [c] Code or any rule of any agency.

(2) Invalidation of tests and inspections upon suspension or revocation of approved agency status. Upon any suspension or revocation of approved agency approval pursuant to subdivision (e), the owner of a building at which such approved agency was required or scheduled to perform special, progress or periodic inspections shall immediately designate another approved agency to re-do such tests or inspections performed by the disciplined agency. Any periodic inspections performed by a disciplined agency shall be rejected in the current cycle of such inspections and any owner of a building requiring such periodic inspection shall, upon notice of such disciplinary action, retain another approved agency to perform the periodic inspection.

(3) Reinstatement of approval. Upon expiration of a suspension or no sooner than one (1) year from the date of revocation, an agency shall be eligible for reinstatement of approval. Such agency shall submit to OTCR the following for review:

(i) Documentation that addresses corrections to the conduct or practices that formed the basis for the suspension or revocation.

(ii) Documentation that establishes procedures to prevent the conduct or practices that formed the basis for the suspension or revocation.

(iii) A reinstatement application.

STATEMENT OF BASIS AND PURPOSE

This rule amendment is proposed pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

The proposed amendments to Section 101-07 of the Department's rules derive from a number of sources: (1) Department determinations of modifications required in light of the first several months of enforcement of the new codes; and (2) correction of inadvertent errors. Specific explanations follow:

Section 1. This section proposes to add new definitions "Approved pipe welder qualifying agency", "Approved product certification agency", "Construction documents", "Qualified elevator inspector" and "Qualified elevator inspector supervisor". These are new entities being added to this rule by this amendment. In addition, some definitions have been modified for clarity and consistency.

Section 2. This section proposes to exempt pipe welder qualifying agencies from the approved agency general duties set forth in paragraph (2) of subdivision (b) of this rule. Pipe welder qualifying agencies do not perform inspection activities.

Section 3. This section proposes to correct the inadvertent error of having omitted the term "approved" from the promulgated rule.

Section 4. This section proposes to correct an inadvertent error in the promulgated rule by adding licensed concrete testing laboratories to the list of approved agencies that are required to carry a Professional Liability/Errors and Omissions insurance policy and sets the minimum amount of insurance required. This section also proposes to exempt certain individuals from the requirement to maintain a general liability policy. This exemption is important in order to allow small firms to continue to offer basic services to clients during construction in accordance with practice standards. It is estimated that single practitioners constitute approximately 40% of all architecture and engineering firms in New York City. The elimination of this insurance requirement for registered design professionals who want to conduct progress inspections on work they have prepared and submitted for approval and permit will allow the single practitioner to continue to offer clients construction contract administration services without additional cost.

Section 5. This section proposes to exempt existing pipe welder qualifying agencies from the effective date requirements set forth in paragraph (1) of subdivision (c) of this rule. It is proposed that such agencies previously approved to qualify welders in accordance with the 1968 New York City Building Code shall not be required to comply with certain provisions of this rule/be re-approved in accordance with this rule prior to January 1, 2010. This section also proposes to correct, clarify and separate the standards to be used for the accreditation of approved testing, inspection and product certification agencies. These new standards are those used by nationally recognized accrediting bodies.

Section 6. This section proposes to add the requirement that written and oral tests required by 1 RCNY 11-01 (2)(ii) shall require familiarity with chapter K3 (Safety Code for Existing Elevators and Escalators) as set forth in the rules of the department. Familiarity with chapter K3 is required as it contains all existing elevator and escalator minimum requirements. This section also proposes to clarify that it is the owner's and not the department's periodic elevator inspections and tests being addressed by paragraph (4) of subdivision (c) of this rule. This section additionally proposes to limit the length of time for which skilled elevator trade personnel may perform tests to December 31, 2011. Beyond such date, tests must be performed by an inspector or director who holds a Certificate of Approval. Such proposal will ensure that individuals performing tests have been fully examined by the department. This section further proposes to allow qualified elevator inspectors ("QEI") and qualified elevator inspector supervisors ("QEIS") (individuals who do not hold a Certificate of Approval) to witness tests performed by approved elevator inspection agencies through July 1, 2010 and allows such individuals to witness tests for up to one year longer as QEI's or QEIS's only if they have passed a department-sponsored/administered examination by July 1, 2010. The purpose of this amendment is to encourage QEI's and QEIS's to obtain Private Elevator Inspection Agency Director or Private Elevator Inspection Agency Inspector Certificates of Approval. This section also proposes to add the restriction that an employee of an elevator inspection agency may work for only one agency or one agency director at a time. Elevator licenses issued by the department allow elevator inspectors to work for only one agency/entity at a time unless they work for a city agency.

Section 7. This section proposes to clarify the filing requirements for low pressure boiler annual inspection reports.

Section 8. This section proposes to list the National Voluntary Laboratory Program ("NVLAP") as an additionally named accreditation agency, sets forth the qualifications for concrete testing laboratory directors and supervisors, and adds various new requirements for concrete testing laboratories. These new provisions require that concrete testing laboratories maintain a New York City address for the acceptance of service, that a concrete testing laboratory's facilities and equipment shall be used exclusively for its own concrete testing, that such laboratories shall not engage in any activities that may conflict with their objective judgment and integrity, and that such laboratories testing for the acceptance of concrete as part of a special inspection, shall be employed by the owner. Such requirements will close certain loopholes that the department discovered during the investigation of concrete testing laboratories.

Section 9. This section proposes to add pipe welder qualifying agencies to this rule and establishes qualifications, duties, application requirements and address requirements for pipe welder qualifying agencies. These agencies were inadvertently omitted from the promulgated rule.

Section 10. This section proposes to establish reinstatement provisions for all approved agencies listed in the rule. This is a necessary mechanism for approved agencies that was inadvertently omitted from the promulgated rule.

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LOCAL LAWS

■ NOTICE

LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 2009

No. 22

Introduced by Council Members Weprin, Vann, James and Recchia (by request of the Mayor)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the establishment of the Bed-Stuy Gateway business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-480 to read as follows:

§ 25- 480 *Bed-Stuy Gateway business improvement district.*

a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Brooklyn, the Bed-Stuy Gateway business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Bed-Stuy Gateway business improvement district is based.*

c. *The district plan shall not be amended except in accordance with chapter four of this title.*

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on March 24, 2009 and approved by the Mayor on March 30, 2009.

Michael McSweeney, City Clerk
Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 021 of 2009, Council Int. No. 906) contains the correct text and: Received the following vote at the meeting of the New York City Council on March 24, 2009: 50 For, 0 Against, 0 Not Voting.

Was signed by the Mayor on March 30, 2009
Was returned to the City Clerk on March 30, 2009.

Jeffrey D. Friedlander, Acting Corporation Counsel.

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SPECIAL MATERIALS

CITY PLANNING

■ NOTICE

**PROPOSED 2010 CONSOLIDATED PLAN
30 DAY PUBLIC COMMENT PERIOD AND PUBLIC HEARING
ONE-YEAR ACTION PLAN
FIVE-YEAR STRATEGIC PLAN**

NYC Department of City Planning announces the PUBLIC COMMENT PERIOD and PUBLIC HEARING for the Proposed 2010 Consolidated Plan. The thirty-day PUBLIC COMMENT PERIOD will begin on OCTOBER 8, 2009, and will end NOVEMBER 6, 2009.

A PUBLIC HEARING will be held on THURSDAY, NOVEMBER 5, 2009, beginning at 2:00 P.M. at 22 Reade Street, Spector Hall, New York, N.Y. 10007. The Public Hearing will be followed by a question and answer session with City agency representatives in attendance.

The 2010 Proposed Consolidated Plan contains the City's annual application for four U.S. Department of Housing and Urban Development (HUD) Community Planning and Development programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). In addition, the Proposed Plan contains the City's submission to HUD of its five-year strategic plan for Consolidated Plan Years 2010-2014.

Proposed Funding allocations for 2010 are as follows: CDBG \$251.179 million; HOME \$124.733 million; ESG \$7.925 million; HOPWA \$52.654 million, totaling \$436.491 million.

The 2010 Proposed Consolidated Plan consists of four volumes: Volume 1. Executive Summary, Community Profile, and Supportive Housing Continuum of Care; Volume 2. Five-Year Strategic Plan: Priorities and Actions; Volume 3. Action Plan: One Year Use of Funds; Volume 4. Other Actions; Summary of Citizens' Comments, and Appendices.

To obtain a free copy of the 2010 Proposed Consolidated Plan, please visit the City Planning Bookstore, 22 Reade Street, New York, N.Y. (Monday 12:00 P.M. to 4:00 P.M., Tuesday thru Friday 10:00 A.M. to 1:00 P.M.).

Copies of the document can also be obtained at the following Department of City Planning Offices:

BRONX OFFICE
1 Fordham Plaza, 5th fl., Bronx, New York 10458
(718) 220-8500

BROOKLYN OFFICE
16 Court Street, 7th fl., Brooklyn, New York 11241
(718) 643-7550

QUEENS OFFICE
120-55 Queens Boulevard, Room 201, Queens, New York 11424
(718) 286-3169

STATEN ISLAND OFFICE
130 Stuyvesant Place, 6th fl., Staten Island, New York 10301
(718) 556-7240

Also, the Proposed Plan will be made available for downloading through the internet via the Department's website at www.nyc.gov/planning.

Furthermore, copies of the Proposed 2010 Consolidated Plan will be available for review at the main public library in each of the five boroughs. Please call (212) 720-3531 for information on the closest library.

Written comments may be sent by close of business, November 6, 2009 to: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4N New York, New York 10007 FAX: (212) 720-3495, email: csorren@planning.nyc.gov.

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COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Rm. 629, New York, NY 10007 on 10/7/09 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
12	146	29

Acquired in the proceeding entitled: FIFTH AMENDED BROOKLYN CENTER URBAN RENEWAL PROJECT, PHASE 2 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

s23-o7

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007, on 10/14/09 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1,2,3,4,5,6 & 7	3658	3,1,75,73,68,66, & 74
24,25	3663	1,11
8	3658	61
22,23	3662	3,1

Acquired in the proceeding, entitled: NEW CREEK BLUEBELT, PHASE 4, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

s29-o14

HOUSING PRESERVATION & DEVELOPMENT

■ NOTICE

**OFFICE OF PRESERVATION SERVICES
CERTIFICATION OF NO HARASSMENT UNIT**

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: October 7, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
208 Lenox Avenue, Manhattan	85/09	September 1, 2006 to Present
157 West 47th Street, Manhattan	87/09	September 15, 2006 to Present
18 West 120th Street, Manhattan	88/09	September 18, 2006 to Present

2007 5th Avenue, Manhattan	89/09	September 22, 2006 to Present
140 West 15th Street, Manhattan	90/09	September 29, 2006 to Present
2038 Madison Avenue, Manhattan	91/09	September 30, 2006 to Present

156 Hicks Street, Brooklyn 86/09 September 1, 2006 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-8272.

o7-16

SEQRA Classification: Type I

Broadway Triangle (CEQR No. 09HPD019K)

The New York City Department of Housing Preservation and Development, as lead agency, has accepted a Final Environmental Impact Statement (FEIS) for the Broadway Triangle Proposal. Copies of the FEIS may be obtained from the contact person listed below or from Robert Kulikowski, Mayor's Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, New York 10038, Phone: (212) 788 9956. The documents are also available on NYC HPD's website at: www.nyc.gov/html/hpd/html/developers/Broadway_Triangle_Proposal.shtml.

The Proposed Action involves zoning map and text amendments, amendments to the Broadway Triangle Urban Renewal Plan (URP), and the disposition of City-owned property.

Under the Proposed Action (which has a build year of 2018), the zoning of the Project Area would change from M1-2, M3-1, and C8-2 to R6A, R6A/C2-4, R7A, R7A/C2-4, and C4-3. The Proposed Action would result in an overall loss in vacant, auto-related, commercial, and manufacturing/storage uses and a net increase of approximately 1,851 residential units (of which 844 would be affordable), 103,286 square feet of retail space and 35,456 square feet of community facility space. In addition, funding may be sought from various federal, state, and local agencies.

The FEIS identifies potential significant adverse impacts related to socioeconomic conditions (indirect residential displacement); open space; shadows; historic resources (construction-related impacts); traffic and parking; and transit (local bus service). Measures that would fully or partially mitigate impacts for socioeconomic conditions (indirect residential displacement); open space; traffic; and transit (local bus service) are identified in the FEIS. The open space, shadows, and historic resources (construction-related) impacts would be unmitigated.

The Project Area is located within a nine-block area of Williamsburg, Brooklyn, Community District 1, New York. The Project Area includes the blocks generally bounded by Flushing Avenue to the south, Throop Avenue to the east, Lynch Street to the north, and Union Avenue, Walton Street, and Harrison Avenue to the west.

Contact Person: **Patrick Blanchfield, AICP, New York City Department of Housing Preservation and Development**

Address: **100 Gold Street, Rm 9V-3** City: **New York**
State: **New York** Zip: **10038**
Phone: **(212) 863-5056** Fax: **(212) 863-5052**
Email: blanchfp@hpd.nyc.gov

o7

LABOR RELATIONS

■ NOTICE

**Reopener
SANITATION OFFICERS ASSOCIATION
2007 - 2012**

AGREEMENT entered into this 24th day of September 2009, by and between the City of New York (hereinafter referred to as the "Employer"), and the Sanitation Officers Association, Local 444, Service Employees International Union AFL-CIO, (hereinafter referred to as the "Union"), for the period from November 13, 2007 to July 1, 2012.

WITNESSETH:

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing,

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION

Section 1.
The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, in the below listed titles, and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part of the unit herein for which the Union is the exclusive collective bargaining representative:

Supervisor (Sanitation)
General Superintendent (Sanitation) (Level I)

Section 2.
Except as otherwise provided herein, for purpose of this Agreement, the terms "employees" and "officers" as used in this agreement shall mean only those persons in the unit described in Section 1 of this Article.

ARTICLE II - DUES CHECKOFF

Section 1.
(a) The Union shall have the exclusive right to the checkoff and transmittal of dues on behalf of each employee in accordance with the Mayor's Executive Order No. 98, dated May 15, 1969, entitled "Regulations Relating to the Checkoff of Union Dues" and in accordance with the Mayor's Executive Order No. 107, dated December 29, 1986, entitled "Regulations Governing Procedures for Orderly Payroll Checkoff of Union Dues."
(b) An employee may consent in writing to the

authorization of the deduction of dues from the employee's wages and to the designation of the Union as the recipient thereof. Such consent, if given, shall be in a proper form acceptable to the City, which bears the signature of the employee.

Section 2.

The parties agree to an agency shop to the extent permitted by applicable law, as described in a supplemental agreement hereby incorporated by reference into this Agreement.

ARTICLE III - COMPUTATION OF BENEFITS

Since the basic forty-hour week has not been changed by this Agreement, any modification of standard charts and use of other tours shall not affect current standard practice for the computation of compensation for holidays, vacation days, annuity fund contributions and other relevant benefits, which shall remain on the basis of an eight-hour work day calculation.

ARTICLE IV - SALARIES

Section 1.

During the term of this Agreement, the following basic annual salary rates shall prevail for employees. (Note: These salaries reflect the adjustments, effective November 12, 2007, due to the Reopener.)

(a) For employees in the title Supervisor (Sanitation):

	Effective 11/13/07	Effective 11/13/08	Effective 12/13/08	Effective 5/02/10	Effective 5/02/11
Appointment	\$66,360	\$69,014	\$69,014	\$71,775	\$74,646
After 1 year	\$67,022	\$69,703	\$69,703	\$72,491	\$75,391
After 2 years	\$67,692	\$70,400	\$70,400	\$73,216	\$76,145
After 3 years	\$68,369	\$71,104	\$71,104	\$73,948	\$76,906
After 4 years	\$69,053	\$71,815	\$71,815	\$74,688	\$77,676
After 5 years	\$69,743	\$72,533	\$86,108	\$89,552	\$93,134
After 6 years	\$82,796	\$86,108			

(b) For employees in the title General Superintendent (Sanitation) (Level I):

	Effective 11/13/07	Effective 11/13/08	Effective 12/13/08	Effective 5/02/10	Effective 5/02/11
Appointment	\$83,413	\$86,750	\$86,750	\$90,220	\$93,829
After 1 year	\$83,751	\$87,101	\$87,101	\$90,585	\$94,208
After 2 years	\$84,172	\$87,539	\$87,539	\$91,041	\$94,683
After 3 years	\$84,595	\$87,979	\$104,672	\$108,859	\$113,213
After 4 years	\$100,646	\$104,672			

Each employee shall progress one increment step in his/her rank annually on the anniversary date of his/her appointment to the class of position occupied.

Section 2. Uniform Allowance

A per annum Uniform Allowance shall be provided in accordance with existing standard procedures as follows:

Fiscal Year	Amount
2007-2008	\$830
2008-2009	\$830
2009-2010	\$830
2010-2011	\$830
2011-2012	\$830

Section 3. Longevity Adjustment

The following annual longevity adjustments shall be paid to employees upon the completion of the specified number of years' service in the Sanitation Service of the Classified Service of the City:

Title

Supervisor (Sanitation)
General Superintendent (Sanitation)(Level I)

Years of Service Completed	Effective 11/13/07	Effective June 2, 2011
After 5 years	\$1,288	\$1,288
After 10 years	\$1,882	\$2,402
After 15 years	\$2,330	\$3,230
After 20 years	\$3,480	\$4,380

Effective June 2, 2011, the longevity schedule shall be adjusted by any future across-the-board wage increases.

The adjustment after the 10th year shall not be computed as salary for pension purposes until after completing 20 years of service. The adjustment after the 20th year shall not be computed as salary for pension purposes until after the completion of 25 years of service.

In the event this provision is declared invalid under the law, the parties shall reopen negotiations to resolve the issue of the increase cost of changing the effective date of the pensionability of the above adjustments. Such negotiations will be commenced forthwith. If no agreement is reached, an impasse may be declared and subsequent mediation and the impasse proceeding, if any, shall in all respects be conducted on an expedited basis.

Section 4.

(a) **Paid Holidays** Each employee shall receive eleven (11) paid holidays annually, payment for which shall be made in accordance with existing procedures.

Effective January 2008, each employee shall receive twelve (12) paid holidays annually, payment for which shall be made in accordance with existing procedures.

(b) **Sunday Work** An employee who works on a Sunday will receive two times his/her respective pro-rated hourly rate of pay for the hours actually worked.

(c) **Night Shift Differential** Employees shall receive a differential of ten percent of their daily rate of pay for work performed on a night shift. For the purposes of this Section, a night shift shall be any shift in which four (4) or more hours of the shift fall after 3:00 P.M. or before 7:00 A.M., except that any work performed for which any additional compensation is provided shall be excluded from this provision.

Section 5. General Wage Increase

- (a) (i) Effective November 13, 2007, Employees shall receive a rate increase of 4%.
- (ii) Effective November 13, 2008, Employees shall receive an additional rate increase of 4%.
- (iii) Effective May 2, 2010, Employees shall receive an additional rate increase of 4%.
- (iv) Effective May 2, 2011, Employees shall

receive an additional rate increase of 4%.

(b) The increase provided for in this Section 5 shall be calculated as follows:

(i) The increase in Section 5(a)(i) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable title in effect on November 12, 2007; and

(ii) The increase in Section 5(a)(ii) shall be based upon the base rate (which shall include salary or incremental schedules) of the applicable title in effect on November 12, 2008.

(iii) The increase in Section 5(a)(iii) shall be based upon the base rate (which shall include salary or incremental schedules) of the applicable title in effect on May 1, 2010.

(iv) The increase in Section 5(a)(iv) shall be based upon the base rate (which shall include salary or incremental schedules) of the applicable title in effect on May 1, 2011.

(c) The general increase provided in this Section 5 shall be applied to the base rates and salary grades fixed for the applicable titles.

ARTICLE V - HEALTH AND WELFARE BENEFITS

Section 1.

a. **Security Benefit Fund** Effective November 13, 2007, the Employer further agrees to continue to provide the annual amount of \$1,565 for each incumbent active employee, or the pro-rata share thereof for each employee employed during the term of this Agreement for a period less than the full term of this Agreement, for the purpose of furnishing certain supplementary benefits for the period of employment of such employee by the Employer during the term of this Agreement, all as provided for in a supplemental Agreement to be approved as to form by the Corporation Counsel.

The payments as above indicated shall be remitted by the Employer to the Sanitation Officers Security Benefit Fund subject to the said supplemental agreement to be entered into between the Employer and the Union for the benefit of each employee and further subject to periodic audit by the Comptroller of the City of New York.

- b. Effective November 13, 2007, employees who have been separated from service subsequent to December 31, 1970, and who were covered by the Sanitation Officers Security Benefit Fund at the time of such separation pursuant to a separate agreement between the Employer and the Union shall continue to be so covered, subject to the provisions of Section 1(a) hereof, except that the respective annual amount provided in Section 1a. above shall not apply to retirees. Effective November 13, 2007, the pro-rata annual amount shall continue to be \$1,325 for each retiree. Contributions shall be made only for such time as said individuals are eligible to be primary beneficiaries of the New York City Health Insurance Program and are entitled to benefits paid for by the Employer through such Program.
- c. The Union agrees to provide welfare fund benefits to domestic partners of covered employees in the same manner as those benefits are provided to spouses of married covered employees.

Section 2. Annuity Fund

(a) Effective November 13, 2007, the City shall continue to contribute for each employee, on a twenty eight (28) day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City which amount shall not exceed \$2,568.24 per annum for each General Superintendent (Sanitation)(Level I) and \$2,476.89 per annum for each Supervisor (Sanitation) in full pay status in the prescribed twelve (12) month period. Contributions hereunder shall be remitted by the City each twenty-eight (28) days to a mutually agreed upon Compensation Accrual Fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.

(b) The City shall contribute for each employee who is newly promoted on or after January 1, 2007 to Supervisor (Sanitation) during the first six (6) years of service on a twenty eight (28) day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City which amount shall not exceed \$910.89 per annum for each Supervisor (Sanitation) in full pay status in the prescribed twelve (12) month period. Upon completion of six (6) years of service, the contribution shall be made prospectively in the amount and manner prescribed in section (a), above. Contributions hereunder shall be remitted by the City each twenty-eight (28) days to a mutually agreed upon Compensation Accrual Fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.

(c) Effective November 13, 2007, there shall be an increase of \$70.00 per person per annum payable on behalf of active employees to the Compensation Accrual Fund on a pro-rata basis. This amount shall be adjusted by any future collective bargaining increases, including those provided during the term of this agreement.

(d) Effective December 13, 2008, the City's pro rata annual contribution to the annuity fund on behalf of eligible active members shall be *decreased* by \$231.00 per annum.

(e) Effective January 13, 2009, the City's pro rata annual contribution to the annuity fund on behalf of eligible active members shall be *decreased* by an additional \$148.00 per annum.

(f) Effective November 13, 2009, there shall be an *additional* increase in the City's pro-rata contribution to the Compensation Accrual Fund in

the amount of \$1,044.00 per annum per employee. The incremental contribution shall be increased by any future collective bargaining increases, including those provided during the term of this agreement.

(g) Effective December 13, 2008, there shall be a one-time lump sum payment in the amount of \$2,150.00 to the Compensation Accrual Fund on behalf of each employee at basic maximum salary as of that date.

Section 3. Health and Hospitalization Benefits

(a) The Employer shall continue to provide a fully paid choice of health and hospitalization insurance plans for each employee, not to exceed 100% of the full cost of HIP-HMO on a category basis. There will be an annual reopening period during the term of this Agreement for active employees to exercise their choice among medical plans.

(b) Retirees shall continue to have the option of changing their previous choice of Health plans. This option shall be:

- (i) a one time choice;
- (ii) shall be exercised only after one year of retirement; and
- (iii) can be exercised at any time without regard to contract periods.

The effective date of change to a new plan shall be the first day of the month three (3) months after the month in which the application has been received by the New York City Health Insurance Program.

Effective with the reopener period for Health Insurance subsequent to January 1, 1980 and every two years thereafter, retirees shall have the option of changing their previous choice of health plans. The option shall be exercised in accordance with procedures established by the Employer. The Union will assume the responsibility of informing retirees of this option.

(c) (i) Effective July 1, 1983 and thereafter, the Employer's cost for each employee and each retiree under age 65 shall be equalized at the community rated basic HIP/HMO plan payment rate as approved by the State Department of Insurance on a category basis of individual or family, e.g. the Blue Cross/GHI-CBP (21 day plan) payment for family coverage shall be equal to the HIP/HMO payment for family coverage.

(ii) If a replacement plan is offered to employees and retirees under age 65 which exceeds the cost of the HIP/HMO equalization provided in Section 3(c)(i), the Employer shall not bear the additional costs.

(iii) The City shall continue to contribute on a City employee benefits program-wide basis the additional annual amount of \$30 million to maintain the health insurance stabilization reserve fund which shall be used to continue equalization and protect the integrity of health insurance benefits.

The health insurance stabilization reserve fund shall be used: to provide a sufficient reserve; to maintain to the extent possible the current level of health insurance benefits provided under the Blue Cross/GHI-CBP plan; and, if sufficient funds are available, to fund new benefits.

The health insurance stabilization reserve fund shall be credited with the dividends or reduced by the losses attributable to the Blue Cross/GHI-CBP plan.

Pursuant to paragraph 7 of MLC Health Benefits Agreement, notwithstanding the above, in each of the fiscal years 2001 and 2002, the City shall not make the annual \$35 million contributions to the health insurance stabilization fund.

(d) In the event that there is a Citywide or program-wide health insurance package which exceeds the cost of the equalization and stabilization fund described above, the parties may negotiate reconfiguration of this package which in no event will provide for costs in excess of the total costs of this Agreement as set forth herein. However, it is understood that the SOA will not be treated any better or any worse than any other Union participating in the Citywide or Program-wide Health Program with regard to increased health insurance costs.

Section 4. Health Care Flexible Spending Account

a. A flexible health care spending account shall be established after July 1993 pursuant to Section 125 of the IRS Code. Those employees eligible for New York City health plan coverage as defined on page 32, section 4(B) of the 1992 New York City Health Summary Program Description shall be eligible to participate in the account. Participating employees shall contribute at least \$260 per year up to a maximum of \$5,000 per year. Said contribution minimum and maximum levels may be modified by the MLC Health Advisory Committee based on experience of the plan. Any unfunded balance may be deducted from final salary payments due an employee.

b. Expenses of the account shall include but not be limited to deductibles, co-insurance, co-payments, excess expenses beyond plan limits, physical exams and health related transportation costs for vision, dental, medical and prescription drug plans where the employee and dependents are covered. In no case will any of the above expenses include those non-deductible expenses defined as non-deductible in IRS Publication 502.

c. An administrative fee of \$1.00 per week for the first year shall be charged for participation in the program. An employee's participation in the account is irrevocable during a plan year. At the close of the plan year any excess balance in an employee's account will not be refunded.

ARTICLE VI - TIME AND LEAVE, DEATH BENEFITS

Section 1. Sick Leave

Employees shall receive sick leave in accord with Chapter 551 of the Laws of 1962.

Section 2. Annual Leave

Each employee promoted to the title "Supervisor (Sanitation)" prior to November 1, 1992, and each employee in the title "General Superintendent (Sanitation)(Level I)" shall receive annual leave of twenty-seven (27) work days. Each employee promoted to the title "Supervisor (Sanitation)" on or after November 1, 1992, shall receive annual leave of twenty-five (25) work days for each of their first seven (7) years in said title, and after seven (7) years shall receive annual leave of twenty-seven (27) work days.

Section 3. Death-in-the Family Leave

Employees shall be entitled to four (4) working days off with

pay in the event of a death in the immediate family. The family shall be defined for this purpose as spouse; natural, foster, or step-parent; child, brother or sister; father-in-law or mother-in-law; grandchildren; or any relative residing in the household.

Section 4. Special Excusals

Excused time accorded to other personnel employed by the Employer under circumstances such as excusals for the Dr. Martin Luther King, Jr. and the Senator Robert F. Kennedy funerals and the Moon Landing Observation Day shall be granted equally to employees covered by this Agreement. All compensating days off shall be subject to exigencies of the Employer.

Section 5. Line-of-Duty Death Benefit

In the event an employee dies because of a line-of-duty injury received during the actual and proper performance of sanitation service and directly resulting from a characteristic hazard of such service, through no fault of his/her own, a payment of \$25,000 shall be made from funds other than those of the Retirement System in addition to any other payment which will be made as a result of such death. Such payment shall be made to the beneficiary designated under the Retirement System or, if no beneficiary is so designated, to the estate of the deceased.

Section 6. Death Payment of Accrued Time

If an employee dies while employed by the Employer, his/her beneficiary designated under the Retirement System or, if no beneficiary is so designated, the deceased's estate shall receive payment in cash for the following as a death benefit:

- (i) All unused accrued leave up to a maximum of 54 days' credit.
- (ii) All unused accrued compensatory time earned subsequent to January 1, 1971 which is verifiable by official Department records up to a maximum of two hundred (200) hours.

ARTICLE VII - PERSONNEL AND PAY PRACTICES

Section 1. Hours

(a) Every Employee shall be scheduled to work eight hour and fifteen minute shifts, including chart days, and on Sundays during a declared snow emergency or Department declared snow alert.

(b) The following shall be the normal shifts for all employees covered by this Agreement.

Garage Shifts - 8 to 4, 4 to 12, 12 to 8
Waste Disposal - 8 to 4, 4 to 12, 12 to 8
Normal Field Operations - 7 to 3, 4 to 12 shift
Night Plow Operations - 12 Midnight to 8:00 A.M.

(c) The above shift hours may be modified during an emergency by order of the Commissioner of the Department.

(d) The Employer reserves the right to reduce, add to or modify the above shifts when such changes shall be in the interest of providing more efficient service. The Union shall receive notice prior to such changes.

(e) The work week shall consist of 40 hours, consisting of five (5) eight (8) hour days, exclusive of Sundays.

Section 2. Sunday Work

(a) Assignment of Shifts

- (i) All regularly assigned night officers (regardless of rank) will retain their shift, except by mutual agreement.
- (ii) The highest ranking officer assigned to work on a Sunday shall work the Borough day shift except for (i) above. If there is more than one officer in the highest ranking title so assigned, then, the most senior officer in that title shall have preference to shift, except for (i) above. This provision shall not apply if it requires an officer to work a double shift.
- (iii) Locked in night Officers will not have shift preference when it comes to Sunday night shifts.
- (iv) Whenever an NDS is not activated, he/she will not carry preference for Sunday work shift. However, if an NDS is in his/her assigned slot for three or more days prior to his/her scheduled Sunday, he/she will maintain his/her shift.

(b) Supervisor and General Superintendent (Level I) Roster - Sunday work shall be offered to every Supervisor and General Superintendent (Level I), on a rotation basis, according to previous Sundays worked, on a standardized Sunday Borough Roster. The Department shall have the right to select from District rosters in the order of standing thereon in making assignment on Sundays after holidays. In making such assignments, the Department shall rotate among districts within a zone.

(c) Transfers or Promotees - Officers transferred or promoted from one location to another, shall be slotted on the Sunday Borough Roster in accordance with the last Sunday they worked in their old location.

(d) New Officers - Newly appointed officers shall be slotted on the Sunday Borough Roster in accordance with their date of appointment. They will be slotted to work after all officers assigned to said location have worked on a Sunday which follows this officer's appointment date.

(e) Declination

- (i) With the exception of Officers on sick leave, Line-of-Duty Injury leave, or military duty, any officer who requests not to work on an assigned Sunday will be charged as a time worked and not offered an opportunity to work until the Officer's name is reached, in rotation, on the Sunday List. Officers on vacation, a long weekend, jury duty, or death-in-family leave shall have the option of working on a Sunday when reached on the Sunday List. If they work, they will be charged with a time worked; if they decline, they will not be charged with a time worked on the Sunday List, but will be offered an opportunity to work when they return to duty. Officers on sick leave, military leave or Line-of-Duty Injury leave do not have the option of working a Sunday, but will be charged with a time worked on the Sunday List.
- (ii) If for any reason an officer is notified on Friday or thereafter to work a regular Sunday, he/she has the option to decline without being charged, provided,

that if all officers decline, the original officer must work. However, if he/she accepts the assignment, he/she shall be charged and must take the shift that is available.

- (iii) An officer due to work a Sunday who is out sick must work if he/she returns by Thursday. If he/she resumes Friday or Saturday, he/she will be scheduled to work the following Sunday, unless he/she notifies his/her location prior to Thursday of said resumption. If he/she resumes work after the Sunday he/she was due to work, he/she shall be charged with the Sunday.

(f) Emergency

- (i) Any officer whose name does not appear on the Special Emergency list and is required to work on a Sunday due to an emergency, shall be called from his/her respective district list and shall be charged accordingly. All officers, except the District Superintendent, Garage Supervisor and Acting Night District Superintendent shall be called in regular rotation.
- (ii) An officer cannot refuse to work in an emergency. A refusal will be subject to appropriate action according to the Code of Conduct.

(g) Non-Emergency - If officers are required to work on Sundays in non-emergency situations, they shall be called from their respective Borough lists and charged accordingly.

(h) Posting - In the Bureau of Cleaning and Collection a Sunday Borough Roster shall be posted at each District Location. In the Bureau of Waste Disposal a Sunday Roster shall be posted at each location. Sunday assignments shall be posted on the bulletin board at these locations on the Monday preceding the said Sunday.

(i) Mutuals - No officer will be permitted to exchange Sundays for any reason at any time.

(j) District Emergency List - There shall be a special emergency list established in each Sanitation District. Such list shall be used on a priority basis for employees called in during an emergency. There shall be no less than 30% of the employees so assigned. Assignment to such a "Special Emergency List" shall be made annually at the start of "Night Plow Season" and will be in effect for the duration of the "Night Plow Season", in accordance with this Subsection (j). Such work shall not affect an employee's position on the regular Sunday and Holiday work rotation list. The employee who signs for such "Special Emergency List" must call his/her work location during any snow alert. If the employee is not at home during a snow alert and the employer calls his/her home, whoever answers the call must contact the employee. The employee will not have the right to refuse to report to work. The provisions of this Subsection (j) shall apply only to those districts having a list of 30% or more employees so assigned. If this number is not obtained, no list shall be posted. The location will then use the regular established District list for personnel for emergencies. The provisions of this Subsection (j) which pertain to reporting when contacted during emergencies shall apply to the District list during such emergencies.

- (i) When an Officer declines to work his/her Sunday from the Borough Roster because of a long weekend, he/she still has an obligation to the Emergency List. If he/she is called in, he/she will be charged off the Emergency List. If the same Officer is not on the Emergency List, he/she will be the last to work off the District List regardless of instances worked.
- (ii) When an Officer is not on a long weekend and is up for Sunday work on the Borough List and declines, that Officer shall work in prescribed order from the District List. That Officer can get two declinations if he/she declines to work off both lists.
- (iii) When an Officer is on vacation and declines to work Sunday from the Borough Roster, but volunteers to work off the District or Emergency Lists, he/she will be charged off the Sunday Borough List.

Section 3. Vacations

(a) Vacations shall be taken in accordance with the Department's vacation order promulgated each year. Changes in such order that affect employees herein shall be mutually agreed upon by the Union and the Department prior to the promulgation of such order.

(b) In the event that an officer is hospitalized due to illness or injury on vacation, the Chief Medical Officer shall terminate the officer's vacation and place him/her on sick leave.

(c) When on vacation, an officer shall have the option to work as many charts that come due him/her during his/her vacation period. If he/she works, he/she will be charged, if he/she declines, he/she will not be charged with a declination but will make up charts missed when he/she returns to duty. An officer on vacation does not have the option to work his/her chart if his/her assignment is related to a Special Event.

Section 4. Holiday Work

(a) Assignments of Shifts

- (i) All regular assigned night officers regardless of rank will retain their shift, except by mutual agreement.
- (ii) The highest ranking officer assigned to work a holiday shall work the day Borough shift except for (i) above. If there is more than one officer in the highest ranking title so assigned, then, the most senior officer in that title shall have preference to shift, except for (i) above. This provision shall not apply if it requires an officer to work a double shift.
- (iii) Locked in night Officers will not have shift preference when it comes to Holiday night shifts.
- (iv) Whenever an NDS is not activated, he/she will not carry preference for Holiday work shift. However, if an NDS is in his/her assigned slot for three or more days prior to his/her scheduled Holiday, he/she will maintain his/her shift.

(b) Supervisor and General Superintendent (Level I) Roster Holiday work shall be assigned to Supervisors and General Superintendents (Level I) initially according to previous

holiday work on a rotating basis on a Standard Borough Roster.

(c) Transfers or Promotees - Officers transferred or promoted from one location to another shall be slotted on the Holiday Borough Roster in accordance with the last holiday worked in their old location.

(d) New Officers - Newly appointed officers shall be slotted on the Holiday Borough Roster in accordance with their date of appointment. They will be allotted to work after all officers assigned to said location have worked a holiday following this officer's appointment date.

(e) Declination - An Officer cannot decline to work a holiday when scheduled to work except when the Officer is on sick leave, Line-of-Duty Injury leave, vacation, Death-in-Family leave or military leave, however the Officer will work the next scheduled Holiday after returning to duty. An Officer volunteering to work while on vacation or Death-in-Family leave must work that holiday and is charged with a time worked on the Holiday List.

(f) Emergency

- (i) Any officer working a holiday for any reason, and paid for same, shall not get credit for a holiday worked on the regular list and shall work the next regular holiday.
- (ii) In the event that this holiday is Christmas Day, he/she shall work on the next regular holiday after New Years Day.

NOTE: The only exception would be if all officers worked on Christmas Day. In this case an officer would work both Christmas and New Year's Day.

(g) Christmas or New Years Day Falling on a Sunday - Any officer who works a Christmas Day, which falls on a Sunday, or a New Years Day, which falls on a Sunday, shall be charged for Sunday work on the Sunday Borough Roster and credited with working a Christmas or New Year's Day on the Holiday Borough Roster (in the remarks column) but shall not be charged with working a holiday. Any officer who previously worked on a Christmas Day or a New Years Day may decline to work on a Christmas Day or a New Years Day which falls on a Sunday and shall not be charged for declination to work on said Sunday. However, if all officers decline to work on a Christmas Day, which falls on a Sunday, the assignment shall go to the next officer on the Sunday Borough Roster who had not previously worked on a Christmas Day. The same procedure shall apply to New Years Day falling on a Sunday.

On a Monday following a Christmas or New Years Day falling on a Sunday, the Holiday Borough Roster shall be used in making assignments. However, if an officer has worked on a Christmas Day falling on a Sunday and is due to work on the following Monday, he/she shall be excused and instead work on the Monday following New Years Day. If an officer has worked on a New Years Day falling on a Sunday and is due to work on the following Monday, he/she shall be excused and instead work on the next holiday.

This option, permitting an officer who works on a Christmas Day or New Year's Day falling on a Sunday to be excused from working on the following Monday, shall not apply to an officer who has worked a Christmas Day or New Years Day in a previous year.

(h) Posting - In the Bureau of Cleaning and Collection a Holiday Borough Roster shall be posted at all District Locations. In the Bureau of Waste Disposal a Holiday Roster shall be posted at all locations. Specific holiday assignments shall be posted on the bulletin boards at these locations one week in advance of said holiday.

(i) Mutuals - No officer will be permitted to exchange Holidays for any reason at any time.

(j) Christmas Day - No officer shall be required to work Christmas Day more than once until each officer on the Borough Roster has worked at least once on that particular holiday. This holds true whether the holiday is a paid holiday or a regular holiday.

(k) New Years Day - No officer shall be required to work New Years Day more than once until each officer on the Borough Roster has worked at least once on that particular holiday. This holds true whether the holiday is a paid holiday or a regular holiday.

(l) Except in an emergency, an officer whose scheduled chart day falls on a holiday he/she is scheduled to work, may be given the option of having a different chart day or receiving compensatory time off on an hour for hour basis. The alternative chart day shall be designated solely by the Borough Superintendent or his/her alternative.

Section 5. Lunch Periods

The daily lunch period shall consist of thirty minutes.

Section 6. Transfers

(a) Seniority

- (i) Full seniority in title will prevail on all voluntary transfers in the Bureau of Cleaning and Collection in the following titles:

Supervisor - General Superintendent (Level I)

- (ii) Transfer requests from General Superintendents (Level I) shall be for Borough Command only. General Superintendents (Level I) requesting transfers shall submit them in the following manner, specifying from 1 to 3 choices:

A. Borough Command
B. Night Borough Superintendent
C. Waste Disposal (be specific).

The Borough Superintendent with the approval of the First Deputy Commissioner can assign a General Superintendent (Level I) to any appropriate duties within the bounds of the Borough Command with the following exception:

Night Borough Superintendent shall be assigned in accordance with seniority, subject to a six month trial period during or at the end of which that Night Borough Superintendent may be transferred to another position within the Department if in the sole judgment of the employer, he/she is unqualified.

Supervisors will be required to submit transfer requests in the following manner, specifying from 1 to 3 choices:

- A. District Command (any section or R.O. assignment except Garage Supervisor).

- B. Section (indicate specific section number).
 C. Garage assignment (indicate specific shift).
 D. N.D.S. (indicate specific district)
 E. Waste Disposal (indicate specific location).

(iii) Request for transfer to the Bureau of Waste Disposal in the Fresh Kills Marine Unloading Facility shall be honored in the following manner:

- A. Employees assigned to the Bureau of Waste Disposal may be given first priority on submitted transfers.
- B. Bureau of Waste Disposal employees may be given first priority upon promotion to existing vacancies.
- C. Full seniority will prevail on all other voluntary transfers to the Bureau of Waste Disposal in the following manner:
1. General Superintendents (Level I) may submit transfers only to the Divisions in Waste Disposal (Marine Unloading, Marine Transfer Stations, Land Fills).
 2. Supervisors may submit transfers to specific locations within the Bureau of Waste Disposal.
 3. Seniority shall not be a criterion for transfer to dispatcher or other specialized position.
 4. All transfers made to Marine Unloading in accordance with Subsection (a)(iii) of this Section shall be subject to a six month trial period during or at the end of which the transferred officer may be transferred to another position within the Department if, in the sole judgment of the Employer, he/she is unqualified.

(b) Application - The following procedure shall be followed when submitting transfer applications:

1. The officer requesting a transfer shall submit his/her request to the Main Office by the posted deadline in writing on the appropriate form provided by the Employer to the First Deputy Commissioner or his/her designee.
2. The Employer (the "Main Office") shall furnish the employee requesting a transfer a dated receipt which shall be his/her record of the transfer request.

(c) Involuntary Transfers - Supervisor

When in the interest of the Employer involuntary transfers of officers in the above title are to be made, the Employer shall notify and consult with the Union one week prior to the physical implementation of such transfers.

(d) Officially Submitted - Transfer must be officially submitted at least two (2) weeks prior to the original official date of promotion, or in the absence of promotions, two (2) weeks prior to date of transfers, or they will not be honored until the next transfer.

NOTE: To be officially submitted, the officer must receive a receipt. The date on said receipt shall be the guide as to the two (2) week gap.

(e) Rotating Superintendents - Involuntary Transfer

Rotating Superintendents who have continuously served as Rotating Officer 12 or more consecutive months in the same Borough Command may be transferred involuntarily to any location in the City where a vacancy exists for which there is no request for a transfer pending. This provision shall not apply to a Rotating General Superintendent who has requested a command.

(f) Supervisor Assignment to OAU, Operations Assistance Unit:

OAU staffing will be filled as follows: 50% by management and 50% by transfer. Odd number staffing will be filled by Management with the next assignment to be filled by transfer. Assignments thereafter will continue in this fashion. Transferees must have had at least an overall Satisfactory Evaluation Rating for the last annual rating period. An employee wishing to transfer to OAU whose last annual evaluation was less than "Satisfactory" will be afforded a review of his/her application by the Commissioner and the Union President. The Commissioner's decision shall be final and not reviewable.

Current Supervisors assigned to OAU (as of the date of this Agreement) will not be affected by the "50% management/50% transfer" (odd to management) agreement stated above. Until the 50% balance is achieved, all new vacancies will be assigned to achieve the 50% balance. If all assigned slots are currently filled via transfers, until such time as there is a "50/50" balance, all the vacancies will be filled by management selection.

Any non-transferable officer cannot receive a "transfer" assignment to OAU until they have completed one year out of the unit.

District Superintendent assignment will remain non-transferable.

Section 7. Job Assignment

- (a) (i) In those districts that have a 12 midnight to 8:00 A.M. yearly operation, the Department will offer these positions to employees for voluntary transfers. Seniority will prevail on all such transfers. The Department will assign the current 12 - 8 field officer to this position should an officer (supervisor) be presently assigned. All further assignments will be made by voluntary transfer. However, should the Department discontinue staffing the 12:00 midnight to 8:00 A.M. shift, the officer will be reassigned as rotating officer in assigned district. Nothing in this subsection will impair the Department's right to create, maintain, or abolish shifts as it, in its sole discretion, may determine to be necessary.
- (ii) Shifts - Normally the following assignments will be in effect:

4 to 12 NDS - Supervisor
 4 to 12 Garage - Supervisor
 12 to 8 Garage - Supervisor
 8 to 4 Garage - Supervisor
 Day Section - Supervisor

- (iii) In those districts that may require special cleaning for events (i.e. the Democratic National Convention etc.) a special cleaning officer may be assigned. The assignment will be offered on a seniority basis among the district's rotating officers. In the absence of volunteers, the junior rotating officer shall be assigned. The rotating officer assigned as the special cleaning officer shall, for the purpose of this agreement, become the most senior rotating officer. Should insufficient district rotating officers be available, the cleaning assignment will be offered first to rotating officers within the respective borough, then on a citywide basis. The District Superintendent, after one week, shall have the right to reassign the special cleaning officer if in his/her judgement, subject to the following review, said officer is unable to perform to his/her satisfaction. The District Superintendent will notify the union forty-eight (48) hours prior to any such reassignment, except when ordered by the First Deputy Commissioner or his/her designee. The Borough Commissioner, or his/her designee, shall make him/herself available within said forty-eight (48) hours to mediate such reassignments if challenged.

(b) Time Between Shifts

- (i) A minimum of eight (8) hours must be given between any shift change, except that short shifts shall be permitted when employee swings from Sunday P.M. to Monday A.M.
- (ii) Under no circumstances shall any officer work a double shift. Should this situation arise, then the next low seniority officer will relieve the vacated shift. (Except on a voluntary basis.)
- (iii) Under no circumstances shall the eight (8) hour rule be applied to the same officer twice consecutively.

Example: 4 to 12 on Monday - 8 - 4 on Tuesday
 12 to 8 on Wednesday.

(c) Span of Control/Functional Operations

(i) When any equipment is assigned to functional operations, an officer must be assigned for supervision.

- For purposes of this Section (Section 7, (c) (i), (ii)), equipment assigned to a functional operation means: On the Day Shift, equipment assigned to a District Section. On the Night Shift, during Night Plow Season as established by Department Order, equipment assigned to a District and On the Night Shift, during the Non-Night Plow Season, equipment assigned as stated in subsections (ii) and (iv).

For purposes of this Section, Collection or Other Functional Equipment means all residential household refuse and recycling collection equipment as well as all mechanized equipment assigned to street cleaning functions. E-Z Pack and Roll On-Roll Off equipment, Wreckers and Flatbeds, etc. shall not be included as Collection or Other Functional Equipment.

- Multiple District Coverage, as stated in subsection (iv), falls within the respective boundaries of the current (7) seven Operational Borough Commands.
- On Sundays and Holidays, assignment of an officer will be as currently assigned. Equipment assigned to Street Fair clean-up will be supervised in accordance with Section 7 (c).
- Snow operations will continue to be staffed in accordance with current practices.
- Subject to provisions of the effective collective bargaining agreement including but not limited to Article VIII, management recognizes that the level and manner of supervision for assignments crossing district boundaries is not the same as for assignments remaining within the boundary of one district. Prior to initiating disciplinary action for violations relating to inadequate supervision of equipment while supervising equipment crossing district boundaries, a meeting will be held within three (3) working days of notification to employee and the Union of such violation. The meeting will be held with the Unit head, the Union representative, the employee's supervisor and the employee subject to the proposed discipline. This provision will not serve to prevent the Department from taking immediate action in egregious circumstances warranting such action.

(ii) One (1) officer for seven (7) collection trucks shall be assigned on both the day and night shifts.

- For the purpose of this Section (Section 7, (c) (ii)), one (1) officer shall be assigned on the Day Shift for seven (7) collection trucks or less plus any other functional piece(s) of equipment. If there is only one piece of equipment as defined in Section (i), above, in a Section, a Supervisor will be assigned. On the Night Shifts, one (1) supervisor shall be assigned for any combination of 7 or less pieces of equipment. No additional field supervisor will be assigned on the night shifts if there are seven (7) or less pieces of any equipment assigned within the District during any season (Night Plow or Non-Night Plow). Assignment of a supervisor(s) to a district or multiple districts during the Non-Night Plow Season will be as stated in subsection (iv).

Span of control: The ratio of one (1) supervisor for the maximum of seven (7) collection trucks or pieces of equipment as described in this subsection

(ii) (i.e., on the assignment of the 8th collection truck or piece of equipment, one (1) additional officer will be assigned, on the assignment of the 15th collection truck or piece of equipment a second additional officer will be assigned, etc.)

(iii) Notwithstanding the provisions set forth in Subsection (ii) above, the Commissioner of the Department of Sanitation or his/her designee shall have the absolute right to change the ratio of officers to collection trucks as set forth in Subsection (ii).

(iv) No additional officers will be assigned on nights if there are seven (7) or less pieces of equipment assigned within the district.

- During the Non-Night Plow Season, the assignment of a supervisor(s) to a Section on the Day Shift and a District on the Night Shifts will be determined as follows: On the Day Shift, subject to Subsection (iii), above, seven (7) or less trucks assigned to collection, plus any other functional piece(s) of equipment. On the Night shifts, any combination of 7 or less pieces of equipment.
- It is to be clearly understood that the assignments on the night shifts are based on the total pieces of equipment, not just collection trucks, and that this language can not be used to change the ratio on the day shift assignment of a section officer, regardless of the season (Night Plow or Non-Night Plow).
- On the Night Shifts during the Non-Night Plow Season when there are two (2) adjoining districts with five (5) or less pieces of equipment (collection and any other functional piece(s) of equipment) assigned to a functional operation, one (1) supervisor will be assigned. This includes equipment that may be assigned for less than a full shift.

Span of control: The ratio of one (1) supervisor for the maximum of five (5) pieces of equipment as described in this subsection (iv) (i.e.: on the assignment of the 6th piece of equipment, one (1) additional officer will be assigned, on the assignment of the 11th piece of equipment a second additional officer will be assigned, etc.)

- On the Night Shifts during the Non-Night Plow Season when there are three (3) adjoining districts with four (4) or less pieces of equipment (collection and any other functional piece(s) of equipment) assigned to a functional operation, one (1) supervisor will be assigned. This includes equipment that may be assigned for less than a full shift. Full scheduled collection routes not to exceed 2 districts. This shall not preclude partial collection in the third district.
- Span of control: The ratio of one (1) supervisor for the maximum of four (4) pieces of equipment as described in this subsection (iv) (i.e.: on the assignment of the 5th piece of equipment, one (1) additional officer will be assigned, on the assignment of the 9th piece of equipment a second additional officer will be assigned, etc.)
- On the Night Shifts during the Non-Night Plow Season when only one piece of equipment is assigned to a district, there is no restriction on the number of districts the assigned supervisor can cover. The assignment will go to the district dispatching equipment.
- For the purpose of clarification, "Adjoining" means: Two (2) districts that have a boundary part of which is common to both districts. Three (3) districts whereby one of the three (3) districts has a boundary part of which is common to each of the other two districts.
- For multiple district coverage as stated in this subsection (iv), Seniority will prevail amongst the officers in the affected districts dispatching equipment with preference going to transferred officers. The said district will be obligated for the season. In the event there are no volunteers, inverse seniority will be used amongst the affected officers.

(v) When overtime is ordered, all provisions of this section will remain in effect.

(d) Out of District

(i) In the absence of volunteers, out of district assignments shall be given to the Junior Rotating Supervisor assigned on days. Junior Rotating Supervisor with prior scheduled night shift relief assignment that day shall be excluded.

(ii) When a Supervisor is to be detached, the Rotating Supervisor shall take the assignment. If there is more than one Rotating Supervisor, the Junior Rotating Supervisor will take the assignment. If no rotating Supervisor is available, the Junior Section Supervisor assigned for day work will be assigned.

(iii) Under no circumstances shall the regularly assigned Garage Supervisor be detached.

(iv) Under no circumstances shall a Supervisor who is detached (on a daily basis) be assigned to night work, unless said location has no Supervisor working on the day line. This rule does not include the assigned Garage Supervisor.

(v) A newly promoted officer assigned to a district or any other location, shall not be assigned out of his/her location for a period of twenty-eight (28) calendar days from the date of his/her posted assignment.

(vi) If an officer is to be detached for more than one (1) week or for an indefinite period, he/she shall work night reliefs, or any other assignments in accordance with his/her seniority at detached locations.

(vii) If any officer is detached for sixty (60) days or more he/she should be placed on the Sunday and Holiday Roster at the detached location in accordance with the last Sunday or Holiday he/she worked.

(viii) If the least senior day officer is required to work a

- night shift in another district, he/she cannot bump the regularly assigned relief officer working in his/her district, that night.
- (ix) Officers assigned to work out of zone will have four (4) hours of compensatory time added to the book on the first day that such work is performed in each zone.
- (x) In the absence of volunteers from among Rotating Supervisors, when two or more Rotating Supervisors are temporarily assigned at the same time to new locations, seniority as among themselves shall prevail as to assignment location and shift. When Rotating Officers are not available, this provision shall also apply to Section Supervisor.
- (xi) Whenever an assigned line is not available (i.e., NDS; C.O.; WEP; etc.) he/she shall be considered an R.O. and he/she shall fall into the seniority of the R.O.s. He/she can go nights or out of town.
- (e) **Night Relief**
- (i) In the absence of volunteers from among Rotating Supervisors, night reliefs shall be handled by the three Junior Rotating Supervisors in each payroll location (see xii of this Subsection.)
- (ii) This is re-adjusted when Night Plow begins and when Night Plow is over.
- (iii) In the event of transfers, promotions or similar personnel changes, the designation of the three Junior Rotating Supervisors will be reevaluated.
- (iv) After establishing the three Junior Rotating Supervisors, they will pick the relief of their choice by seniority.
- A. This applies only to the basic Night Chart relief and does not apply to any additional Nights which might come up.
- NOTE: Basic Night Chart reliefs are 4/12 G NDS - 12/8 G 12/8 Field.**
- B. In the event that the fourth man must make a relief, he/she does not have any choice of shift.
- (v) District night reliefs shall be filled by a Rotating Supervisor. When no Rotating Supervisor is available, the section supervisor with the least seniority shall be assigned to night relief. When more than one section supervisor is available, the section supervisor with the least seniority shall make no more than two reliefs. Reliefs, thereafter, also limited to two reliefs per section supervisor, shall be made in the inverse order of seniority.
- (vi) Each of these three (3) must make a minimum of two (2) reliefs within a one week period, before the number four (4) man is used for relief.
- (vii) If the number four (4) man is used, he/she must make two (2) reliefs before the fifth man is used, etc.
- (viii) If regular night shift Supervisor goes Sick, LODI, Vacation, Jury Duty, Military, T.O, Department Request, etc., he/she will be replaced by the Junior Rotating Supervisor, unless a senior Rotating Supervisor volunteers for said assignment and will remain until incumbent returns. If no Rotating Supervisor is available, he/she will be replaced by the Junior Section Supervisor until a Rotating Supervisor is available.
- (ix) The Assistant to the NDS or 12-8 Field is assigned by seniority amongst the District Rotating Supervisors. These assignments do not count as night reliefs.
- (x) When the Night Shift Supervisor is absent more than one day in any week, exclusive of chart day, he/she shall be replaced by seniority amongst the available District ROs. If no District RO Supervisor is available, he/she shall then be replaced by the Junior Day Supervisor. Note: The Rotating Supervisor so assigned shall be locked into the vacant position from day one and remain there until the incumbent returns or transfers are made. However, once each calendar year, on a date set by the Department of Sanitation, locked-in Rotating Supervisors assignments shall be adjusted within each District, by volunteers on the basis of seniority, among the Rotating Supervisors in the District.
- (xi) The Day Garage Supervisor shall not be used to replace any other assignment at any time regardless of seniority.
- (xii) A newly appointed Rotating Supervisor shall not be assigned on nights for a period of fourteen (14) calendar days from the date of his/her posted assignment to his/her specific location.
- (xiii) If an officer works on the same shift for four (4) or more nights per week he/she shall be treated as if he/she had a steady shift.
- (xiv) A Rotating Supervisor who volunteers for any shift during snow plow season cannot voluntarily change that shift. A Rotating Supervisor who is involuntarily assigned a shift during snow plow season, may change his/her shift if a less senior Rotating Supervisor is assigned to the district.
- (xv) Where mechanical broom depots are assigned to a district, rotating Supervisors in such district shall be assigned reliefs in such depots. When rotating supervisors are not available, reliefs will be assigned to low section Supervisors. Where mechanical broom depots are assigned to a Borough, rotating Supervisors in such Borough shall be assigned reliefs in such depots.
- (xvi) Where a Supervisor is assigned to the 12 midnight to 8:00 A.M. shift in a Borough and must be relieved, rotating Supervisors in that Borough will make the relief by seniority.
- (xvii) If a rotating Supervisor or Section Supervisor replaces a night shift officer while on vacation, sick, etc. and the assignment includes part of a week, these nights will be considered an assignment, not a relief.

- (xviii) When an NDS/12-8 Field Officer is not activated, he/she can pick scheduled reliefs and be locked in even on day spots. But, if his/her shift is activated for any reason the NDS/12-8 Field Officer must go to his/her assigned spot.
- (xix) Night Reliefs for Superintendents (GS-I) Relief: Replacement of night shift Superintendents (NBS) when he/she is on chart only.
- Night Reliefs are readjusted when Night Plow Season begins and ends.
- Superintendents in split Boroughs (i.e., QE; BkS; Manh; Bx) will pick reliefs among all GS-Is in said Borough by seniority. GS-Is will do one relief before the next GS-I is used.
- In absence of volunteers: When the NBS is out for any reason other than a Chart Day, he/she will be replaced by the Junior GS-I RO.
- If a night Relief GS-I is absent for any reason, in the absence of volunteers, his/her relief will be done by the Junior GS-I RO in said Borough. Exceptions: The Junior GS-I RO has a pending relief later in the week or has already done his/her one relief earlier in the week.
- (f) **Officer Replacement**
- (i) **Garages/Sections/Cleaning/Household Bulk** - Where vacancies are expected in garage, section, cleaning or household bulk officer assignments that are in excess of one week, due to illness, vacation, terminal leave etc., the vacancy shall be filled by seniority from among the Rotating Supervisors in the district. The Rotating Supervisor so assigned shall be locked into the vacant position until the incumbent returns or transfers are made. However, once each calendar year, on a date set by the Department of Sanitation, locked-in Rotating Supervisor assignments shall be adjusted, within each district, on the basis of seniority, among the Rotating Supervisors in that district.
- a. When no Rotating Supervisor is available to fill a different assignment (i.e. nights, out-of-town etc.), the locked in Rotating Supervisor will be given such assignment before an assigned Section Supervisor, regardless of seniority. In the event there is more than one locked in Rotating Supervisor in said district, seniority among affected supervisors shall prevail.
- b. Locked in Rotating Supervisors assigned to a garage position will have the same assignment privileges as an assigned Garage Supervisor.
- c. A Section Supervisor whose section is open shall not be used as a backfill for any other Day Supervisor positions.
- (ii) **Marine Transfer Station** - When an 8 to 4 Marine Transfer Station Supervisor vacancy occurs, and the Department decides to fill such vacancy with an officer as defined herein, it shall be filled by seniority with preference given to the Officers assigned to Marine Transfer Stations.
- (g) **Notification**
- (i) Officers assigned shifts will be posted at the beginning of each week for the period of Monday to Saturday inclusive.
- (ii) These assignments shall be changed only in the event of an emergency such as unexpected Sick, etc. When such changes are made, officers will be given twentyfour (24) hours notice where possible.
- (h) **Replacing General Superintendent (Level I)**
- (i) General Superintendent (Level I) shall be replaced by Rotating Superintendent in the Borough. When no Rotating Superintendent is available, a Supervisor of the district involved will be given the assignment.
- (ii) Night Borough Superintendent shall be replaced with Rotating Superintendent in the Borough. Should the NBS and the Day District Superintendent be absent on the same day, priority shall be given to replace the Night Borough Superintendent.
- (iii) Chart days shall be rotated for Night Borough Superintendents.
- (iv) If a Night District Superintendent is used to replace the Night Borough Superintendent, on his/her chart day, the Borough Superintendent shall, subject to individual determinations, make every effort to rotate his/her assignment between all the Districts in his/her command.
- Section 8. Working Conditions**
- (a) The employer shall make reasonable efforts to provide employees with sanitary washing and toilet facilities including hot and cold running water, toilet paper, paper towels, proper lighting, ventilation, and adequate locker space.
- (b) An ample supply of potable drinking water shall be available to all employees in their respective work locations.
- Section 9. Parking**
- The Department shall make reasonable efforts, without liability to the city, at locations where parking is provided on Department property for Sanitation employees and sufficient space is available for all employees, to provide an adequate area for supervisors parking. Should insufficient space be available for all employees, parking will be proportionately distributed. This expressed intent of the Department does not imply or express any obligation or commitment on the part of the City and/or Department to make available any such locations or parking facilities. Where such property is provided and so designated for this purpose, the City shall not be obligated to maintain it for parking. The Department and/or the City need not continue to provide such property for parking when the Department and/or the City, in their discretion, decides to make different use of such property. This provision shall not be subject to the grievance/arbitration procedure.

Section 10. Transportation

(a) Any field officer who requires transportation in order to carry out his/her assignment shall be furnished such transportation by the Employer. Except in an emergency, officers, when engaged in routine supervisory assignments, will not be transported in a vehicle not designed primarily for transportation.

(b) All vehicles so assigned must conform with all Employer safety regulations.

(c) In the event no vehicle is available and transportation is required, the officer shall be reimbursed by the Employer for any money spent on public transportation. No officer shall use a private vehicle for official transportation during working hours, under any circumstances.

Section 11. Rights of Officers

(a) Whenever an officer is called by any other agency of government for interrogation, he/she shall be notified of his/her right to counsel and of Union representation. The officer shall be called whenever possible during his/her regular shift assignment. In the event the proceedings go beyond his/her normal working hours, the officer shall be compensated in accordance with the overtime provisions negotiated with the City of New York.

(b) When the presence of an officer who is assigned to a night shift is required to appear as a complainant at a Department proceeding, every effort will be made to schedule such proceeding during said officer's normal shift assignment hours. In any event, there shall be no diminution of said officer's income by reason of such required appearance.

Section 12. Summonses

(a) No officer shall be required to act as or perform the duties of a peace officer except in connection with the enforcement of Health Code, Administrative Code and Alternate-Side-of-the-Street Parking regulations which the Department is, by law, required or authorized to enforce.

(b) The Employer shall not maintain a quota system whereby an officer is required to issue a specific number of summonses for violations of Health Code, Administrative Code or AlternateSideoftheStreet Parking regulations.

Section 13. Grievance Arbitration Hearings

Individual employee grievants shall be granted leave with pay for such time as is necessary to testify at arbitration hearings.

Leave with pay shall be granted to three (3) employees who are named grievants in a group arbitration proceeding, for such time as is necessary for them to testify at their group arbitration hearings.

Leave with pay for such time as is necessary to testify at their hearings shall be granted to employees who, after final adjudication of proceedings under Section 210 paragraph 2h of the Civil Service Law are determined not to have been in violation of Section 210.

Section 14. Interest

(a) Interest on wage increases shall accrue at the rate of three (3%) per annum from one hundred-twenty (120) days after execution of the applicable contract or one hundred-twenty (120) days after the effective date of the increase, whichever is later, to the date of actual payment.

(b) Interest on shift differentials, holiday and overtime pay, shall accrue at the rate of three percent (3%) per annum from one hundred-twenty (120) days following their earning or one hundred-twenty (120) days after the execution of this Contract, whichever is later, to the date of actual payment.

(c) Interest accrued under (a) or (b) above shall be payable only if the amount due to an individual employee exceeds five dollars (\$5).

Section 15. Return to Service-Laid Off Employees.

A laid off employee who is returned to service in the employee's former title or in a comparable title from a preferred list, shall receive the basic salary rate that would have been received by the employee had the employee never been laid off, up to a maximum of two (2) years of general salary increases.

Section 16. Lump Sum Payments for Leave Entitlement

Where an employee has an entitlement to accrued annual leave and/or compensatory time, and the City's fiscal condition requires employees who are terminated, laid off or who choose to retire in lieu of layoff be removed from the payroll on or before a specific date, or where an employee reaches the mandatory retirement age, the employer shall provide a monetary value of accumulated and unused annual leave and/or compensatory time allowances standing to this credit in a lump sum. Such payment shall be in accordance with the provisions of Executive Order 30, dated June 24, 1975.

Where an employee has an entitlement to terminal leave and the City's fiscal situation requires that employees who are terminated, laid off or retire be removed from the payroll on or before a specific date, or where an employee reaches the mandatory retirement age, the employer shall provide a monetary lump sum payment for terminal leave in accordance with the provisions of Executive Order 31, dated June 24, 1975.

Section 17. Terminal Leave, Commencement of

Effective July 1, 1977, any employee applying for either ordinary or line-of-duty disability retirement, shall begin to receive all of his/her accrued time, including accrued vacation, compensatory time, terminal leave and any other accrued leave, as of the date he/she submits a disability retirement application.

Section 18. Performance Compensation

The City acknowledges that each of the uniformed forces performs an important service that reflects the diverse missions of the City's uniformed agencies. In order to reward service of an outstanding, exceptional nature, each of the uniformed agencies will establish a performance compensation program to recognize and reward such service, tailored to the unique missions of the individual uniformed agency.

The parties agree that additional compensation may be paid to employees performing outstanding, exemplary, difficult and/or unique assignments. The City will notify and discuss with each affected union of its intent to pay such additional compensation and the individuals to be compensated.

The criteria for the granting of performance-based compensation shall be based upon outstanding performance

in the work assigned, and/or performance of unique and difficult work.

The performance-based compensation payments provided for in this section shall be one-time, non-recurring cash payments subject to applicable pension law. An employee can receive no more than one payment annually.

This provision shall not affect any existing productivity programs covered in any existing collective bargaining agreements. Nor shall this provision be construed to waive any obligation of the City to negotiate over future productivity programs as required by applicable law.

ARTICLE VIII - PRODUCTIVITY AND PERFORMANCE

Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the City and the Union. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities. To achieve and maintain a high level of effectiveness the parties hereby agree to the following terms:

Section 1. Performance Levels

(a) The Union recognizes the Department of Sanitation's right under the New York City Collective Bargaining Law to establish and/or revise performance standards or norms notwithstanding the existence of prior performance levels, norms or standards. Such standards, developed by usual work measurement procedures, may be used to determine acceptable performance levels, prepare work schedules and to measure the performance of each employee or group of employees. For the purpose of this Section the Union may, under Section 1173-4.3b of the New York City Collective Bargaining Law, assert to the Department of Sanitation and/or the Board of Collective Bargaining during the term of this agreement that the Department of Sanitation's decisions on the foregoing matters have a practical impact on employees, within the meaning of the Board of Collective Bargaining's Decision No. B-9-68. The Department of Sanitation will give the Union prior notice of establishment and/or revision of performance standards or norms hereunder.

(b) Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with applicable law.

Section 2. Supervisory Responsibility

The Union recognizes the Department of Sanitation's right under the New York City Collective Bargaining Law to establish and/or revise standards for supervisory responsibility in achieving and maintaining performance levels of supervised employees for employees in supervisory positions. For the purposes of this Section, the Union may, under Section 1173-4.3b of the New York City Collective Bargaining Law, assert to the Department of Sanitation and/or the Board of Collective Bargaining during the term of this agreement that the Department of Sanitation's decisions on the foregoing matters have a practical impact on employees, within the meaning of the Board of Collective Bargaining Decision No. B-9-68. The Department of Sanitation will give the Union prior notice of establishment and/or revision of standards of supervisory responsibility hereunder. Employees who fail to meet such standards may be subject to disciplinary measures in accordance with applicable law.

ARTICLE IX - LABOR MANAGEMENT COMMITTEE

Section 1.

The Employer and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee.

Section 2.

The labor-management committee shall consider and recommend to the agency head changes in working conditions of the employees within the agency who are covered by this Agreement. Matters subject to the Grievance Procedure shall not be appropriate items for consideration by the labor-management committee.

Section 3.

The labor-management committee shall consist of six members who shall serve for the term of this Agreement. The Union shall designate three members and the agency head shall designate three members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one alternate. The Committee shall select a chairman from among its members at each meeting. The chairmanship of the committee shall alternate between the members designated by the agency head and the members designated by the Union. The committee shall make its recommendations to the agency head in writing.

Section 4.

The labor-management committee shall meet at the call of either the Union or the Employer members at times mutually agreeable to both parties. At least one week in advance of a meeting the party calling the meeting shall provide to the other party, a written agenda of matters to be discussed. Minutes shall be kept and copies supplied to all members of a committee.

ARTICLE X - GRIEVANCES

Section 1. Grievance Representation

- (a) There shall be one shop steward designated by the Union for each of the eleven zones in the Department plus one shop steward for waste disposal.
- (b) There shall be one shop steward designated by the Union for each district and he/she shall have the right to present grievances to the supervisor in charge of the location to which he/she is assigned.
- (c) District Shop Stewards will not be assigned to night work on the nights when Union meetings are scheduled.

Section 2. Grievance Procedure

(a) Definition: The term "grievance" shall mean:

- (A) A dispute concerning the application or interpretation of the terms of this collective bargaining agreement;
- (B) A claimed violation, misinterpretation or misapplication of the rules or regulations, written policy or orders of the Employer applicable to the

agency which employs the grievant affecting the terms and conditions of employment; provided, disputes involving the Rules and Regulations of the City Personnel Director shall not be subject to the Grievance Procedure or arbitration;

(C) A claimed assignment of employees to duties substantially different from those stated in their job specifications; and

(D) A claimed improper holding of an open competitive rather than a promotional examination.

(b) The Grievance Procedure, except for paragraph (D) of Subsection (a), shall be as follows:

Step 1. The employee and/or the Union shall present the grievance verbally or in the form of a memorandum to the person designated for such purpose by the agency head no later than 120 days after the date on which the grievance arose. The employee may also request an appointment to discuss the grievance. The person designated by the Employer to hear the grievance shall take any steps necessary to a proper disposition of the grievance and shall reply in writing by the end of the third work day following the date of submission.

Step 2. An appeal from an unsatisfactory determination at Step 1 shall be presented in writing to the person designated by the agency head for such purpose. The appeal must be made within five (5) working days of the receipt of the Step 1 determination. A copy of the grievance appeal shall be sent to the person who initially passed upon the grievance. The person designated to receive the appeal at this Step shall meet with the employee and/or the Union for review of the grievance and shall issue a determination in writing to the employee and/or the Union by the end of the tenth work day following the date on which the appeal was filed.

Step 3. An appeal from an unsatisfactory determination at Step 2, shall be presented in writing to the agency head or his/her designated representative. The appeal must be made within five (5) working days of the receipt of the Step 2 determination. The agency head or his/her designated representative, if any, shall meet with the employee and/or the Union for review of the grievance and shall issue a determination in writing by the end of the tenth work day following date on which the appeal is received.

Step 4. An appeal from an unsatisfactory determination at Step 3 shall be presented by the employee and/or the Union to the Commissioner of Labor Relations, in writing, within ten (10) working days of the receipt of the Step 3 determination. Copies of such appeal shall be sent to the agency. The Commissioner of Labor Relations or his/her designee shall review all appeals from Step 3 determinations and shall answer such appeals within ten (10) working days following the date on which the appeal was filed.

Step 5. An appeal from an unsatisfactory determination at Step 4 may be brought solely by the Union to the Office of Collective Bargaining for impartial arbitration within fifteen (15) working days of receipt of the Step 4 determination. In addition, the Employer shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a "grievance." The Employer shall commence such arbitration by submitting a written request therefore to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The arbitration shall be conducted in accord with Title 61 of the Rules of the City of New York. The costs and fees of such arbitration shall be borne equally by the Union and the Employer. The determination or award of the arbitrator shall be final and binding in accord with applicable law and shall not add to, subtract from or modify any contract, rule, regulation, written policy or order mentioned in Subsection (a) of this Section.

(c) As a condition to the right of the Union to invoke impartial arbitration set forth in this Section, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the employee or employees and the Union shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of the employee or employees and the Union to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

(d) Any grievance of a general nature affecting a large group of employees and which concerns the claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this agreement shall be filed at the option of the Union at Step 3 of the Grievance Procedure, without resort to previous steps.

(e) If grievances covering the same issue are filed by two or more employees without the aid or assistance of the Union, the determination of the first two of such grievances shall be dispositive of the remainder of such grievance.

(f) If a determination satisfactory to the Union at any level of the Grievance Procedure is not implemented within a reasonable time, the Union may re-institute the original grievance at Step 3 of the Grievance Procedure; or if a satisfactory Step 3 determination has not been so implemented, the Union may institute a grievance concerning such failure to implement at Step 4 of the Grievance Procedure.

(g) If the Employer exceeds any time limit prescribed at any step in the Grievance Procedure, the grievant and/or the Union may invoke the next step of the procedure, except, however, that only the Union may invoke impartial

arbitration under Step 5.

(h) The Employer shall notify the Union in writing of all grievances filed by employees, all grievance hearings, and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given fortyeight (48) hours' notice of all grievance hearings.

(i) Each of the steps in the Grievance Procedure, as well as time limits prescribed at each step of this Grievance Procedure, may be waived by mutual agreement of the parties.

(j) All grievances as defined in Section 2(a)(C) shall be submitted only in writing. In no event shall any monetary award cover any period prior to the date of filing of the Step 1 grievance.

(k) (i) Any grievance relating to a claimed improper holding of an open-competitive rather than a promotional examination shall be presented in writing by the employee or the Union representative to the Commissioner of Labor Relations not later than thirty (30) days after the notice of the intention to conduct such open-competitive examination, or copy of the appointing officer's request for such open-competitive examination, as the case may be, has been posted in accordance with Section 51 of the Civil Service Law. The grievance shall be considered and passed upon within ten (10) days after its presentation. The determination shall be in writing, copies of which shall be transmitted to both parties to the grievance upon issuance.

(ii) A grievance relating to the use of an open-competitive rather than a promotional examination which is unresolved by the Commissioner of Labor Relations may be brought to impartial arbitration as provided in Subsections (b) and (c) above. Such a grievance shall be presented by the Union, in writing or arbitration within 15 days of the presentation of such grievance to the Commissioner of Labor Relations, and the arbitrator shall decide such grievance within 75 days of its presentation to him/her. The party requesting such arbitration shall send a copy of such request to the other party. The costs and fees of such arbitration shall be borne equally by the Employer and the Union.

(l) The grievance and the arbitration procedure contained in this agreement shall be the exclusive remedy for the resolution of disputes defined as "grievances" herein. This shall not be interpreted to preclude either party from enforcing the arbitrator's award in court. This Section shall not be construed in any manner to limit the statutory rights and obligations of the Employer under Article XIV of the Civil Service Law. This section shall not be construed in any manner to limit the statutory rights and obligations of the Employer. The sole remedy for alleged violations of this Collective Bargaining Agreement shall be a grievance pursuant to Article X of this Agreement. Any employee who withholds services as a means of redressing or otherwise protesting alleged violations of this Collective Bargaining Agreement shall be docked pay for any unauthorized non-performance of work and may be subject to any appropriate disciplinary action.

ARTICLE XI - NO STRIKES

In accord with the New York City Collective Bargaining Law, as amended, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, or mass absenteeism, or induce any mass resignations during the term of this Agreement.

ARTICLE XII - UNION ACTIVITY

Time spent by employee representatives to conduct labor relations with the City on union activities shall be governed by the terms of Mayor's Executive Order No. 75, as amended March 22, 1973, entitled "Time Spent on the Conduct of Labor Relations between the City and its Employees and on Union Activity." No employee shall otherwise engage in Union activities during the time he/she is assigned to his/her regular duties.

ARTICLE XIII - FINANCIAL EMERGENCY ACT

The provisions of this Agreement are modified by and subject to any applicable provisions of law, including the New York State Financial Emergency Act for the City of New York, as amended.

ARTICLE XIV - APPENDICES

The Appendix or Appendices, if any, attached hereto and initialed by the undersigned shall be deemed a part of this Agreement as if fully set forth herein.

ARTICLE XV - SAVINGS CLAUSE

Section 1.

In the event that any provisions of this Agreement are found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions thereof.

Section 2.

This Agreement expresses all agreements and understandings between the parties and no other agreement, understanding or practice shall be of any force or effect.

WHEREFORE, we have hereunto set our hands and seals this 24th day of September 2009.

CITY OF NEW YORK SANITATION OFFICERS ASSOCIATION,
LOCAL 444, SERVICE EMPLOYEES
INTERNATIONAL UNION AFL-CIO

BY: _____ /s/ _____ BY: _____ /s/ _____
JAMES F. HANLEY JOSEPH MANNION
Commissioner of Labor Relations President

APPROVED AS TO FORM:

BY: _____ /s/ _____
PAUL T. REPHEN
Acting Corporation Counsel

SUBMITTED:
FINANCIAL CONTROL BOARD

BY: _____

UNIT: Sanitation Officers
TERM: November 13, 2007 to July 1, 2012